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AMERICAN STATE PAPERS.

CLASS I.

FOREIGN RELATIONS.

VOLUME I.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

U. S. Congress

AMERICAN STATE PAPERS.

DOCUMENTS,

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LEGISLATIVE AND EXECUTIVE,

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE FIRST TO THE THIRD SESSION OF THE
THIRTEENTH CONGRESS, INCLUSIVE:

COMMENCING MARCH 3, 1789, AND ENDING MARCH 3, 1815.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, *Secretary of the Senate,*

AND

MATTHEW ST. CLAIR CLARKE, *Clerk of the House of Representatives.*

VOLUME I.

WASHINGTON:

PUBLISHED BY GALES AND SEATON.

1832.

THE STATE OF TEXAS

1884

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ATTESTED FOR ME

Notary Public for the State of Texas

My commission expires

Witness my hand and seal this

day of

1884

Notary Public for the State of Texas

12-2-9
G. H. B.

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INTRODUCTORY NOTICE.

In presenting to the public the reprint of Congressional Documents, the publication of which has been sanctioned by the act of March 2d, 1831,* the Secretary of the Senate and the Clerk of the House of Representatives deem it proper to explain, briefly, the object of the compilation, the plan of its publication, and the advantages which it may afford to those who desire to be acquainted with the action of the Government, and the Legislative and documentary history of the United States.

The following reports, heretofore presented to both Houses of Congress, will show the plan of the work, and the difficulties which, at its commencement, it had to surmount.

32929

"To the Senate and House of Representatives of the Congress of the United States:

"The Secretary of the Senate and Clerk of the House of Representatives, respectfully make report of their proceedings, under the act of Congress of 2d March, 1831, directing a subscription to the compilation of Congressional documents proposed to be published by Gales & Seaton.

"Immediately after the adjournment of Congress, we commenced the discharge of the duties imposed by the act of Congress. At the very outset, however, we found great difficulty in ascertaining the extent of the duties required of us. Messrs. Gales and Seaton, of their own accord, had submitted to Congress a subscription paper, proposing to republish the Congressional documents for the first thirteen Congresses; the volume, the type, and the size of the page, were designated, as well as the specific sum for each volume when delivered. With these proposals before them, Congress directed the Clerk of the House of Representatives to subscribe for seven hundred and fifty copies, on two conditions: 1st. The documents to be selected under the directions of the Secretary of the Senate and Clerk of the House of Representatives. 2d. The price paid for the printing to be at a rate not exceeding that of the price paid to the Printer of Congress for the printing the documents of the two Houses.

"At the first view, it does not appear difficult to ascertain the specific duties required from us. The documents are to be selected by us. It would, therefore, seem that, when we had given the publishers a list of the papers to be reprinted, our agency was at an end. Circumstances, however, which we will now explain, rendered it impossible that our duties could stop here. The great mass of these documents were to be found only in the archives of the two Houses. No complete set of them existed in any other place. They were contained in one hundred and sixty octavo and folio printed volumes, eighty large folio manuscript records, and in some hundred large files of documents. Charged, as we are, with the care and preservation of all these important documents, we could not, for a moment, permit them to go into the hands of others over whom we had no control. To make the separation of those to be published, without producing disorder, required the knowledge and experience, and the most patient, persevering industry of the most able of our assistants, and of ourselves. Had any one, without that knowledge of these things, which can only be obtained by long experience, undertaken to separate and arrange these documents, he would have been in great danger of reducing the whole to a heap of confusion. In addition to this, many of these documents exist only in the manuscript records of the two Houses, consisting of large folio volumes, substantially bound, and in the best state of preservation. We could not suffer these valuable records to be taken apart, and the portions selected sent to the printing office. We were also unwilling, either to permit them to be taken from the office to be copied, or to permit strangers to come into the office, and occupy our desks and tables in copying them.

"From these considerations, (and others of a similar nature not here detailed,) it was evident to us that it was our duty, not only to select these documents, but also to prepare them for the press.

(*) AN ACT making provision for a subscription to a compilation of Congressional Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives hereby is authorized and directed to subscribe for seven hundred and fifty copies of the compilation of Congressional Documents proposed to be published by Gales and Seaton: *Provided*, That the documents shall be selected under the direction of the Secretary of the Senate and the Clerk of the House of Representatives: *And provided, also*, That the price paid for the printing of the said copies shall be at a rate not exceeding that of the price paid to the printer of Congress for printing the documents of the two Houses.

ANDREW STEVENSON,
Speaker of the House of Representatives.

JOHN C. CALHOUN,
Vice President of the United States and President of the Senate.

Approved: March 2, 1831.

ANDREW JACKSON.

7/11/27

"Another question then arose, What arrangement should be given to these documents in the proposed publication? Two modes were suggested: 1st. An arrangement strictly chronological: or, 2d, A division into classes, and each class to preserve its chronological order. After much examination and reflection, we decided on the second mode, and finally adopted the following arrangement:

- I. FOREIGN RELATIONS.
- II. INDIAN AFFAIRS.
- III. FINANCES.
- IV. COMMERCE AND NAVIGATION.
- V. MILITARY AFFAIRS.
- VI. NAVAL AFFAIRS.
- VII. POST OFFICE DEPARTMENT.
- VIII. PUBLIC LANDS.
- IX. CLAIMS.
- X. MISCELLANEOUS.

Each of these ten series to have its own number, running from one upward, and to be printed chronologically.

I. FOREIGN RELATIONS.

This will embrace our entire Foreign Relations. It presents a subject of much unity; and, from the importance of its interest, will be the first series. The annual messages of the President of the United States, from their importance, claim a prominent place in this compilation; and their proper place is the first of Foreign Relations, to follow each other in chronological order.

II. INDIAN AFFAIRS.

- 1st. All documents accompanying Indian treaties.
- 2d. Indian massacres and depredations.
- 3d. Indian wars.
- 4th. Efforts made for their benefit in civilization, agriculture, and the mechanical arts.

III. FINANCES.

This series embraces more variety, consisting of :

- 1st. Public debt and public credit.
- 2d. Revenue, direct and indirect taxation, embracing manufactures.
- 3d. The currency.
- 4th. The Mint of the United States.
- 5th. Bank of the United States, and State Banks, so far as connected with the United States.
- 6th. General principles of the annual estimates.
- 7th. General principles of the expenses of collecting revenue.
- 8th. One table of receipts and expenditures.

IV. COMMERCE AND NAVIGATION.

All external matters of this class to be embraced in Foreign Relations.

- 1st. Imports and exports, and all communications and reports containing general principles and reasoning.
- 2d. The fisheries, and all communications and reports containing general principles and reasoning.
- 3d. Light-house establishment.
- 4th. Improvement of harbors, rivers, roads, and canals.
- 5th. Tonnage, and all communications and reports of committees containing general principles and reasoning.
- 6th. Coasting trade, and all communications and reports of committees containing general principles and reasoning.

V. MILITARY AFFAIRS.

- 1st. Army.
- 2d. Military academy.
- 3d. Fortifications.
- 4th. Armament, arms.
- 5th. National armories.
- 6th. Militia.

VI. NAVAL AFFAIRS.

This presents a subject of much unity.

VII. POST OFFICE DEPARTMENT.

This is also a subject in which there is little or no variety.

VIII. PUBLIC LANDS.

This will embrace the whole subject of the public domain, including all claims of individuals and corporations for land.

IX. CLAIMS.

Embracing all claims against the United States, except claims for land, and claims in which foreign relations or finances are directly embraced.

X. MISCELLANEOUS.

Embracing all documents proper to be reprinted, not included in the foregoing.

"There are many advantages attending this arrangement, which are quite apparent. The class on Indian Affairs, for instance, (the printing of which has been finished,) is contained in a single volume; and, in chronological order, presents our entire Indian relations, unmixed with other matter. Foreign Relations, Military Affairs, Naval Affairs, and the Public Lands, each present distinctions strongly marked from all the others; and the advantage of having each of these great interests in a separate series, is very great. Occasionally, however, documents were met with, partaking so much of two or more classes, that it was difficult to give them a satisfactory arrangement. This was more particularly the case with the series of Finance and Commerce. Some single documents referred less or more to both classes. So, also, of the class of Claims. Some of them involved extensive correspondence with foreign Governments. These were placed with Foreign Relations. Some of them involved our commercial relations; others, the regulations for the sale of public lands. The cases thus described, however, were not numerous; and, in every instance of their occurrence, our best judgment was exercised in giving them the proper arrangement.

"After we had decided on the foregoing as the principles by which the publication should be regulated, we had an interview with Messrs. Gales and Seaton. They stated to us at once that they considered the proviso, that the printing should be done at the rate of public printing, as, in a great measure, rescinding the details of their proposals, and that they stood, in regard to Congress, in something of the relation of public printers. That every thing performed by them, besides the printing, would, of course, be a charge against the Government, to be settled and adjusted as Congress might direct. That, as we had the care of the archives of the two Houses, they could not expect that we would entrust them to others, either in the selection, copying, or arrangement. That they were willing, nay desirous, that we should take the whole control of the publication, as far as the labor and responsibility of editors were concerned. That the mechanical part, including the paper, the printing, and the binding, would belong to them; and for these they would be responsible.

"From all these considerations, it was evident to us, that, if we acted at all under the act of Congress, it was our duty to assume the whole responsibility of editing the work. Other considerations, besides those mentioned, also led to the same conclusion. We stood in an official relation to the two Houses, and had every possible motive to devote our entire ability to the proper completion of the work. From long experience, and close application to the business of Congress, we had a reasonable confidence in our ability to do the work justice. We had under our direction able and industrious men, and whose experience in these things were even greater than our own. Much of the usefulness of this work will depend on the indexes; and, for doing justice to this item, we know of none so capable as our assistant clerks. We, therefore, did not hesitate, although the responsibility was great, and the labor great, to act upon the principles thus indicated.

"Another important question, of no little embarrassment, was presented in deciding on the size of the page. The joint resolution, of 24th May, 1828, placed that subject under our control; and, after much consideration and reflection, and repeated interviews with the publishers, we decided on the folio size. The facility with which the numerous tables can be inserted on a folio page, was one leading reason for giving it the preference. The volumes of Congressional documents are becoming too numerous for easy reference, and we find a great difficulty in keeping our series perfect. For the public offices, or for large libraries, we believed the folio form altogether the best.

"In selecting the papers for the class on Foreign Relations, it was found, by the Secretary of the Senate, that some important documents, of an early date, were upon the Executive files of the Senate: these papers being under the injunction of secrecy, of course, cannot, in this communication, be particularly described. Generally, it may be observed, that their publication (should there be no objection to removing the injunction of secrecy) would add much to the value and interest of the work. The Secretary of the Senate will bring this subject before the Senate, for their decision respecting it.

"The progress made in the printing will be communicated to Congress by the publishers, and specimens of its execution will also, by them, be laid before the two Houses.

"All which is respectfully submitted.

"WALTER LOWRIE,

"MW. ST. CLAIR CLARKE.

"DECEMBER 29, 1831."

"To the Senate and House of Representatives of the United States:

"The undersigned respectfully represent, that, encouraged thereto by the act of Congress of the last session, authorizing a subscription to the work, they have not only made a beginning, but have made considerable progress, in the execution of their proposition for publishing a Compilation of the Public Documents of the United States. They have now the pleasure to submit to Congress two volumes, which, excepting the indexes thereto, not yet ready for the press, and the title-pages, which are but temporarily composed, they respectfully offer as samples of the whole work.

"In the arrangement, as well as the selection of the materials of this great national work, they have been governed by the decisions of the Secretary of the Senate and the Clerk of the House of Representatives, under whose directions, moreover, exclusively, the materials of it have been prepared for the press. To their intelligence, industry, and discrimination, and that of the gentlemen in their respective offices, it will owe whatever value it possesses beyond that of a mere print and reprint of the documents on the files of the two Houses of Congress. The caution of Congress, in committing these matters to their ability and discretion, rather than to that of the publishers, has, in the opinion of the undersigned, been justified in the fullest extent by the order, and the form and pressure, which have been given to the work.

"In the arrangement of the documents, the principle of *classification* has been adopted; the advantages of which will be apparent upon the slightest examination of the samples of it herewith transmitted. The two volumes now transmitted, are not the first in the series, but are those which have been most easily collated. One of them, it will be discovered, comprises all the Congressional documents upon *Indian Affairs*, (one of the classes,) from the beginning of the Government up to the commencement of the fourteenth Congress, to which date (4th March, 1815, in-

clusive) the plan of the present series extends. The other is the first volume of the class of *Finance*, the whole of which occupies two volumes. When indexes, copious and well digested, such as are in preparation, are added to these volumes, they will afford a facility to the investigations of our legislators, whether in debates or in committee business, which will amply compensate for the expense of the publication, without adverting to their value as national memorials, which, of itself, it is respectfully submitted, would have fully justified the sanction which has been given to this undertaking.

"The two volumes, herewith presented, comprise about one-half of what has been already done in the printing of the work, which is in the course of steady prosecution; and of which, it is hoped, eight or ten volumes may be ready for delivery before the close of the present Congress.

"Of the execution of this work, for which, alone, the undersigned have any right to credit, they beg leave to observe only, that they have endeavored to make it such as should be creditable to the Government, and as should justify the liberal confidence which, by the act of the last session, Congress has reposed in the undertakers. They confidently submit its merits to a comparison with those of any other work of the like nature ever published in this, or any other country.

"A superficial examination of these sample volumes will suffice to satisfy the intelligent observer of the importance of the work to the public service, and to the history of the country. Documents of the highest interest will be found in it, which were either before unknown to the present generation, or forgotten by it, though yet of modern antiquity. Some, which have lain buried under the mass of less important papers, which it has not been deemed useful to include in this publication, are such as enlighten obscure passages in our civil history, and add new motives for the veneration with which the memory of the early actors in the Government is habitually cherished.

"The class of *Foreign Relations*, first in order, but suspended in its execution to await the decision of the Senate, in regard to the publicity of some of the documents which it would appear properly to comprise, will, when completed, be one of the most interesting and instructive works that has issued from the press within the last thirty years, possessing all the attraction of fiction, sanctified by all the fidelity of truth.

"All which is respectfully submitted by the publishers.

"WASHINGTON, December 30, 1831."

"GALES & SEATON.

To the information conveyed in these reports little need be added to show the design and scope of the work. It will be seen that, soon after its commencement, one portion of it was suspended for the purpose of obtaining the sanction of the proper authority to the publication of papers originally communicated, by the Executive, under an injunction of secrecy, and which remained under the same injunction, although the causes which rendered their publication improper had ceased to exist. These papers, throwing light on past transactions, were numerous and important; and it was thought that the present was, perhaps, the most proper time for their collection and preservation. The circumstances connected with them were, therefore, submitted to the Senate;(*) and having been

(*) "OFFICE OF THE SECRETARY OF THE SENATE, January 13, 1831.

"To the Senate of the United States:

"The Secretary of the Senate respectfully makes report of his proceedings in relation to the documents on the confidential files of the Senate, referred to in the report made to the two Houses on the subject of reprinting the Congressional documents.

"In selecting the documents for the class of Foreign Relations, it became necessary to examine whether there were any papers on the executive files of the Senate, from which the injunction of secrecy had been removed, and which had not been printed.

"To effect this object it was proper to compare the papers on file with the Executive Journal, and this necessarily brought every document on those files under examination. Although it was discovered that the files were very imperfect, arising from the papers having been returned to the Department of State; yet, with the permission of the head of that Department, all the papers returned were examined there. The examination of these papers led to a full conviction that, if there be no objection to remove the injunction of secrecy, their publication would add much value and interest to the work now reprinting under the act of last session. In these circumstances, the Secretary believed it to be his duty to delay the printing of the class on Foreign Relations until the Senate could have an opportunity of passing upon the subject. The measures adopted to lessen the labor of any committee of the Senate, who might have charge of the subject, will be seen by the following letter of instructions to the Executive Clerk of the Senate:"

"OFFICE OF THE SECRETARY OF THE SENATE, June 4th, 1831.

"DEAR SIR:

"In selecting the documents for republication, it is found that some of great importance are on the confidential files of the Senate. These, of course, cannot be published until the injunction of secrecy be removed, either by the Senate or by the Executive. It is found, also, that many papers and documents which were once before the Senate, in their Executive capacity, have been returned to the Department of State. As the Senate will probably act upon this subject at their next session, it is desirable that some examination be made before the meeting of Congress. This examination will embrace as well those papers which have at any time been before the Senate, as those on the files of the Department of State relating to the same subject, but which were not communicated to the Senate. Take, for example, the message of the President of the United States submitting for ratification the treaty negotiated by Mr. Jay, and the instruction and correspondence accompanying the message. In this case the correspondence, as high as No. 22, was laid before the Senate; but, on the files of the Department of State, the despatches reach as high as No. 32 on the subject of this treaty. Take another example in the correspondence of Mr. Morris with the Secretary of State, in 1792, '93. In the letters of Mr. Morris, communicated to the Senate, there are numerous blanks. It may be that no reason now exists to prevent these parts from being furnished, and the whole published.

In an interview with the Secretary of State I have stated this subject to him, and he has given permission for the examination of any papers in the Department of State which have at any time been before the Senate. I have

referred to a Committee of that body, a resolution was reported and passed, (†) removing the injunction, under proper restrictions, and virtually authorizing the publication of whatever could add interest or value to the work.

Under this authority, the confidential files of the Senate, and the records of the Department of State, have been examined with care; and every effort has been used, on the part of the compilers, to supply what appeared to be deficient in the original design, and to render the work still more deserving of national patronage.

The present compilation comprehends a period commencing with the first organization of the Government, in 1789, and terminating with the third day of March, 1815.

It must be obvious to all who consider the period which it embraces; the structure of the Government; the systems to be organized; the principles to be established; and the difficulties to be overcome; that this collection of State Papers contains diversified and important information not easily derived from any other source. It lays open, during a critical and agitating period, every spring of the foreign and domestic policy of the United States; it discloses the governing principles of those who first, under Divine Providence, put our republican system into motion; it traces the perils, from within and from without, by which that system was surrounded; it removes the veil from the designs of artful enemies or insidious friends; and it presents for future imitation the integrity and constancy, the moderation and wisdom, under which the republican institutions of the United States have been seen to gather strength from every succeeding year.

In this compilation the future historian may find a body of authentic materials ready prepared for his hand. To the statesman are presented both warnings to admonish and precedents to instruct. The descendants of those who have heretofore filled the most important trusts may here find embodied, in an imperishable form, the cherished memorials of their vigils and their toils. And in proportion as the facts and principles which they contain shall be impressed upon the mind, will the breast of every citizen be filled with an honorable pride in the institutions of his country, and with gratitude to those who have laid the broad and firm foundations of a nation's welfare.

WALTER LOWRIE, *Secretary of the Senate.*

MATTHEW ST. CLAIR CLARKE, *Clerk*

JANUARY, 1833.

Of the House of Representatives.

to request, therefore, that you will, in the first place, examine the entire documents on the confidential files of the Senate to the close of the thirteenth Congress. In doing this you will take down such an abstract as will show their nature and object. The Secretary of State having already given his consent, you will extend the examination to the files of the Department of State, which relate to these different subjects, and make a similar abstract of every paper which you may judge of importance. This part of the examination will extend, of course, to such parts of letters as have not heretofore been communicated to the Senate. When you are through the examination, you will make out a report for the use of the Senate. You will also make a copy of that part of the report which embraces papers not communicated to the Senate, which you will deliver to the Secretary of State.

"I need not remark that all examinations you may make in the Department of State will be subject to the same injunction of secrecy as will be required by your situation as the confidential clerk of the Senate.

"I am, &c.

"LEWIS H. MACHEN, Esq."

"WALTER LOWRIE, *Secretary Senate.*

"In pursuance of these instructions, Mr. Machen devoted six months of patient and laborious examination of the documents thus designated. The task of taking an abstract of one of these State papers, sufficiently full, to give its entire substance, is always difficult; and it is due to this gentleman to state, that the duty assigned to him, difficult as it was, has been executed with great ability and clearness. More than five thousand pages were examined, and their substance embodied in four hundred and forty-two pages of abstracts. Though aware of the labor it would require from him and his assistant clerk, the Secretary was induced to make this examination, and to submit the subject to the Senate, from the consideration that the work ordered to be reprinted by Congress will be one of great expense, and that these documents, while they will add little to that expense, will add much to the value of the work.

"All which is respectfully submitted.

"WALTER LOWRIE, *Secretary of the Senate.*"

(†) IN SENATE OF THE UNITED STATES, April 14, 1832.

Mr. TAZEWELL, from the Committee on Foreign Relations, to whom was referred, on the 13th of January, a letter of the Secretary of the Senate, communicating a statement of his proceedings respecting the confidential documents in his office, connected with the publication of State papers by Gales & Seaton, reported the following resolution:

Resolved, That the injunction of secrecy be removed from such papers belonging to the Executive files of the Senate as the Secretary of the Senate may deem proper documents to be included in the present reprint of Congressional documents: *Provided*, That no Document be published until the same shall have been submitted to the Secretary of State, and the publication thereof approved by him.



TABLE OF CONTENTS.

FOREIGN RELATIONS.....VOL. I.

[For the Index, see the close of the Volume.]

SPEECHES, MESSAGES, AND REPLIES.

No.			Page.
1	Speech, inaugural, of President Washington, and addresses of the Senate and House of Representatives in reply,	1789, April 30,	8
2	Speech of President Washington to the two Houses of Congress, and addresses in reply,	1790, January 8,	11
3	Speech of President Washington, and addresses,	1790, Dec. 8,	13
4	Same, same, same,	1791, Oct. 25,	16
5	Same, same, same,	1792, Nov. 6,	18
6	Speech, inaugural, of President Washington,	1793, March 4,	21
7	Speech of President Washington, and addresses,	1793, Dec. 3,	21
8	Same, same, same,	1794, Nov. 19,	24
9	Same, same, same,	1795, Dec. 8,	27
10	Same, same, same,	1796, Dec. 7,	30
11	Farewell Address of President Washington,	1796, Sept. 17,	34
12	Speech, inaugural, of President John Adams,	1797, March 4,	38
13	Speech of President John Adams to the Senate and House of Representatives, and addresses from them,	1797, May 16,	40
14	Speech of President John Adams, and addresses,	1797, Nov. 23,	44
15	Same, same, same,	1798, Dec. 8,	47
16	Same, same, same,	1799, Dec. 3,	50
17	Same, same, same,	1800, Nov. 22,	53
18	Speech, inaugural, of President Jefferson,	1801, March 4,	56
19	Message of President Jefferson,	1801, Dec. 8,	57
20	Same, same,	1802, Dec. 15,	60
21	Same, same,	1803, Oct. 17,	61
22	Same, same,	1804, Nov. 8,	63
23	Same, same,	1804, March 4,	64
24	Same, same,	1805, Dec. 5,	66
25	Same, same,	1806, Dec. 6,	68
26	Same, same,	1807, Oct. 27,	70
27	Same, same,	1808, Nov. 8,	71
28	Speech, inaugural, of President Madison,	1809, March 4,	73
29	Message of President Madison,	1809, May 23,	74
30	Same, same,	1809, Nov. 29,	75
31	Same, same,	1810, Dec. 5,	76
32	Same, same,	1811, Nov. 5,	78
33	Same, same,	1812, Nov. 4,	80
34	Speech, inaugural, of President Madison,	1813, March 4,	82
35	Message of President Madison,	1813, May 25,	83
36	Same, same,	1813, Dec. 7,	84
37	Same, same,	1814, Sept. 20,	87

GREAT BRITAIN.

40	Message, transmitting papers on the subject of the Eastern boundary of the U. S.	1790, Feb. 9,	90
41	Message—Additional papers on the Eastern boundary,	1790, Feb. 18,	99
42	Report of a committee on the Eastern boundary,	1790, March 9,	100
50	Message from the President—Dispositions of Great Britain to enter into a commercial treaty with the United States,	1791, Feb. 14,	121
51	Report of a committee for the protection of the commerce and navigation of the United States, against the regulations of Great Britain,	1791, Feb. 21,	128
56	Message—Impressment of American seamen by Great Britain,	1792, Feb. 8,	131
60	Message, with an act of the British Parliament to exclude <i>American vessels</i> from carrying the productions of the United States to Great Britain, or her dependencies,	1792, April 13,	135
64	Proclamation of American neutrality,	1793, April 22,	140
65	Message, with correspondence respecting the instructions of Great Britain interrupting the trade in corn and provisions,	1793, Dec. 5,	141
77	Message—Further information on the subject of commercial restrictions,	1794, Jan. 22,	315
80	Message, showing the state of the negotiation with Great Britain,	1794, Feb. 24,	327
86	Message, transmitting two letters from an American consul, showing the operation of the British instructions upon American commerce and navigation,	1794, March 25,	428
88	Message, transmitting two despatches from the American minister in London, and the British Orders of November 6, 1793, and 8th January, 1794,	1794, April 4,	429
89	Message, transmitting observations by the British minister on the Order in Council of June 8, 1793,	1794, April 12,	432
90	Message, nominating John Jay minister to Great Britain, as the means of preserving peace,	1794, April 16,	447
94	Message, transmitting a representation of Mr. Pinckney, a letter of Mr. Hammond, and a reply of the Secretary of State, on the British Order in Council, of June 8, 1793,	1794, May 12,	448

No.		Page.
98	Message, transmitting a correspondence between the Secretary of State and Mr. Hammond, on the means supposed to be taken by the Governor of Canada to excite the Indians within the United States to hostilities, -	1794, May 21. 401
101	Message, transmitting a letter from Mr. Randolph, in reply to Mr. Hammond, on the subject of the encouragement given to Indian hostilities by the Governor of Canada, -	1794, June 4. 464
104	Message—State of relations with Great Britain, -	1795, Feb. 28. 469
106	Message, transmitting the entire negotiation with the British Government, resulting in the treaty concluded by Mr. Jay, -	1795, June 8. 470
115	Message, communicating an explanatory article to the British treaty. (Indian trade,) -	1796, May 5. 551

FRANCE.

38	Message, communicating a Convention with France, determining the prerogatives of Consuls, Vice Consuls, &c. -	1789, June 11. 89
39	Report of the Secretary for the Department of Foreign Affairs, on the Consular Convention with France, -	1789, July 25. 89
46	Message, transmitting a letter from the King of France, -	1791, Jan. 17. 109
47	Message, transmitting a report of the Secretary of State, and a representation of the Chargé d'Affaires of France, claiming an exemption from the tonnage duty, -	1791, Jan. 19. 109
49	Communication from the Secretary of State: Views of the French Government on American commerce, -	1791, Feb. 2. 120
58	Message, with a letter from the King of France, announcing that he has accepted the constitution, -	1793, March 5. 133
64	Proclamation of American neutrality, -	1793, April 22. 140
65	Message, relating to the conduct of Mr. Genet, the payment of the debt to France, and the relations with her, -	1793, Dec. 5. 141
73	Message, respecting the measures by citizen Genet, in organizing an armed force within the United States, -	1794, Jan. 14. 309
74	Message, with recent information from Europe, respecting the relations with France, -	1794, Jan. 16. 312
75	Message, communicating the act of the French Government, recalling citizen Genet, -	1794, Jan. 20. 314
76	Report of a committee on remission of tonnage duty, in favor of certain French vessels, -	1794, Jan. 28. 316
78	Report of the Secretary of State, communicating the navigation act of France, -	1794, Feb. 7. 323
79	Message, transmitting despatches from the commission of Guadalupe, -	- 329
81	Message, transmitting the correspondence of Mr. Morris with the French Government and the Secretary of State, showing the relations with France from 1792 to 1794, -	1794, March 18. 427
85	Message, transmitting an application by the minister of France for an advance of money, on account of the debt payable to France, -	1794, April 4. 429
88	Message transmitting two conciliatory letters of the French minister, -	1794, April 17. 447
91	Report of Committee, on anticipating the payment of the French debt, -	1794, April 22. 447
92	Address of the Committee of Public Safety to the Congress of the United States, -	- 463
100	Message, communicating the fact of his having recalled Mr. Morris, in compliance with the request of the Executive Provisionary Council, -	1795, Feb. 28. 469
104	Message, state of relations with France, -	1796, Jan. 4. 527
108	Message, transmitting an address of the Committee of Public Safety of France, introducing citizen Adet, and proposing a closer union with France, -	1796, March 25. 550
113	Message, transmitting a letter from Mr. Adet, stating that France has formed treaties with the Kings of Prussia and Spain, the Grand Duke of Tuscany, and Landgrave of Hesse-Cassel, -	1797, Jan. 19. 559-748
118	Message, transmitting voluminous documents, showing the relations with France; the recriminations and replies—Mr. Monroe's correspondence while in Paris, as a sequel, -	1798, Feb. 28. 748
119	Report of the Secretary of State, on the extent of French captures of American vessels and property, -	-

SPAIN.

55	Message, nominating Commissioners to Spain, on the subject of the free navigation of the Mississippi, -	1792, Jan. 11. 130
59	Message—Reasons for extending the negotiations with Spain to the subject of commerce, -	1792, March 2. 133
63	Message—Interference of Spain in the concerns of the United States with the Creek Indians, -	1792, Nov. 2. 138
66	Message—Relations with Spain; commerce and the Mississippi; continued protection of the Indians, -	1793, Dec. 16. 247
69	Further papers, relating to the affairs with Spain, -	1793, Dec. 23. 304
71	Message, with an additional letter from the representative of Spain, -	1793, Dec. 30. 308
80	Message, relating to affairs with Spain, -	1794, Feb. 24. 327
82	Message, transmitting a letter from Mr. Short, showing the views of Spain on the subjects pending, -	1794, March 3. 413
84	Message, transmitting a letter from Messrs. Viar and Jaudenes, with the declaration of war by Spain against France, -	1794, March 12. 425
89	Message, transmitting correspondence between Messrs. Carmichael and Short, and the Spanish Government, -	1794, April 15. 432
93	Report on the measures necessary to obtain the free navigation of the Mississippi, -	1794, April 23. 448
95	Report of Committee on the pending negotiations with Spain, respecting the Mississippi, -	1794, May 15. 454
96	Message, showing the measures adopted to suppress a military expedition from the United States, against the territories of Spain, -	1794, May 20. 454
99	Message transmitting the form of a certificate without which the vessels of the United States cannot be admitted into the ports of Spain, -	1794, May 26. 463
103	Message, nominating Thomas Pinckney as a special envoy, -	1794, Nov. 21. 469
104	Message, state of relations with Spain, -	1795, Feb. 28. 469
111	Message transmitting a treaty with Spain concluded the 27th of October, 1795, and correspondence connected with it, -	1796, Feb. 26. 533

PORTUGAL.

51	Message, reasons for appointing a minister to Portugal, -	1791, Feb. 18. 127
104	Message, state of relations with Portugal, -	1795, Feb. 28. 469

UNITED NETHERLANDS.

104	Message, state of relations with the United Netherlands, -	1795, Feb. 28. 469
-----	--	--------------------

TABLE OF CONTENTS.

xv

No.	ALGIERS.	Page.
43	Message, respecting American citizens held in captivity by Algiers, - - -	1790, Dec. 30, 101
44	Report of the Secretary of State, on American trade with Algiers, and other Barbary States, - - -	1791, Jan. 3, 104
45	Report of committee, respecting Algiers, - - -	1791, Jan. 6, 108
48	Communication from the Secretary of State, on the subject of the Algerine prisoners, -	1791, Jan. 21, 116
53	Message, respecting the affairs with Algiers, - - -	1791, Feb. 22, 128
54	Communication from the Secretary of State, with additional papers, concerning the Algerine captives, - - -	1791, Dec. 9, 129
57	Report of committee respecting Algerine prisoners, - - -	1792, March 5, 133
61	Message proposing questions to the Senate concerning the terms of a treaty with Algiers, -	1792, May 8, 136
67	Message, further measures respecting Algiers and Morocco, - - -	1793, Dec. 16, 288
82	Message, with papers, relating to a treaty with Algiers, - - -	1794, March 3, 413
109	Message transmitting a treaty with Algiers, - - -	1796, Feb. 15, 528
112	Report on the treaty with Algiers, - - -	1796, Feb. 29, 549
116	Message—Deficiency, and state of the fund provided for the fulfilment of the treaty with Algiers, - - -	1797, Jan. 9, 553
117	Report of a committee on the funds required to carry the treaty with Algiers into effect, -	1797, Jan. 16, 558
MOROCCO.		
67	Message, respecting the recognition of the treaty with Morocco, - - -	1793, Dec. 16, 288
104	Message, state of relations with Morocco, - - -	1795, Feb. 28, 469
107	Message, transmitting an original letter from the Emperor of Morocco, recognizing the treaty with his father, - - -	1795, Dec. 21, 525
MISCELLANEOUS.		
44	Report of the Secretary of State—The extent and value of the American trade in the Mediterranean—The obstructions, and the means of resuming and protecting, -	1791, Jan. 3, 104
45	Report of a committee on the Mediterranean trade, - - -	1791, Jan. 6, 108
62	Document showing the administration of the fund for foreign intercourse, - - -	137
64	Proclamation of neutrality and instructions enforcing, - - -	1793, April 22, 140
68	Report of the Secretary of State (Jefferson) on the privileges and restrictions of the commerce of the United States in foreign countries, - - -	1793, Dec. 16, 300
70	Supplementary report of the Secretary of State, (Jefferson) on the commercial restrictions of foreign nations, - - -	1793, Dec. 30, 306
72	Report of a committee respecting the emigrants from St. Domingo, - - -	1794, Jan. 10, 308
83	Report of the Secretary of State, (Randolph) on the spoliation committed on the commerce of the United States, - - -	1694, March 5, 423
87	Message recommending an embargo, - - -	1794, March 28, 429
98	Report of the Secretary of State, with an abstract of the spoliation and vexations committed on the commerce of the United States, - - -	1794, May 20, 461
105	Message respecting the appointment of, and allowance to, consuls, on the Barbary coast, -	1795, March 2, 470
114	Message to the House of Representatives, declining to communicate the correspondence relating to the British treaty, - - -	1796, March 30, 550
120	Report of the Secretary of State, on the inadequacy of the protection afforded to American seamen, - - -	1797, Feb. 28, 761



AMERICAN STATE PAPERS.

SPEECHES AND MESSAGES

OF

THE PRESIDENTS OF THE UNITED STATES

TO BOTH HOUSES OF CONGRESS,

FROM THE FIRST SESSION OF THE FIRST, TO THE LAST SESSION OF THE THIRTEENTH CONGRESS.

[1st CONGRESS.]

No. 1.

[1st SESSION.]

INAUGURAL SPEECH OF PRESIDENT WASHINGTON,

DELIVERED AT NEW YORK, ON THURSDAY, APRIL 30, 1789.

*Fellow-citizens of the Senate
and of the House of Representatives:*

AMONG the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow citizens, and have thence too little consulted my incapacity as well as disinclination, for the weighty and untried cares before me; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe; who presides in the councils of nations; and whose providential aid can supply every human defect; that his benediction may consecrate to the liberties and happiness of the People of the United States, a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. And in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the Executive Department, it is made the duty of the President “to recommend to your consideration such measures as he shall judge necessary and expedient.” The circumstances under which I now meet, you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges that, as on one side no local prejudices or attachments—no separate views,

nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire: since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity: since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained: and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally*, staked on the experiment entrusted to the hands of the American People.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power, delegated by the fifth article of the constitution, is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of iniquity which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good: for I assure myself, that, whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty, required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American People with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union, and the advancement of their happiness, so his divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures, on which the success of this Government must depend.

GEO. WASHINGTON.

April 30.

On Monday, May 18, 1789, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

SIR:

We, the Senate of the United States, return you our sincere thanks for your excellent speech delivered to both Houses of Congress; congratulate you on the complete organization of the Federal Government; and felicitate ourselves and our fellow-citizens on your elevation to the office of President—an office highly important by the powers constitutionally annexed to it, and extremely honorable from the manner in which the appointment is made. The unanimous suffrage of the elective body in your favor, is peculiarly expressive of the gratitude, confidence, and affection, of the citizens of America, and is the highest testimonial, at once of your merit and their esteem. We are sensible, sir, that nothing but the voice of your fellow-citizens could have called you from a retreat, chosen with the fondest predilection, endeared by habit, and consecrated to the repose of declining years. We rejoice, and with us all America, that, in obedience to the call of our common country, you have returned once more to public life. In you all parties confide; in you all interests unite; and we have no doubt that your past services, great as they have been, will be equalled by your future exertions; and that your prudence and sagacity as a statesman will tend to avert the dangers to which we were exposed, to give stability to the present government, and dignity and splendor to that country which your skill and valor, as a soldier, so eminently contributed to raise to independence and empire.

When we contemplate the coincidence of circumstances, and wonderful combination of causes, which gradually prepared the People of this country for independence: when we contemplate the rise, progress, and termination of the late war, which gave them a name among the nations of the earth; we are, with you, unavoidably led to acknowledge and adore the Great Arbitrer of the universe, by whom empires rise and fall. A review of the many signal instances of divine interposition in favor of this country, claims our most pious gratitude; and permit us, sir, to observe, that, among the great events which have led to the formation and establishment of a Federal Government, we esteem your acceptance of the office of President as one of the most propitious and important.

In the execution of the trust reposed in us, we shall endeavor to pursue that enlarged and liberal policy to which your speech so happily directs. We are conscious that the prosperity of each State is inseparably connected with the welfare of all; and that, in promoting the latter, we shall effectually advance the former. In full persuasion of this truth, it shall be our invariable aim to divest ourselves of local prejudices and attachments, and to view the great assemblage of communities and interests committed to our charge with an equal eye. We feel, sir, the force, and acknowledge the justness of the observation, that the foundation of our national policy should be laid in private morality. If individuals be not influenced by moral principles, it is in vain to look for public virtue; it is, therefore, the duty of legislators to enforce, both by precept and example, the utility, as well as the necessity, of a strict adherence to the rules of distributive justice. We beg you to be assured that the Senate will, at all times, cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties of this great confederated republic.

We commend you, sir, to the protection of Almighty God, earnestly beseeching him long to preserve a life so valuable and dear to the People of the United States, and that your administration may be prosperous to the nation and glorious to yourself.

To which the PRESIDENT OF THE UNITED STATES replied as follows:

GENTLEMEN:

I thank you for your address, in which the most affectionate sentiments are expressed in the most obliging terms. The coincidence of circumstances which led to this auspicious crisis; the confidence reposed in me by my fellow-citizens; and the assistance I may expect from counsels which will be dictated by an enlarged and liberal policy; seem to prestage a more prosperous issue to my administration than a diffidence of my abilities had taught me to anticipate. I now feel myself inexpressibly happy in a belief that Heaven, which has done so much for our infant nation, will not withdraw its providential influence before our political felicity shall have been com-

pleted, and in a conviction that the Senate will at all times co-operate in every measure which may tend to promote the welfare of this confederated republic. Thus supported by a firm trust in the Great Arbiter of the universe, aided by the collected wisdom of the Union, and imploring the divine benediction on our joint exertions in the service of our country, I readily engage with you in the arduous but pleasing task of attempting to make a nation happy.

GEO. WASHINGTON.

On Friday, May 8, 1789, the SPEAKER, attended by the members of the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and presented to him the following

ADDRESS:

SIR:

The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor of being the first Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow-citizens must review successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services: it is particularly suggested by the pious impressions under which you commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the invisible hand which has led the American People through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the constitution will receive all the attention demanded by its importance; and will, we trust, be decided under the influence of all the considerations to which you allude.

In forming the pecuniary provisions for the Executive department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre, of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe, that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in our fervent supplications for the blessings of Heaven on our country, and that we add our own for the choicest of these blessings on the most beloved of her citizens.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

Your very affectionate address produces emotions which I know not how to express. I feel that my past endeavors in the service of my country are far overpaid by its goodness; and I fear much that my future ones may not fulfil your kind anticipation. All that I can promise, is, that they will be invariably directed by an honest and an ardent zeal; of this resource my heart assures me; for all beyond, I rely on the wisdom and patriotism of those with whom I am to co-operate, and a continuance of the blessings of Heaven on our beloved country.

1st CONGRESS.]

No. 2.

[2d SESSION.]

SPEECH OF PRESIDENT WASHINGTON.

DELIVERED ON FRIDAY, JANUARY 8, 1790.

*Fellow-citizens of the Senate
and House of Representatives:*

I embrace, with great satisfaction, the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important State of North Carolina to the constitution of the United States, (of which official information has been received;) the rising credit and respectability of our country; the general and increasing good will towards the government of the Union; and the concord, peace, and plenty, with which we are blessed, are circumstances auspicious in an eminent degree to our national prosperity.

In resuming your consultations for the general good, you cannot but derive encouragement from the reflection, that the measures of the last session have been as satisfactory to your constituents, as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations, and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war, is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined; to which end, a uniform and well digested plan is requisite: and their safety and interest require that they should promote such manufactories as tend to render them independent on others for essential, particularly for military supplies.

The proper establishment of the troops which may be deemed indispensable, will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians, would have relieved the inhabitants of our southern and western frontiers from their depredations; but you will perceive, from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the Commonwealth of Virginia) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require, that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect, in the manner which circumstances may render most conducive to the public good; and to this end, that the compensations to be made to the persons who may be em-

played, should, according to the nature of their appointments, be defined by law; and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures, of the United States, is an object of great importance, and will, I am persuaded, be duly attended to.

The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between the distant parts of our country by a due attention to the post office and post roads.

Nor am I less persuaded, that you will agree with me in opinion, that there is nothing which can better deserve your patronage, than the promotion of science and literature. Knowledge is, in every country, the surest basis of public happiness. In one in which the measures of government receive their impression so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are entrusted with the public administration, that every valuable end of government is best answered by the enlightened confidence of the people; and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens proceeding from a disregard to their convenience, and those resulting from the inevitable exigences of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last; and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established; by the institution of a national university; or by any other expedients, will be well worthy of a place in the deliberations of the Legislature.

Gentlemen of the House of Representatives:

I saw, with peculiar pleasure, at the close of the last session, the resolution entered into by you, expressive of your opinion that an adequate provision for the support of the public credit, is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the Legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives:

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you in the pleasing, though arduous task, of ensuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

GEO. WASHINGTON.

UNITED STATES, January 8, 1790.

On Thursday, January 14, 1790, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

We, the Senate of the United States, return you our thanks for your speech delivered to both Houses of Congress. The accession of the State of North Carolina to the constitution of the United States, gives us much pleasure; and we offer you our congratulations on that event, which, at the same time, adds strength to our Union, and affords a proof that the more the constitution has been considered, the more the goodness of it has appeared. The information which we have received, that the measures of the last session have been as satisfactory to our constituents as we had reason to expect, from the difficulty of the work in which we were engaged, will afford us much consolation and encouragement in resuming our deliberations, in the present session, for the public good; and every exertion on our part shall be made to realize and secure to our country, those blessings which a gracious Providence has placed within her reach. We are persuaded that one of the most effectual means of preserving peace, is to be prepared for war; and our attention shall be directed to the objects of common defence, and to the adoption of such plans as shall appear the most likely to prevent our dependence on other countries for essential supplies. In the arrangements to be made respecting the establishment of such troops as may be deemed indispensable, we shall, with pleasure, provide for the comfortable support of the officers and soldiers, with a due regard to economy. We regret that the pacific measures adopted by Government, with regard to certain hostile tribes of Indians, have not been attended with the beneficial effects towards the inhabitants of our southern and western frontiers which we had reason to hope; and we shall cheerfully co-operate in providing the most effectual means for their protection, and, if necessary, for the punishment of aggressors. The uniformity of the currency, and of weights and measures; the introduction of new and useful inventions from abroad, and the exertions of skill and genius in producing them at home; the facilitating the communication between the distant parts of our country, by means of the post office and post roads; a provision for the support of the Department of Foreign Affairs; and a uniform rule of naturalization, by which foreigners may be admitted to the rights of citizens; are objects which shall receive such early attention as their respective importance requires. Literature and science are essential to the preservation of a free constitution: the measures of government should, therefore, be calculated to strengthen the confidence that is due to that important truth. Agriculture, commerce, and manufactures, forming the basis of the wealth and strength of our confederated republic, must be the frequent subject of our deliberation, and shall be advanced by all proper means in our power. Public credit being an object of great importance, we shall cheerfully co-operate in all proper measures for its support. Proper attention shall be given to such papers and estimates as you may be pleased to lay before us. Our cares and efforts shall be directed to the welfare of our country; and we have the most perfect dependence upon your co-operating with us, on all occasions, in such measures as will ensure to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

To which the PRESIDENT OF THE UNITED STATES replied as follows:

GENTLEMEN:

I thank you for your address, and for the assurances which it contains of attention to the several matters suggested by me to your consideration.

Relying on the continuance of your exertions for the public good, I anticipate for our country the salutary effects of upright and prudent counsels.

GEO. WASHINGTON.

On Thursday, January 14, 1790, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The Representatives of the People of the United States have taken into consideration your speech to both Houses of Congress, at the opening of the present session.

We reciprocate your congratulations on the accession of the State of North Carolina—an event which, while it is a testimony of the increasing good will towards the Government of the Union, cannot fail to give additional dignity and strength to the American republic, already rising in the estimation of the world, in national character and respectability.

The information that our measures of the last session have not proved dissatisfactory to our constituents, affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire.

Nothing can be more gratifying to the Representatives of a free People, than the reflection that their labors are rewarded by the approbation of their fellow-citizens. Under this impression, we shall make every exertion to realize their expectations, and to secure to them those blessings which Providence has placed within their reach. Still prompted by the same desire to promote their interests which then actuated us, we shall, in the present session, diligently and anxiously pursue those measures which shall appear to us conducive to that end.

We concur with you in the sentiment, that agriculture, commerce, and manufactures, are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free government; in the progress of our deliberations, we shall not lose sight of objects so worthy of our regard.

The various and weighty matters which you have judged necessary to recommend to our attention, appear to us essential to the tranquillity and welfare of the Union, and claim our early and most serious consideration. We shall proceed, without delay, to bestow on them that calm discussion which their importance requires.

We regret that the pacific arrangements pursued with regard to certain hostile tribes of Indians, have not been attended with that success which we had reason to expect from them. We shall not hesitate to concur in such further measures as may best obviate any ill effects which might be apprehended from the failure of those negotiations.

Your approbation of the vote of this House, at the last session, respecting the provision for the public creditors, is very acceptable to us. The proper mode of carrying that resolution into effect, being a subject in which the future character and happiness of these States are deeply involved, will be among the first to deserve our attention.

The prosperity of the United States is the primary object of all our deliberations; and we cherish the reflection that every measure which we may adopt for its advancement, will not only receive your cheerful concurrence, but will, at the same time, derive from your co-operation, additional efficacy, in ensuring to our fellow-citizens the blessings of a free, efficient, and equal government.

To which the PRESIDENT OF THE UNITED STATES made the following reply :

GENTLEMEN:

I receive with pleasure the assurances you give me, that you will diligently and anxiously pursue such measures as shall appear to you conducive to the interests of your constituents; and that an early and serious consideration will be given to the various and weighty matters recommended by me to your attention.

I have full confidence that your deliberations will continue to be directed by an enlightened and virtuous zeal for the happiness of our country.

GEO. WASHINGTON.

1st CONGRESS.]

No. 3.

[3d SESSION.]

SPEECH OF PRESIDENT WASHINGTON,

DELIVERED ON WEDNESDAY, DECEMBER 8, 1790.

*Fellow-citizens of the Senate**and House of Representatives:*

In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock, abroad as well as at home; and the revenues allotted for this and other national purposes, have been productive beyond the calculations by which they were regulated. This latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former in discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The Secretary of the Treasury has my direction to communicate such further particulars as may be requisite for more precise information.

Since your last sessions, I have received communications, by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been conducted, will be found to do great honor to both the parties; and the sentiments of warm attachment to the Union and its present government, expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the northwest side of the Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and, being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities,

or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking; whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes, than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia for the protection of the frontiers; and I have accordingly authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient: the event of the measure is yet unknown to me. The Secretary of War is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime Powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us, at the same time, of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflections, how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed which may lead to its relief and protection.

The laws you have already passed for the establishment of a judiciary system, have opened the doors of justice to all descriptions of persons. You will consider, in your wisdom, whether improvements in that system may yet be made; and particularly whether an uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the States.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign countries. It seems expedient to regulate by law the exercise of that jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence in the places of their residence. The consular convention, too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the post office and post roads, are subjects which I presume you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives:

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you, not merely to secure a payment of the interest of the debt funded, but, as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriation you have made of the western lands, explains your dispositions on this subject; and I am persuaded the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

Gentlemen of the Senate and House of Representatives:

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom, and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence.

GEO. WASHINGTON.

UNITED STATES, December 8, 1790.

On Monday, December 13, 1790, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

To the President of the United States of America:

We receive, sir, with particular satisfaction, the communications contained in your speech, which confirm to us the progressive state of the public credit, and afford, at the same time, a new proof of the solidity of the foundation on which it rests; and we cheerfully join in the acknowledgment which is due to the probity and patriotism of the mercantile and marine part of our fellow-citizens, whose enlightened attachment to the principles of good government is not less conspicuous in this than it has been in other important respects.

In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur in giving the requisite sanction to the admission of Kentucky as a distinct member of the Union; in doing which, we shall anticipate the happy effects to be expected from the sentiments of attachment towards the Union, and its present government, which have been expressed by the patriotic inhabitants of that district.

While we regret that the continuance and increase of the hostilities and depredations which have distressed our northwestern frontier, should have rendered offensive measures necessary, we feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted in pursuance of the powers vested in you; and, whatever may have been the event, we shall cheerfully concur in the provisions which the expedition that has been undertaken may require on the part of the Legislature, and in any other which the future peace and safety of our frontier settlements may call for.

The critical posture of the European Powers will engage a due portion of our attention; and we shall be ready to adopt any measures which a prudent circumspection may suggest, for the preservation of the blessings of peace. The navigation and the fisheries of the United States are objects too interesting not to inspire a disposition to promote them by all the means which shall appear to us consistent with their natural progress and permanent prosperity.

Impressed with the importance of a free intercourse with the Mediterranean, we shall not think any deliberations misemployed which may conduce to the adoption of proper measures for removing the impediments that obstruct it.

The improvement of the judiciary system, and the other important objects to which you have pointed our attention, will not fail to engage the consideration they respectively merit.

In the course of our deliberations upon every subject, we shall rely upon that co-operation which an undiminished zeal and incessant anxiety for the public welfare, on your part, so thoroughly ensure; and as it is our anxious desire, so it shall be our constant endeavor, to render the established Government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence.

To which the PRESIDENT OF THE UNITED STATES replied as follows:

GENTLEMEN:

These assurances of favorable attention to the subjects I have recommended, and of entire confidence in my views, make the impression on me which I ought to feel. I thank you for them both, and shall continue to rely much for the success of all our measures for the public good, on the aid they will receive from the wisdom and integrity of your counsels.

GEO. WASHINGTON.

On Monday, December 13, 1790, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The Representatives of the People of the United States have taken into consideration your address to the two Houses at the opening of the present session of Congress.

We share in the satisfaction inspired by the prospects which continue to be so auspicious to our public affairs. The blessings resulting from the smiles of Heaven on our agriculture; the rise of public credit, with the further advantages promised by it; and the fertility of resources which are found so little burdensome to the community; fully authorize our mutual congratulations on the present occasion. Nor can we learn, without an additional gratification, that the energy of the laws for providing adequate revenues, have been so honorably seconded by those classes of citizens whose patriotism and probity were more immediately concerned.

The success of the loan opened in Holland, under the disadvantages of the present moment, is the more important, as it not only denotes the confidence already placed in the United States, but as the effect of a judicious application of that aid will still further illustrate the solidity of the foundation on which the public credit rests.

The preparatory steps taken by the State of Virginia, in concert with the District of Kentucky, towards the erection of the latter into a distinct member of the Union, exhibit a liberality mutually honorable to the parties. We shall bestow on this important subject the favorable consideration which it merits; and with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed on behalf of our fellow-citizens of Kentucky.

Whilst we regret the necessity which has produced offensive hostilities against some of the Indian tribes northwest of the Ohio, we sympathize too much with our western brethren, not to behold with approbation the watchfulness and vigor which have been exerted by the Executive authority for their protection; and which we trust will make the aggressors sensible that it is their interest to merit, by a peaceable behavior, the friendship and humanity which the United States are always ready to extend to them.

The encouragement of our own navigation has at all times appeared to us highly important. The point of view under which you have recommended it to us, is strongly enforced by the actual state of things in Europe. It will be incumbent on us to consider in what mode our commerce and agriculture can be best relieved from an injurious dependence on the navigation of other nations, which the frequency of their wars renders a too precarious resource for conveying the productions of our country to market.

The present state of our trade to the Mediterranean seems not less to demand, and will accordingly receive, the attention which you have recommended.

Having already concurred in establishing a judiciary system, which opens the doors of justice to all, without distinction of persons, it will be our disposition to incorporate every improvement which experience may suggest. And we shall consider in particular how far the uniformity, which, in other cases, is found convenient in the administration of the General Government through all the States, may be introduced into the forms and rules of executing sentences issuing from the federal courts.

The proper regulation of the jurisdiction and functions which may be exercised by consuls of the United States in foreign countries, with the provisions stipulated to those of His Most Christian Majesty established here, are subjects of too much consequence to the public interest and honor not to partake of our deliberations.

We shall renew our attention to the establishment of the militia, and the other subjects unfinished at the last session, and shall proceed in them with all the despatch which the magnitude of all, and the difficulty of some of them will allow.

Nothing has given us more satisfaction than to find that the revenues heretofore established have proved adequate to the purposes to which they were allotted. In extending the provision to the residuary objects, it will be equally our care to secure sufficiency and punctuality in the payments due from the Treasury of the United States. We shall, also, never lose sight of the policy of diminishing the public debt as fast as the increase of the public resources will permit; and are particularly sensible of the many considerations which press a resort to the auxiliary resource furnished by the public lands.

In pursuing every branch of the weighty business of the present session, it will be our constant study to direct our deliberations to the public welfare. Whatever our success may be, we can at least answer for the fervent love of our country, which ought to animate our endeavors. In your co-operation we are sure of a resource, which fortifies our hopes that the fruits of the established Government will justify the confidence which has been placed in it, and recommend it more and more to the affection and attachment of our fellow-citizens.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

The sentiments expressed in your address are entitled to my particular acknowledgment.

Having no object but the good of our country, this testimony of approbation and confidence from its immediate Representatives must be among my best rewards, as the support of your enlightened patriotism has been among my greatest encouragements. Being persuaded that you will continue to be actuated by the same auspicious principle, I look forward to the happiest consequences from your deliberations during the present session.

GEO. WASHINGTON.

2d CONGRESS.]

No. 4.

[1st Session.]

SPEECH OF PRESIDENT WASHINGTON,

DELIVERED ON TUESDAY, OCTOBER 25, 1791.

*Fellow-citizens of the Senate,
and of the House of Representatives:*

I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion, equally strong, that the labors of the session which has just commenced, will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the providential blessings which demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, cannot fail to derive satisfaction from the confirmation of these circumstances, which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscription to the Bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the Government, but of resource in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these, is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish. Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

These measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority, and at the expense of the United States, by the militia of Kentucky; whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired that all need of coercion in future may cease; and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians, and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice;

That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated as to obviate imposition, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made;

That commerce with them should be promoted under regulations tending to secure an equitable deportment towards them, and that such rational experiments should be made, for imparting to them the blessings of civilization, as may, from time to time, suit their condition;

That the Executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace;

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties, and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy, towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensations, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used, will be found, in the result, to have secured the last of the two objects; but it is probable, that, with a view to the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community, have been, upon the whole, such as were to be expected among enlightened and well disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion, in particular places, to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty, and a virtuous regard to the public welfare.

If there are any circumstances in the law, which, consistently with its main design, may be so varied as to remove any well intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the People.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the Government of the United States, has been fixed, and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out, agreeably to a plan which will be placed before Congress; and as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for which provision was made by law, has been duly notified, (excepting one instance, in which the return has been informal, and another, in which it has been omitted or mis-carried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance that the present population of the United States borders on four millions of persons.

It is proper also to inform you, that a further loan of two millions and a half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins, had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:

Two treaties, which have been provisionally concluded with the Cherokees and Six Nations of Indians, will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:

In entering upon the discharge of your legislative trust, you must anticipate with pleasure, that many of the difficulties necessarily incident to the first arrangements of a new government for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the Legislature. The important objects which remain to be accomplished, will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act making provision for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprise you of the exact result. Enough, however, is already known, to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the Government with which they are actuated. The subscriptions in the debts of the respective States, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed, will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you, that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occurs, to supersede, for the present, the necessity of any new burthens upon our constituents.

An object which will claim your early attention, is a provision for the current service of the ensuing year, together with such ascertained demands upon the Treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate and of the House of Representatives:

I shall content myself with a general reference to former communications for several objects, upon which the urgency of other affairs has hitherto postponed any definitive resolution. Their importance will recall them to your attention, and I trust that the progress already made in the most arduous arrangements of the Government, will afford you leisure to resume them with advantage.

There are, however, some of them, of which I cannot forbear a more particular mention. These are: the militia; the post office and post roads; the mint; weights and measures; a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connexion with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangements; exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the post office and post roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by the instrumentality in diffusing a knowledge of the laws and proceedings of the Government; which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change—a scarcity so peculiarly distressing to the poorer classes—strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken, pursuant to that resolution, for procuring some of the most necessary artists, together with the requisite apparatus.

An uniformity in the weights and measures of the country is among the important objects submitted to you by the constitution; and if it can be derived from a standard at once invariable and universal, must be no less honorable to the public councils than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations, that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity of burthening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

GEO. WASHINGTON.

UNITED STATES, October 25, 1791.

On Monday, October 31, 1791, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

The Senate of the United States have received with the highest satisfaction the assurances of public prosperity contained in your speech to both Houses. The multiplied blessings of Providence have not escaped our notice, or failed to excite our gratitude.

The benefits which flow from the restoration of public and private confidence are conspicuous and important; and the pleasure with which we contemplate them is heightened by your assurance of those further communications which shall confirm their existence and indicate their source.

Whilst we rejoice in the success of those military operations which have been directed against the hostile Indians, we lament, with you, the necessity that has produced them; and we participate the hope that the present prospect of a general peace, on terms of moderation and justice, may be wrought into complete and permanent effect; and that the measures of Government may equally embrace the security of our frontiers and the general interests of humanity: our solicitude to obtain which will ensure our zealous attention to an object so warmly espoused by the principles of benevolence, and so highly interesting to the honor and welfare of the nation.

The several subjects which you have particularly recommended, and those which remain of former sessions, will engage our early consideration. We are encouraged to prosecute them with alacrity and steadiness, by the belief that they will interest no passion but that for the general welfare; by the assurance of concert, and by a view of those arduous and important arrangements which have been already accomplished.

We observe, sir, the constancy and activity of your zeal for the public good. The example will animate our efforts to promote the happiness of our country.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

This manifestation of your zeal for the honor and the happiness of our country, derives its full value from the share which your deliberations have already had in promoting both.

I thank you for the favorable sentiments with which you view the part I have borne in the arduous trust committed to the Government of the United States, and desire you to be assured that all my zeal will continue to second those further efforts for the public good which are ensured by the spirit in which you are entering on the present session.

GEO. WASHINGTON.

On Friday, October 28, 1791, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

In receiving your address, at the opening of the present session, the House of Representatives have taken an ample share in the feelings inspired by the actual prosperity and flattering prospects of our country; and whilst, with becoming gratitude to Heaven, we ascribe this happiness to the true source from which it flows, we behold, with an animating pleasure, the degree in which the constitution and laws of the United States have been instrumental in dispensing it.

It yields us particular satisfaction to learn the success with which the different important measures of the Government have proceeded; as well those specially provided for at the last session, as those of preceding date. The safety of our western frontier, in which the lives and repose of so many of our fellow-citizens are involved, being peculiarly interesting, your communications on that subject are proportionally grateful to us. The gallantry and good conduct of the militia, whose services were called for, is an honorable confirmation of the efficacy of that precious resource of a free State. And we anxiously wish that the consequences of their successful enterprises, and of the other proceedings to which you have referred, may leave the United States free to pursue the most benevolent policy towards the unhappy and deluded race of people in our neighborhood.

The amount of the population of the United States, determined by the returns of the census, is a source of the most pleasing reflections, whether it be viewed in relation to our national safety and respectability, or as a proof of that felicity in the situation of our country, which favors so unexampled a rapidity in its growth. Nor ought any to be insensible to the additional motive suggested by this important fact, to perpetuate the free government established, with a wise administration of it, to a portion of the earth which promises such an increase of the number which is to enjoy those blessings within the limits of the United States.

We shall proceed, with all the respect due to your patriotic recommendations, and with a deep sense of the trust committed to us by our fellow-citizens, to take into consideration the various and important matters falling within the present session. And, in discussing and deciding each, we shall feel every disposition, whilst we are pursuing the public welfare, which must be the supreme object with all our constituents, to accommodate, as far as possible, the means of attaining it to the sentiments and wishes of every part of them.

To which the PRESIDENT OF THE UNITED STATES replied as follows:

GENTLEMEN:

The pleasure I derive from an assurance of your attention to the objects I have recommended to you, is doubled by your concurrence in the testimony I have borne to the prosperous condition of our public affairs.

Relying on the sanctions of your enlightened judgment, and on your patriotic aid, I shall be the more encouraged in all my endeavors for the public weal; and particularly in those which may be required on my part for executing the salutary measures I anticipate from your present deliberations.

GEO. WASHINGTON.

2d CONGRESS.]

No. 5.

[2d Session.]

SPEECH OF PRESIDENT WASHINGTON.

DELIVERED ON TUESDAY, NOVEMBER 6, 1792.

Fellow-citizens of the Senate

and of the House of Representatives:

It is some abatement of the satisfaction with which I meet you on the present occasion, that, in felicitating you on a continuance of the national prosperity, generally, I am not able to add to it information that the Indian hostilities, which have, for some time past, distressed our northwestern frontier, have terminated.

You will, I am persuaded, learn, with no less concern than I communicate it, that reiterated endeavors towards effecting a pacification, have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier; to stop the further effusion of blood; to arrest the progress of expense; to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes: in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain unequivocally that such is the case.

A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success, thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction, commonly respected even among savages, has been found, in this instance, insufficient to protect from massacre the emissaries of peace. It will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.

It must add to your concern to be informed, that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chickamagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed.

It is not understood that any breach of treaty, or aggression whatsoever, on the part of the United States, or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made (pursuant to the provision by law for that purpose) to be prepared for the alternative of a prosecution of the war, in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete; and pains have been taken to discipline and put them in condition for the particular kind of service to be performed. A delay of operations (besides being dictated by the measures which were pursuing towards a pacific termination of the war) has been in itself deemed preferable to immature efforts. A statement from the proper department, with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations; and, among other things, will enable Congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive, that the product of the revenues for the present year is likely to supersede the necessity of additional burthens on the community for the service of the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs, without again recommending to your consideration the expediency of more adequate provision for giving energy to the laws throughout our interior frontier; and for restraining the commission of outrages upon the Indians; without which, all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them, as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them, upon a scale equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interests with ours could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case, were it not for the impediments which, in some places, continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening, in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and, under this impression, have issued a proclamation, warning against all unlawful combinations and proceedings, having for their object or tending to obstruct the operation of the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured, that nothing within constitutional and legal limits, which may depend on me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other departments of the Government, and upon the zealous support of all good citizens.

I cannot forbear to bring again into the view of the Legislature the subject of a revision of the judiciary system. A representation from the judges of the supreme court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system, which, in some cases, tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offences against the constitution and laws of the Union, and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions, to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them; and, in general, the maintenance of a friendly intercourse with foreign Powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the Legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our mint; others have been employed at home. Provision has been made for the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half dimes, the want of small coins in circulation calling the first attention to them.

The regulation of foreign coins, in correspondency with the principles of our national coinage, as being essential to their due operation, and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions in the law which establishes the post office, operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information, will, I doubt not, lead to the application of a remedy.

The adoption of a constitution for the State of Kentucky has been notified to me. The Legislature will share with me in the satisfaction which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you, that, since my last communication on the subject, and in further execution of the acts severally making provision for the public debt and for the reduction thereof, three new loans have been effected, each for three millions of florins; one at Antwerp, at the annual interest of four and one half per cent. with an allowance of four per cent. in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent. with an allowance of five and one half per cent. in one case, and of five per cent. in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payments of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

Gentlemen of the House of Representatives:

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the Government; no measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated. In fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinaries as may require provision, will demand, and I doubt not will engage, your early attention.

Gentlemen of the Senate and of the House of Representatives:

I content myself with recalling your attention, generally, to such objects, not particularized in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice.

The results of your common deliberations hitherto, will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government, upon which, under divine Providence, materially depend their union, their safety, and their happiness.

Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

GEO. WASHINGTON.

UNITED STATES, November 6, 1792.

On Friday, November 9, 1792, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the *President pro tempore*, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, sir, our grateful acknowledgments for your address at the opening of the present session. We participate with you in the satisfaction arising from the continuance of the general prosperity of the nation; but it is not without the most sincere concern that we are informed that the reiterated efforts which have been made to establish peace with the hostile Indians have hitherto failed to accomplish that desired object. Hoping that the measures still depending may prove more successful than those which have preceded them, we shall nevertheless concur in every necessary preparation for the alternative; and should the Indians on either side of the Ohio persist in their hostilities, fidelity to the Union, as well as affection for our fellow-citizens on the frontiers, will ensure our decided co-operation in every measure which shall be deemed requisite for their protection and safety.

At the same time that we avow the obligation of the Government to afford its protection to every part of the Union, we cannot refrain from expressing our regret that even a small portion of our fellow-citizens, in any quarter of it, should have combined to oppose the operation of the law for the collection of duties on spirits distilled within the United States—a law repeatedly sanctioned by the authority of the nation, and, at this juncture, materially connected with the safety and protection of those who oppose it. Should the means already adopted fail in securing obedience to this law, such further measures as may be thought necessary to carry the same into complete operation cannot fail to receive the approbation of the Legislature, and the support of every patriotic citizen.

It yields us particular pleasure to learn that the productiveness of the revenue of the present year will probably supersede the necessity of any additional tax for the service of the next.

The organization of the government of the State of Kentucky being an event peculiarly interesting to a part of our fellow-citizens, and conducive to the general order, affords us particular satisfaction.

We are happy to learn, that the high state of our credit abroad has been evinced by the terms on which the new loans have been negotiated.

In the course of the session we shall proceed to take into consideration the several objects which you have been pleased to recommend to our attention; and, keeping in view the importance of union and stability in the public councils, we shall labor to render our decisions conducive to the safety and happiness of our country.

We repeat, with pleasure, our assurances of confidence in your administration, and our ardent wish that your unabated zeal for the public good may be rewarded by the durable prosperity of the nation, and every ingredient of personal happiness.

JOHN LANGDON,
President pro tempore.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

I derive much pleasure, gentlemen, from your very satisfactory address. The renewed assurances of your confidence in my administration, and the expression of your wish for my personal happiness, claim and receive my particular acknowledgments. In my future endeavor for the public welfare, to which my duty may call me, I shall not cease to count upon the firm, enlightened, and patriotic support of the Senate.

GEO. WASHINGTON.

On Monday, November 12, 1792, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The House of Representatives, who always feel a satisfaction in meeting you, are much concerned, that the occasion for mutual felicitation, afforded by the circumstances favorable to the national prosperity, should be abated by a continuance of the hostile spirit of many of the Indian tribes; and particularly, that the reiterated efforts for effecting a general pacification with them, should have issued in new proofs of their persevering enmity, and the barbarous sacrifice of citizens, who, as the messengers of peace, were distinguishing themselves by their zeal for the public service. In our deliberations on this important department of our affairs, we shall be disposed to pursue every measure that may be dictated by the sincerest desire, on one hand, of cultivating peace, and manifesting, by every practicable regulation, our benevolent regard for the welfare of those misguided people; and by the duty we feel, on the other, to provide effectually for the safety and protection of our fellow-citizens.

While with regret we learn, that symptoms of opposition to the law imposing duties on spirits distilled within the United States have manifested themselves, we reflect with consolation, that they are confined to a small portion of our fellow-citizens. It is not more essential to the preservation of true liberty, that a government should be always ready to listen to the representations of its constituents, and to accommodate its measures to the sentiments and wishes of every part of them, as far as will consist with the good of the whole, than it is, that the just authority of the laws should be steadfastly maintained. Under this impression, every department of the Government, and all good citizens, must approve the measures you have taken, and the purpose you have formed, to execute this part of your trust with firmness and energy; and be assured, sir, of every constitutional aid and co-operation which may become requisite on our part. And we hope that, while the progress of contentment under the law in question is as obvious as it is rational, no particular part of the community may be permitted to withdraw from the general burthens of the country, by a conduct as irreconcilable to national justice, as it is inconsistent with public decency.

The productive state of the public revenue, and the confirmation of the credit of the United States abroad, evinced by the loans at Antwerp and Amsterdam, are communications the more gratifying, as they enforce the obligation to enter on systematic and effectual arrangements for discharging the public debt, as fast as the conditions of it will permit; and we take pleasure in the opportunity to assure you of our entire concurrence in the opinion, that no measure can be more desirable, whether viewed with an eye to the urgent wish of the community, or the intrinsic importance of promoting so happy a change in our situation.

The adoption of a constitution for the State of Kentucky, is an event, on which we join in all the satisfaction you have expressed. It may be considered as particularly interesting, since, besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of providing, by free and deliberate plans of government, for their own safety and happiness.

The operation of the law establishing the post office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention—the circulation of political intelligence, through these vehicles, being justly reckoned among the surest means of preventing the degeneracy of a free government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens.

The several other matters which you have communicated and recommended, will, in their order, receive the attention due to them, and our discussions will, in all cases, we trust, be guided by a proper respect for harmony and stability in the public councils, and a desire to conciliate, more and more, the attachment of our constituents to the constitution, by measures accommodated to the true ends for which it was established.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN :

It gives me pleasure to express to you the satisfaction which your address affords me. I feel, as I ought, the approbation you manifest of the measures I have taken, and the purpose I have formed, to maintain, pursuant to the trust reposed in me by the constitution, the respect which is due to the laws; and the assurance which you, at the same time, give me, of every constitutional aid and co-operation that may become requisite, on your part.

This is a new proof of that enlightened solicitude for the establishment and confirmation of public order, which, embracing a zealous regard for the principles of true liberty, has guided the deliberations of the House of Representatives—a perseverance in which can alone secure, under the divine blessing, the real and permanent felicity of our common country.

GEO. WASHINGTON.

No. 6.

INAUGURAL SPEECH OF PRESIDENT WASHINGTON.

DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON MONDAY, MARCH 4, 1793.

Fellow-citizens:

I am again called upon, by the voice of my country, to execute the functions of its Chief Magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the People of United America.

Previous to the execution of any official act of the President, the constitution requires an oath of office. This oath I am now about to take, and in your presence; that, if it should be found, during my administration of the Government, I have, in any instance, violated willingly or knowingly, the injunction thereof, I may, (besides incurring constitutional punishment) be subject to the upbraidings of all who are now witnesses of the present solemn ceremony.

3d CONGRESS.]

No 7.

[1st Session.

SPEECH OF PRESIDENT WASHINGTON.

DELIVERED ON TUESDAY, DECEMBER 3, 1793.

Fellow-citizens of the Senate

and of the House of Representatives:

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country; on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the People, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the Executive power; and I humbly implore that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties, and assert the privileges, of the United States. These were reduced into a system, which will be commu-

nicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce, this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the courts of the United States to many cases which, though dependent on principles already recognized, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war; or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate: these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatever those remedies may be, they will be well administered by the judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their power to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points; but if the Executive is to be the resort in either of the two last mentioned cases, it is hoped that he will be authorized by law to have facts ascertained by the courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion, that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States, among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will shew the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot, with prudence, be neglected, as it would leave nothing to the uncertainty of procuring a warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the republic, and may be trained to a degree of energy equal to every military exigency of the United States. But, it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme; and whether a material feature, in an improvement of it, ought not to be, to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone?

The connexion of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the commissioners evince a moderation and equity proceeding from a sincere love of peace and a liberality having no restriction but the essential interests and dignity of the United States. The attempt, however, of an amicable negotiation, having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them, during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine, whether the deficiency in the number of troops, granted by law, shall be compensated by succors of militia, or additional encouragement shall be proposed to recruits.

An anxiety has been also demonstrated by the Executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you disclose the critical footing on which we stand in regard to both those tribes; and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquillity with the savages permanent, by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies; with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the Executive.

Gentlemen of the House of Representatives:

The commissioners, charged with the settlement of accounts between the United States and individual States, concluded their important functions within the time limited by law; and the balances struck in their report, which will be laid before Congress, have been placed on the books of the Treasury.

On the first day of June last, an instalment of one million of florins became payable on the loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in nature of a new loan, at an interest of five per cent. for the term of ten years; and the expenses of this operation were a commission of three per cent.

The first instalment of the loan of two millions of dollars, from the Bank of the United States, has been paid, as was directed by law. For the second it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto, has continued to equal the anticipations which were formed of it; but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made, consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burthens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the Government of the United States as the affections of the people, guided by an enlightened policy; and to this primary good nothing can conduce more than a faithful representation of public proceedings, diffused without restraint, throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores, made during the recess, will be presented to Congress.

Gentlemen of the Senate and of the House of Representatives:

The several subjects to which I have now referred, open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the Government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish from the want of my strenuous and warmest co-operation.

PHILADELPHIA, December 3, 1793.

GEO. WASHINGTON.

On Tuesday, December 10, 1793, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, Sir, the thanks of the Senate for your speech delivered to both Houses of Congress at the opening of the session. Your re-election to the chief magistracy of the United States gives us sincere pleasure. We consider it as an event every way propitious to the happiness of our country; and your compliance with the call, as a fresh instance of the patriotism which has so repeatedly led you to sacrifice private inclination to the public good. In the unanimity which a second time marks this important national act, we trace, with particular satisfaction, besides the distinguished tribute paid to the virtues and abilities which it recognizes, another proof of that just discernment, and constancy of sentiments and views, which have hitherto characterized the citizens of the United States.

As the European Powers with whom the United States have the most extensive relations were involved in war, in which we had taken no part, it seemed necessary that the disposition of the nation for peace should be promulgated to the world, as well for the purpose of admonishing our citizens of the consequences of a contraband trade and of acts hostile to any of the belligerent parties, as to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities of our situation: we therefore contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well timed, and wise; manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it.

The several important matters presented to our consideration will, in the course of the session, engage all the attention to which they are respectively entitled; and as the public happiness will be the sole guide of our deliberations, we are perfectly assured of receiving your strenuous and most zealous co-operation.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

The pleasure expressed by the Senate on my re-election to the station which I fill, commands my sincere and warmest acknowledgments. If this be an event which promises the smallest addition to the happiness of our country, as it is my duty, so shall it be my study, to realize the expectation.

The decided approbation which the proclamation now receives from your House, by completing the proof that this measure is considered as manifesting a vigilant attention to the welfare of the United States, brings with it a peculiar gratification to my mind.

The other important subjects which have been communicated to you, will, I am confident, receive a due discussion; and the result will, I trust, prove fortunate to the United States.

GEO. WASHINGTON.

On Saturday, December 7, 1793, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The Representatives of the People of the United States, in meeting you, for the first time since you have been again called, by an unanimous suffrage, to your present station, find an occasion, which they embrace with no less sincerity than promptitude, for expressing to you their congratulations on so distinguished a testimony of public approbation, and their entire confidence in the purity and patriotism of the motives which have produced this obedience to the voice of your country. It is to virtues which have commanded long and universal reverence, and services from which have flowed great and lasting benefits, that the tribute of praise may be paid, without the reproach of flattery; and it is from the same sources that the fairest anticipations may be derived in favor of the public happiness.

The United States having taken no part in the war which had embraced in Europe the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the magistrate charged with the faithful execution of the laws. We accordingly witness, with approbation and pleasure, the vigilance with which you have guarded against an interruption of that blessing, by your proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation.

The connexion of the United States with Europe has evidently become extremely interesting. The communications which remain to be exhibited to us, will, no doubt, assist in giving us a fuller view of the subject, and in guiding our deliberations to such results as may comport with the rights and true interests of our country.

We learn, with deep regret, that the measures, dictated by a love of peace, for obtaining an amicable termination of the afflicting war on our frontiers, have been frustrated; and that a resort to offensive measures should have again become necessary. As the latter, however, must be rendered more satisfactory, in proportion to the solicitude for peace, manifested by the former, it is to be hoped they will be pursued under the better auspices, on that account, and be finally crowned with more happy success.

In relation to the particular tribes of Indians, against whom offensive measures have been prohibited, as well as on all the other important subjects which you have presented to our view, we shall bestow the attention which they claim. We cannot, however, refrain, at this time, from particularly expressing our concurrence in your anxiety for the regular discharge of the public debts, as fast as circumstances and events will permit; and in the policy of removing any impediments that may be found in the way of a faithful representation of public proceedings throughout the United States: being persuaded, with you, that, on no subject, more than the former, can delay be more injurious, or an economy of time more valuable; and that, with respect to the latter, no resource is so firm for the Government of the United States, as the affections of the People, guided by an enlightened policy.

Throughout our deliberations we shall endeavor to cherish every sentiment which may contribute to render them conducive to the dignity as well as to the welfare of the United States. And we join with you in imploring that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

I shall not affect to conceal the cordial satisfaction which I derive from the address of the House of Representatives. Whatsoever those services may be, which you have sanctioned by your favor, it is a sufficient reward that they have been accepted as they were meant. For the fulfilment of your anticipations of the future, I can give no other assurance than that the motives which you approve shall continue unchanged.

It is truly gratifying to me to learn that the proclamation has been considered as a seasonable guard against the interruption of the public peace. Nor can I doubt, that the subjects which I have recommended to your attention, as depending on legislative provisions, will receive a discussion suited to their importance. With every reason, then, it may be expected that your deliberations, under the Divine blessing, will be matured to the honor and happiness of the United States.

GEO. WASHINGTON.

3d CONGRESS.]

No. 8.

[2d Session.]

SPEECH OF PRESIDENT WASHINGTON,

DELIVERED ON WEDNESDAY, NOVEMBER 19, 1794.

*Fellow-citizens of the Senate
and of the House of Representatives:*

When we call to mind the gracious indulgence of Heaven, by which the American People became a nation; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our Government, and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the States, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men, who labored for an ascendancy over the will of others, by the guidance of their passions, produced symptoms of riot and violence. It is well known, that Congress did not hesitate to examine the complaints which were presented; and to relieve them, as far as justice dictated, or general convenience would permit. But, the impression which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief, that, by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived, that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the Government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at *his* person, and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him, for some time, as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Allegheny mountain; and a deputation was afterwards sent to him to demand a surrender of that which he *had* served. A numerous body repeatedly attacked the house of the inspector, seized his papers of office, and finally destroyed by fire his buildings and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government—it being avowed, that the motives to such outrages were to compel the resignation of the inspector; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of Government.

Upon the testimony of these facts, an associate justice of the supreme court of the United States notified to me that, "in the counties of Washington and Allegheny, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control; the friends of government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States, would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense, and other embarrassments, of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that, if my anxious endeavors to reclaim the deluded, and to convince the malignant of their danger, should be fruitless, military force might be prepared to act, before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the Executive, and his earnest wish to avoid a resort to coercion; to represent, however, that, without submission, coercion *must* be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of Executive power. Pardon, too, was tendered to them by the Government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by shewing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the farther suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation of the 25th of September last.

It was a task too difficult to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the States of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

As commander in chief of the militia, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion, that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and home. But, succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed by those, who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit, inimical to all order, has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others, who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the inspector of the revenue, but other officers of the United States, in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and on future emergencies, the Government would be amply repaid by the influence of an example, that he, who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name, or interrupted the tranquillity, of any part of our community, or should have diverted, to a new application, any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated, that our prosperity rests on solid foundations, by furnishing an additional proof, that my fellow-citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of republican government, to behold the most and the least wealthy of our citizens standing in the same ranks, as private soldiers, pre-eminently distinguished by being the army of the constitution; undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed.

To every description, indeed, of citizens, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness, the constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations, of the whole Government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend, the constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well regulated militia would be a genuine source of legislative honor, and a perfect title to public gratitude. I, therefore, entertain a hope, that the present session will not pass, without carrying, to its full energy, the power of organizing, arming, and disciplining, the militia; and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire, whether the fortifications, which have been already licensed by law, be commensurate with our exigencies.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians north of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And yet, even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace, upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the General Government and that of Georgia. From a desire, also, to remove the discontents of the Six Nations, a settlement meditated at Presqu'isle, on Lake Erie, has been suspended; and an agent is now endeavoring to rectify any misconception into which they may have fallen. But, I cannot refrain from again pressing upon your deliberations the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of trading houses upon the principles then expressed.

Gentlemen of the House of Representatives:

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources, so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatsoever is unfinished of our system of public credit, cannot be benefited by procrastination; and, as far as may be practicable, we ought to place

that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt, which must ultimately endanger all governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate and of the House of Representatives:

The mint of the United States has entered upon the coinage of the precious metals, and considerable sums of defective coins and bullion have been lodged with the director, by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unseasonable to announce that my policy, in our foreign transactions, has been to cultivate peace with all the world; to observe treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of nations to spread his holy protection over these United States; to turn the machinations of the wicked to the confirming of our constitution; to enable us, at all times, to root out internal sedition, and put invasion to flight; to perpetuate to our country that prosperity, which his goodness has already conferred; and to verify the anticipations of this government being a safeguard to human rights.

GEO. WASHINGTON.

UNITED STATES, November 19, 1794.

On Saturday, November 22, 1794, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

SIR:

We receive with pleasure your speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilant and paternal concern for the prosperity, honor, and happiness of our country, which has uniformly distinguished your past administration.

Our anxiety arising from the licentious and open resistance to the laws in the western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the government—proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government; and which, by inspiring delusive hopes of support, have been influential in misleading our fellow-citizens in the scene of insurrection.

In a situation so delicate and important, the lenient and persuasive measures which you adopted, merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism and animating zeal with which the citizens of New Jersey, Pennsylvania, Maryland, and Virginia, have rallied around the standard of Government, in opposition to anarchy and insurrection.

Our warm and cordial acknowledgments are due to you, sir, for the wisdom and decision with which you arrayed the militia to execute the public will; and to them, for the disinterestedness and alacrity with which they obeyed your summons.

The example is precious to the theory of our Government, and confers the brightest honor upon the patriots who have given it.

We shall readily concur in such farther provisions for the security of internal peace and a due obedience to the laws, as the occasion manifestly requires.

The effectual organization of the militia, and a prudent attention to the fortifications of our ports and harbors, are subjects of great national importance, and, together with the other measures you have been pleased to recommend, will receive our deliberate consideration.

The success of the troops under the command of General Wayne, cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant general and army, is enhanced by the hope that their victories will lay the foundation of a just and durable peace with the Indian tribes.

At a period so momentous in the affairs of nations, the temperate, just, and firm policy that you have pursued, in respect to foreign Powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks.

JOHN ADAMS.

Vice President of the United States and President of the Senate.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

Among the occasions which have been afforded for expressing my sense of the zealous and steadfast co-operation of the Senate, in the maintenance of government, none has yet occurred more forcibly demanding my unqualified acknowledgments than the present.

Next to the consciousness of upright intentions, it is the highest pleasure to be approved by the enlightened representatives of a free nation. With the satisfaction, therefore, which arises from an unalterable attachment to public order, do I learn that the Senate discountenances those proceedings which would arrogate the direction of our affairs without any degree of authority derived from the People.

It has been more than once the lot of our Government to be thrown into new and delicate situations; and of these, the insurrection has not been the least important. Having been compelled, at length, to lay aside my repugnance to resort to arms, I derive much happiness from being confirmed by your judgment in the necessity of decisive measures, and from the support of my fellow-citizens of the militia, who were the patriotic instruments of that necessity.

With such demonstrations of affection for our constitution; with an adequate organization of the militia; with the establishment of the necessary fortifications; with a continuance of those judicious and spirited exertions which have brought victory to our western army; with a due attention to public credit; and an unsullied honor towards all nations; we may meet, under every assurance of success, our enemies from within and from without.

GEO. WASHINGTON.

On Saturday, November 29, 1794, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The House of Representatives, calling to mind the blessings enjoyed by the People of the United States, and especially the happiness of living under constitutions and laws which rest on their authority alone, could not learn, with other emotions than those you have expressed, that any part of our fellow-citizens should have shewn themselves capable of an insurrection. And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made,

and so far credited, as to foment the flagrant outrage which has been committed on the laws. We feel, with you, the deepest regret at so painful an occurrence in the annals of our country. As men regardful of the tender interests of humanity, we look with grief at scenes which might have stained our land with civil blood. As lovers of public order, we lament that it has suffered so flagrant a violation. As zealous friends of republican government, we deplore every occasion which, in the hands of its enemies, may be turned into a calumny against it.

This aspect of the crisis, however, is happily not the only one which it presents. There is another, which yields all the consolations which you have drawn from it. It has demonstrated to the candid world, as well as to the American People themselves, that the great body of them, every where, are equally attached to the luminous and vital principle of our constitution, which enjoins that the will of the majority shall prevail; that they understand the indissoluble union between true liberty and regular Government; that they feel their duties no less than they are watchful over their rights; that they will be as ready, at all times, to crush licentiousness, as they have been to defeat usurpation; in a word, that they are capable of carrying into execution that noble plan of self-government which they have chosen, as the guarantee of their own happiness, and the asylum for that of all, from every clime, who may wish to unite their destiny with ours.

These are the just inferences flowing from the promptitude with which the summons to the standard of the laws has been obeyed, and from the sentiments which have been witnessed, in every description of citizens, in every quarter of the Union. The spectacle, therefore, when viewed in its true light, may well be affirmed to display, in equal lustre, the virtues of the American character, and the value of republican government. All must particularly acknowledge and applaud the patriotism of that portion of citizens who have freely sacrificed every thing less dear than the love of their country to the meritorious task of defending its happiness.

In the part which you have yourself borne through this delicate and distressing period, we trace the additional proofs it has afforded of your solicitude for the public good. Your laudable and successful endeavors to render lenity in executing the laws conducive to their real energy, and to convert tumult into order, without the effusion of blood, form a particular title to the confidence and praise of your constituents. In all that may be found necessary, on our part, to complete this benevolent purpose, and to secure the ministers and friends of the laws against the remains of danger, our due co-operation will be afforded.

The other subjects which you have recommended, or communicated, and of which several are peculiarly interesting, will all receive the attention which they demand. We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advance and success of the army under the command of General Wayne, whether we regard it as a proof of the perseverance, prowess, and superiority, of our troops, or as a happy presage to our military operations against the hostile Indians, and as a probable prelude to the establishment of a lasting peace, upon terms of candor, equity, and good neighborhood. We receive it with the greater pleasure, as it increases the probability of sooner restoring a part of the public resources to the desirable object of reducing the public debt.

We shall, on this, as on all occasions, be disposed to adopt any measure which may advance the safety and prosperity of our country. In nothing can we more cordially unite with you, than in imploring the Supreme Ruler of nations to multiply his blessings on these United States; to guard our free and happy constitution against every machination and danger; and to make it the best source of public happiness, by verifying its character of being the best safeguard of human rights.

To which the PRESIDENT OF THE UNITED STATES made the following reply :

GENTLEMEN:

I anticipated, with confidence, the concurrence of the House of Representatives in the regret produced by the insurrection. Every effort ought to be used to discountenance what has contributed to foment it, and thus discourage a repetition of like attempts: for, notwithstanding the consolations which may be drawn from the issue of this event, it is far better that the artful approaches to such a situation of things should be checked by the vigilant and duly admonished patriotism of our fellow-citizens, than that the evil should increase until it becomes necessary to crush it by the strength of their arm.

I am happy, that the part which I have myself borne on this occasion receives the approbation of your House. For the discharge of a constitutional duty, it is a sufficient reward to me to be assured that you will unite in consummating what remains to be done.

I feel, also, great satisfaction in learning that the other subjects which I have communicated or recommended, will meet with due attention; that you are deeply impressed with the importance of an effectual organization of the militia; and that the advance and success of the army under the command of General Wayne is regarded by you, no less than myself, as a proof of the perseverance, prowess, and superiority, of our troops.

GEO. WASHINGTON.

4th CONGRESS.]

No. 9.

[1st SESSION.]

SPEECH OF PRESIDENT WASHINGTON,

DELIVERED ON TUESDAY, DECEMBER 8, 1795.

Fellow-citizens of the Senate

and of the House of Representatives:

I trust I do not deceive myself, while I indulge the persuasion that I have never met you at any period, when, more than at the present, the situation of our public affairs has afforded just cause for mutual congratulation, and for inviting you to join with me in profound gratitude to the author of all good for the numerous and extraordinary blessings we enjoy.

The termination of the long, expensive, and distressing war in which we have been engaged with certain Indians northwest of the Ohio, is placed in the option of the United States, by a treaty which the commander of our army has concluded provisionally with the hostile tribes in that region. In the adjustment of the terms, the satisfaction of the Indians was deemed an object worthy no less of the policy than of the liberality of the United States, as the necessary basis of durable tranquillity. This object, it is believed, has been fully attained. The articles agreed upon will immediately be laid before the Senate, for their consideration.

The Creek and Cherokee Indians, who, alone, of the southern tribes, had annoyed our frontier, have lately confirmed their pre-existing treaties with us, and were giving evidence of a sincere disposition to carry them into effect, by the surrender of the prisoners and property they had taken. But we have to lament, that the fair prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting parties of the Creeks, which have again subjected that frontier to disquietude and danger; which will be productive of further expense, and may occasion more effusion of blood. Measures are pur-

suings to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding, at least to avert general hostility.

A letter from the Emperor of Morocco announces to me his recognition of our treaty made with his father, the late Emperor, and, consequently, the continuance of peace with that Power. With peculiar satisfaction I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of a treaty with the Dey and Regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace, and the restoration of our unfortunate fellow-citizens from a grievous captivity.

The latest advices from our envoy at the court of Madrid, give, moreover, the pleasing information that he had received assurances of a speedy and satisfactory conclusion of his negotiation. While the event, depending upon unadjusted particulars, cannot be regarded as ascertained, it is agreeable to cherish the expectation of an issue, which, securing amicably very essential interests of the United States, will, at the same time, lay the foundation of lasting harmony with a Power whose friendship we have uniformly and sincerely desired to cultivate.

Though not before officially disclosed to the House of Representatives, you, gentlemen, are all apprised that a treaty of amity, commerce, and navigation, has been negotiated with Great Britain, and that the Senate have advised and consented to its ratification, upon a condition which excepts part of one article. Agreeably thereto, and to the best judgment I was able to form of the public interest, after full and mature deliberation, I have added my sanction. The result on the part of His Britannic Majesty is unknown. When received, the subject will, without delay, be placed before Congress.

This interesting summary of our affairs, with regard to the foreign Powers between whom and the United States controversies have subsisted; and with regard, also, to those of our Indian neighbors with whom we have been in a state of enmity or misunderstanding; opens a wide field for consoling and gratifying reflections. If, by prudence and moderation on every side, the extinguishment of all the causes of external discord, which have heretofore menaced our tranquillity, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing, the prosperity of our country!

Contemplating the internal situation, as well as the external relations, of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has embittered other sufferings, while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burthens, which press upon all the departments of industry, and threaten to clog the future springs of Government; our favored country, happy in a striking contrast, has enjoyed general tranquillity—a tranquillity the more satisfactory, because maintained at the expense of no duty. Faithful to ourselves, we have violated no obligation to others. Our agriculture, commerce, and manufactures, prosper beyond former example; the molestations of our trade (to prevent a continuance of which, however, very pointed remonstrances have been made,) being overbalanced by the aggregate benefits which it derives from a neutral position. Our population advances with a celerity which, exceeding the most sanguine calculations, proportionally augments our strength and resources, and guarantees our future security. Every part of the Union displays indications of rapid and various improvement; and, with burthens so light as scarcely to be perceived; with resources fully adequate to our present exigencies; with governments founded on the genuine principles of rational liberty; and with mild and wholesome laws; is it too much to say, that our country exhibits a spectacle of national happiness, never surpassed, if ever before equalled?

Placed in a situation every way so auspicious, motives of commanding force impel us, with sincere acknowledgment to Heaven, and pure love to our country, to unite our efforts to preserve, prolong, and improve, our immense advantages. To co-operate with you in this desirable work, is a fervent and favorite wish of my heart.

It is a valuable ingredient in the general estimate of our welfare, that the part of our country which was lately the scene of disorder and insurrection, now enjoys the blessings of quiet and order. The misled have abandoned their errors, and pay the respect to our constitution and laws which is due from good citizens to the public authorities of the society. These circumstances have induced me to pardon, generally, the offenders here referred to, and to extend forgiveness to those who had been adjudged to capital punishment: for, though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good, than it is with my personal feelings, to mingle in the operations of government every degree of moderation and tenderness which the national justice, dignity, and safety, may permit.

GENTLEMEN:

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still further to change, the relative situation of our frontiers. In this review you will doubtless allow due weight to the considerations, that the questions between us and certain foreign Powers are not yet finally adjusted; that the war in Europe is not yet terminated; and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present military force will be laid before you by the Department of War.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed, till the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorizes, it is necessary that we should not lose sight of an important truth, which continually receives new confirmations, namely, that the provisions heretofore made with a view to the protection of the Indians from the violences of the lawless part of our frontier inhabitants, are insufficient. It is demonstrated that these violences can now be perpetrated with impunity. And it can need no argument to prove that, unless the murdering of Indians can be restrained, by bringing the murderers to condign punishment, all the exertions of the Government to prevent destructive retaliations by the Indians, will prove fruitless, and all our present agreeable prospects illusory. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and an enormous expense to drain the Treasury of the Union.

To enforce upon the Indians the observance of justice, it is indispensable that there shall be competent means of rendering justice to them. If these means can be devised by the wisdom of Congress, and especially if there can be added an adequate provision for supplying the necessities of the Indians, on reasonable terms, (a measure, the mention of which I the more readily repeat, as, in all the conferences with them, they urge it with solicitude,) I should not hesitate to entertain a strong hope of rendering our tranquillity permanent. I add, with pleasure, that the probability even of their civilization is not diminished by the experiments which have been thus far made under the auspices of Government. The accomplishment of this work, if practicable, will reflect undecaying lustre on our national character, and administer the most grateful consolations that virtuous minds can know.

Gentlemen of the House of Representatives:

The state of our revenue, with the sums which have been borrowed and reimbursed, pursuant to different acts of Congress, will be submitted from the proper department, together with an estimate of the appropriations necessary to be made for the service of the ensuing year.

Whether measures may not be advisable to reinforce the provision for the redemption of the public debt will naturally engage your examination. Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt, accords as much with the true interest of our country as with the general sense of our constituents.

Gentlemen of the Senate and House of Representatives:

The statements which will be laid before you relative to the mint, will show the situation of that institution, and the necessity of some further legislative provisions for carrying the business of it more completely into effect, and for checking abuses which appear to be arising in particular quarters.

The progress in providing materials for the frigates, and in building them; the state of the fortifications of our harbors; the measures which have been pursued for obtaining proper sites for arsenals, and for replenishing our magazines with military stores; and the steps which have been taken towards the execution of the law for opening a trade with the Indians, will likewise be presented for the information of Congress.

Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance where there is a difference of opinion, are too obvious and necessary for the peace, happiness, and welfare, of our country, to need any recommendation of mine.

GEO. WASHINGTON.

UNITED STATES, December 8, 1795.

On Saturday, December 12, 1795, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

SIR: It is with peculiar satisfaction that we are informed by your speech to the two Houses of Congress, that the long and expensive war in which we have been engaged with the Indians northwest of the Ohio is in a situation to be finally terminated; and though we view with concern the danger of an interruption of the peace so recently confirmed with the Creeks, we indulge the hope that the measures that you have adopted to prevent the same, if followed by those legislative provisions that justice and humanity equally demand, will succeed in laying the foundation of a lasting peace with the Indian tribes on the southern as well as on the western frontiers.

The confirmation of our treaty with Morocco, and the adjustment of a treaty of peace with Algiers, in consequence of which our captive fellow-citizens shall be delivered from slavery, are events that will prove no less interesting to the public humanity, than they will be important in extending and securing the navigation and commerce of our country.

As a just and equitable conclusion of our depending negotiations with Spain will essentially advance the interest of both nations, and thereby cherish and confirm the good understanding and friendship which we have at all times desired to maintain, it will afford us real pleasure to receive an early confirmation of our expectations on this subject.

The interesting prospect of our affairs, with regard to the foreign Powers between whom and the United States controversies have subsisted, is not more satisfactory than the review of our internal situation. If from the former we derive an expectation of the extinguishment of all the causes of external discord that have heretofore endangered our tranquillity, and on terms consistent with our national honor and safety, in the latter we discover those numerous and wide spread tokens of prosperity, which, in so peculiar a manner, distinguish our happy country.

Circumstances thus every way auspicious, demand our gratitude and sincere acknowledgments to Almighty God, and require that we should unite our efforts in imitation of your enlightened, firm, and persevering example, to establish and preserve the peace, freedom, and prosperity, of our country.

The objects which you have recommended to the notice of the Legislature, will, in the course of the session, receive our careful attention; and, with a true zeal for the public welfare, we shall cheerfully co-operate in every measure that shall appear to us best calculated to promote the same.

JOHN ADAMS,

Vice President of the United States and President of the Senate.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

With real pleasure I receive your address, recognizing the prosperous situation of our public affairs, and giving assurances of your careful attention to the objects demanding legislative consideration; and that, with a true zeal for the public welfare, you will cheerfully co-operate in every measure which shall appear to you best calculated to promote the same.

But I derive peculiar satisfaction from your concurrence with me in the expressions of gratitude to Almighty God, which a review of the auspicious circumstances that distinguish our happy country have excited; and I trust that the sincerity of our acknowledgments will be evidenced by a union of efforts to establish and preserve its peace, freedom, and prosperity.

GEO. WASHINGTON.

On Thursday, December 17, 1795, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

As the Representatives of the People of the United States, we cannot but participate in the strongest sensibility to every blessing which they enjoy, and cheerfully join with you in profound gratitude to the author of all good, for the numerous and extraordinary blessings which he has conferred on our favored country.

A final and formal termination of the distressing war which has ravaged our northwestern frontier, will be an event which must afford a satisfaction proportionate to the anxiety with which it has long been sought; and in the adjustment of the terms, we perceive the true policy of making them satisfactory to the Indians as well as to the United States, as the best basis of a durable tranquillity. The disposition of such of the southern tribes as had, also, heretofore annoyed our frontier, is another prospect in our situation, so important to the interest and happiness of the United States, that it is much to be lamented that any clouds should be thrown over it, more especially by excesses on the part of our own citizens.

While our population is advancing with a celerity which exceeds the most sanguine calculations; while every part of the United States displays indications of rapid and various improvement; while we are in the enjoyment of protection and security, by mild and wholesome laws, administered by governments founded on the genuine principles of rational liberty; a secure foundation will be laid for accelerating, maturing, and establishing, the prosperity of our country, if, by treaty and amicable negotiation, all those causes of external discord which heretofore menaced our tranquillity, shall be extinguished, on terms compatible with our national rights and honor, and with our constitution and great commercial interests.

Among the various circumstances in our internal situation, none can be viewed with more satisfaction and exultation, than that the late scene of disorder and insurrection has been completely restored to the enjoyment of order and repose. Such a triumph of reason and of law is worthy of the free government under which it happened, and was justly to be hoped from the enlightened and patriotic spirit which pervades and actuates the People of the United States.

In contemplating that spectacle of national happiness which our country exhibits, and of which you, sir, have been pleased to make an interesting summary, permit us to acknowledge and declare the very great share which your

zealous and faithful services have contributed to it, and to express the affectionate attachment which we feel for your character.

The several interesting subjects which you recommend to our consideration, will receive every degree of attention which is due to them. And whilst we feel the obligation to temperance and mutual indulgence in all our discussions, we trust and pray that the result to the happiness and welfare of our country may correspond with the pure affection we bear to it.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

Coming, as you do, from all parts of the United States, I receive great satisfaction from the concurrence of your testimony in the justness of the interesting summary of our national happiness, which, as the result of my inquiries, I presented to your view. The sentiments we have mutually expressed, of profound gratitude to the source of those numerous blessings, the author of all good, are pledges of our obligations to unite our sincere and zealous endeavors, as the instruments of Divine Providence, to preserve and perpetuate them.

Accept, gentlemen, my thanks for your declaration, that to my agency you ascribe the enjoyment of a great share of these benefits. So far as my services contribute to the happiness of my country, the acknowledgment thereof by my fellow citizens, and their affectionate attachment, will ever prove an abundant reward.

GEO. WASHINGTON.

4th CONGRESS.]

No. 10.

[2d Session.]

SPEECH OF PRESIDENT WASHINGTON.

DELIVERED ON WEDNESDAY, DECEMBER 7, 1796.

*Fellow-citizens of the Senate
and of the House of Representatives:*

In recurring to the internal situation of our country, since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe, which a continued series of prosperity has so often and so justly called forth.

The acts of the last session, which required special arrangements, have been, as far as circumstances would admit, carried into operation.

Measures calculated to ensure a continuance of the friendship of the Indians, and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard, on the one hand, our advanced settlements from the predatory incursions of those unruly individuals who cannot be restrained by their tribes; and on the other hand to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state; and inspire them with correct conceptions of the power as well as justice of the Government.

The meeting of the deputies from the Creek nation at Colerain, in the State of Georgia, which had for a principal object the purchase of a parcel of their land by that State, broke up without its being accomplished—the nation having, previous to their departure, instructed them against making any sale; the occasion however, has been improved, to confirm, by a new treaty with the Creeks, their pre-existing engagements with the United States, and to obtain their consent to the establishment of trading houses and military posts within their boundary; by means of which, their friendship, and the general peace, may be more effectually secured.

The period during the late session at which the appropriation was passed for carrying into effect the treaty of amity, commerce, and navigation, between the United States and his Britannic Majesty, necessarily procrastinated the reception of the posts stipulated to be delivered, beyond the date assigned for that event. As soon however, as the Governor General of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation, and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, where such repairs and additions have been ordered to be made, as appeared indispensable.

The Commissioners appointed on the part of the United States and of Great Britain, to determine which is the river St. Croix, mentioned in the treaty of peace of 1783, agreed in the choice of Egbert Benson, Esq. of New York, for the third commissioner. The whole met at St. Andrew's, in Passamaquoddy Bay, in the beginning of October, and directed surveys to be made of the rivers in dispute; but, deeming it impracticable to have these surveys completed before the next year, they adjourned, to meet at Boston, in August, 1797, for the final decision of the question.

Other commissioners, appointed on the part of the United States, agreeably to the seventh article of the treaty with Great Britain, relative to captures and condemnation of vessels and other property, met the commissioners of his Britannic Majesty, in London, in August last, when John Trumbull, Esq. was chosen by lot, for the fifth commissioner. In October following, the Board were to proceed to business. As yet, there has been no communication of commissioners on the part of Great Britain, to unite with those who have been appointed on the part of the United States, for carrying into effect the sixth article of the treaty.

The treaty with Spain required that the commissioners for running the boundary line between the territory of the United States and his Catholic Majesty's provinces of East and West Florida should meet at the Natchez before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez on the twenty-fifth day of April; and the troops of his Catholic Majesty occupying any posts within the limits of the United States, were, within the same period, to be withdrawn. The commissioner of the United States, therefore, commenced his journey for the Natchez in September; and troops were ordered to occupy the posts from which the Spanish garrisons should be withdrawn. Information has been recently received of the appointment of a commissioner on the part of his Catholic Majesty, for running the boundary line; but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain, and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the Minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments, arising out of the European war, the final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers, will, in all present appearance, be crowned with success; but under great, though inevitable disadvantages, in the pecuniary transactions, occasioned by that war, which will

render a further provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation. Measures are in operation for effecting treaties with the Regencies of Tunis and Tripoli.

To an active external commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a State is itself a party. But besides this, it is in our own experience, that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag, requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent Powers from committing such violations of the rights of the neutral party, as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved.

These considerations invite the United States to look to the means, and to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favor the undertaking. It is an encouragement, likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be advisable to begin, without delay, to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work, by degrees, in proportion as our resources shall render it practicable without inconvenience; so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to ensure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on public account are inexpedient; but where the state of things in a country leaves little hope that certain branches of manufactures will, for a great length of time, obtain; when these are of a nature essential to the furnishing and equipping of the public force, in time of war; are not establishments for procuring them on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy, as an exception to the general rule? Ought our country to remain in such cases dependent on foreign supply, precarious, because liable to be interrupted? If the necessary article should, in this mode, cost more in time of peace, will not the security and independence thence arising, form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigencies of the Government, and may even perhaps be made to yield a surplus for the supply of our citizens at large, so as to mitigate the privations from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already or likely soon to be established in the country; in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it, grow up, supported by the public purse: and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of Boards, composed of proper characters, charged with collecting and diffusing information, and enabled, by premiums and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results every where of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown, that they are very cheap instruments of immense national benefits.

I have heretofore proposed to the consideration of Congress, the expediency of establishing a national university, and also a military academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity of once for all recalling your attention to them.

The assembly to which I address myself, is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation. True it is, that our country, much to its honor, contains many seminaries of learning, highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge, for the institution contemplated, though they would be excellent auxiliaries.

Amongst the motives to such an institution, the assimilation of the principles, opinions, and manners, of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be, the education of our youth in the science of government. In a republic, what species of knowledge can be equally important? and what duty more pressing on its legislature, than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety, or expose it to greater evils when war could not be avoided. Besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince, that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of it, in its most improved and perfect state, is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose an academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

The compensations to the officers of the United States, in various instances, and in none more than in respect to the most important stations, appear to call for legislative revision. The consequences of a defective provision are of serious import to the Government. If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is to be made, and will proportionally diminish the probability of a choice of men able as well as upright. Besides, that it would be repugnant to the vital principles of our Government, virtually to exclude from public trusts, talents and virtue, unless accompanied by wealth.

While, in our external relations, some serious inconveniences and embarrassments have been overcome, and others lessened, it is with much pain and deep regret I mention, that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered, and is suffering, extensive injuries in the West Indies, from the cruisers and agents of the French republic; and communications have been received from its minister here, which indicate the danger of a further disturbance of our commerce by its authority; and which are, in other respects, far from agreeable.

It has been my constant, sincere, and earnest wish, in conformity with that of our nation, to maintain cordial harmony and a perfectly friendly understanding with that republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it, to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation, that a spirit of justice, candor, and friendship, on the part of the republic, will eventually ensure success.

In pursuing this course, however, I cannot forget what is due to the character of our government and nation; or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude, of my countrymen. I reserve for a special message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations, necessary for the service of the ensuing year, to be submitted from the proper department; with a view of the public receipts and expenditures to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you, that the revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our public debt was mentioned in my address at the opening of the last session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present. I will only add, that it will afford me a heartfelt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret, if, from any motive, intervals of tranquillity are left unimproved for accelerating this valuable end.

Gentlemen of the Senate and of the House of Representatives:

My solicitude to see the militia of the United States placed on an efficient establishment, has been so often and so ardently expressed, that I shall but barely recall the subject to your view on the present occasion; at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured?

The situation in which I now stand, for the last time, in the midst of the Representatives of the People of the United States, naturally recalls the period when the administration of the present form of government commenced; and I cannot omit the occasion to congratulate you, and my country, on the success of the experiment; nor to repeat my fervent supplications to the Supreme Ruler of the universe and Sovereign Arbitrer of nations, that his providential care may still be extended to the United States; that the virtue and happiness of the People may be preserved; and that the government which they have instituted for the protection of their liberties may be perpetual.

GEO. WASHINGTON.

UNITED STATES, December 7, 1796.

On Monday, December 12, 1796, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

We thank you, sir, for your faithful and detailed exposure of the existing situation of our country; and we sincerely join in sentiments of gratitude to an overruling Providence for the distinguished share of public prosperity and private happiness which the People of the United States so peculiarly enjoy.

We are fully sensible of the advantages that have resulted from the adoption of measures (which you have successfully carried into effect) to preserve peace, cultivate friendship, and promote civilization, amongst the Indian tribes on the western frontiers: feelings of humanity, and the most solid political interests, equally encourage the continuance of this system.

We observe, with pleasure, that the delivery of the military posts, lately occupied by the British forces, within the territory of the United States, was made with cordiality and promptitude, as soon as circumstances would admit; and that the other provisions of our treaties with Great Britain and Spain, that were objects of eventual arrangement, are about being carried into effect, with entire harmony and good faith.

The unfortunate but unavoidable difficulties that opposed a timely compliance with the terms of the Algerine treaty, are much to be lamented; as they may occasion a temporary suspension of the advantages to be derived from a solid peace with that Power, and a perfect security from its predatory warfare; at the same time, the lively impressions that affected the public mind on the redemption of our captive fellow-citizens, afford the most laudable incentive to our exertions to remove the remaining obstacles.

We perfectly coincide with you in opinion, that the importance of our commerce demands a naval force for its protection against foreign insult and depredation, and our solicitude to attain that object will be always proportionate to its magnitude.

The necessity of accelerating the establishment of certain useful manufactures, by the intervention of legislative aid and protection, and the encouragement due to agriculture by the creation of Boards, (composed of intelligent individuals) to patronize this primary pursuit of society, are subjects which will readily engage our most serious attention.

A national university may be converted to the most useful purposes: the science of legislation being so essentially dependent on the endowments of the mind, the public interests must receive effectual aid from the general diffusion of knowledge; and the United States will assume a more dignified station among the nations of the earth, by the successful cultivation of the higher branches of literature.

A military academy may be likewise rendered equally important. To aid and direct the physical force of the nation, by cherishing a military spirit, enforcing a proper sense of discipline, and inculcating a scientific system of tactics, is consonant to the soundest maxims of public policy. Connected with, and supported by, such an establishment, a well regulated militia, constituting the natural defence of the country, would prove the most effectual, as well as economical, preservative of peace.

We cannot but consider, with serious apprehensions, the inadequate compensations of the public officers, especially of those in the more important stations. It is not only a violation of the spirit of a public contract, but is an evil so extensive in its operation, and so destructive in its consequences, that we trust it will receive the most pointed legislative attention.

We sincerely lament, that, whilst the conduct of the United States has been uniformly impressed with the character of equity, moderation, and love of peace, in the maintenance of all their foreign relationships, our trade should be so harassed by the cruisers and agents of the republic of France, throughout the extensive departments of the West Indies.

Whilst we are confident that no cause of complaint exists that could authorize an interruption of our tranquillity, or disengage that republic from the bonds of amity, cemented by the faith of treaties, we cannot but express our deepest regrets that official communications have been made to you, indicating a more serious disturbance of our commerce. Although we cherish the expectation that a sense of justice, and a consideration of our mutual interests, will moderate their councils, we are not unmindful of the situation in which events may place us, nor unprepared to adopt that system of conduct, which, compatible with the dignity of a respectable nation, necessity may compel us to pursue.

We cordially acquiesce in the reflection, that the United States, under the operation of the Federal Government, have experienced a most rapid aggrandizement and prosperity, as well political as commercial.

Whilst contemplating the causes that produce this auspicious result, we must acknowledge the excellence of the constitutional system, and the wisdom of the legislative provisions; but we should be deficient in gratitude and justice, did we not attribute a great portion of these advantages to the virtue, firmness, and talents, of your administration; which have been conspicuously displayed in the most trying times, and on the most critical occasions. It is, therefore, with the sincerest regret that we now receive an official notification of your intentions to retire from the public employments of your country.

When we review the various scenes of your public life, so long and so successfully devoted to the most arduous services, civil and military, as well during the struggles of the American Revolution, as the convulsive periods of a recent date, we cannot look forward to your retirement without our warmest affections and most anxious regards accompanying you, and without mingling with our fellow-citizens at large in the sincerest wishes for your personal happiness that sensibility and attachment can express.

The most effectual consolation that can offer for the loss we are about to sustain, arises from the animating reflection that the influence of your example will extend to your successors, and the United States thus continue to enjoy an able, upright, and energetic administration.

JOHN ADAMS,

Vice President of the United States and President of the Senate.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

It affords me great satisfaction to find in your address a concurrence in sentiment with me on the various topics which I presented for your information and deliberation; and that the latter will receive from you an attention proportioned to their respective importance.

For the notice you take of my public services, civil and military, and your kind wishes for my personal happiness, I beg you to accept my cordial thanks. Those services, and greater, had I possessed ability to render them, were due to the unanimous calls of my country; and its approbation is my abundant reward.

When contemplating the period of my retirement, I saw virtuous and enlightened men, among whom I relied on the discernment and patriotism of my fellow-citizens to make the proper choice of a successor—men who would require no influential example to ensure to the United States “an able, upright, and energetic administration.” To such men I shall cheerfully yield the palm of genius and talents to serve our common country; but, at the same time, I hope I may be indulged in expressing the consoling reflection, (which consciousness suggests,) and to bear it with me to my grave, that none can serve it with purer intentions than I have done, or with a more disinterested zeal.

GEO. WASHINGTON.

On Friday, December 16, 1796, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject and a sense of duty can inspire.

We are gratified by the information that measures calculated to ensure a continuance of the friendship of the Indians, and to maintain the tranquillity of the western frontier, have been adopted; and we indulge the hope that these, by impressing the Indian tribes with more correct conceptions of the justice as well as power of the United States, will be attended with success.

While we notice, with satisfaction, the steps that you have taken, in pursuance of the late treaties with several foreign nations, the liberation of our citizens who were prisoners at Algiers is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate; and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French republic has occurred: for we feel, with you, and with our constituents, the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavors to fulfil that wish, and by all honorable means to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between the French republic and the United States, cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect, and fortitude, of our countrymen, we cherish the pleasing hope, that a mutual spirit of justice and moderation will ensure the success of your perseverance.

The various subjects of your communication will respectively meet with the attention that is due to their importance.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the present period with that immediately antecedent to the operation of the Government, and to contrast it with the calamities in which the state of war still involves several of the European nations; as the reflections deduced from both tend to justify as well as to excite a warmer admiration of our free constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God, for the beneficence of his providence by which its administration has been hitherto so remarkably distinguished.

And while we entertain a grateful conviction, that your wise, firm, and patriotic administration, has been signally conducive to the success of the present form of government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass, without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the Revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted, reluctantly, a second time, the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your administration. As the grateful confidence of the citizens in the virtues of their Chief Magistrate, has essentially contributed to that success, we persuade ourselves that the millions whom we represent participate with us in the anxious solicitude of the present occasion.

Yet we cannot be unmindful, that your moderation and magnanimity, twice displayed, by retiring from your exalted stations, afford examples no less rare and instructive to mankind than valuable to a republic.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success, and public estimation; yet we conceive we owe it to you, sir, and still more emphatically to ourselves and to our nation, (of the language of whose hearts we presume to think ourselves, at this moment, the faithful interpreters,) to express the sentiments with which it is contemplated.

The spectacle of a free and enlightened nation offering, by its Representatives, the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre (a lustre which accident or enthusiasm could not bestow, and which adulation would tarnish,) from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear. May your own virtues, and a nation's prayers, obtain the happiest sunshine for the decline of your days, and the choicest of future blessings. For our country's sake; for the sake of republican liberty; it is our earnest wish that your example may be the guide of your successors; and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

GENTLEMEN:

To a citizen whose views were unambitious; who preferred the shade and tranquillity of private life to the splendor and solicitude of elevated stations; and whom the voice of duty and his country could alone have drawn from his chosen retreat; no reward for his public services can be so grateful as public approbation, accompanied by a consciousness, that, to render those services useful to that country, has been his single aim. And when this approbation is expressed by the Representatives of a free and enlightened nation, the reward will admit of no addition. Receive, gentlemen, my sincere and affectionate thanks for this signal testimony that my services have been acceptable and useful to my country. The strong confidence of my fellow-citizens, while it animated all my actions, ensured their zealous co-operation, which rendered those services successful. The virtue and wisdom of my successors, joined with the patriotism and intelligence of the citizens who compose the other branches of Government, I firmly trust will lead them to the adoption of measures, which, by the beneficence of Providence, will give stability to our system of government, add to its success, and secure to ourselves and to posterity that liberty which is to all of us so dear.

While I acknowledge with pleasure the sincere and uniform disposition of the House of Representatives to preserve our neutral relations inviolate, and with them deeply regret any degree of interruption of our good understanding with the French republic, I beg you, gentlemen, to rest assured, that my endeavors will be earnest and unceasing, by all honorable means, to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between our two nations; and, with you, I cherish the pleasing hope, that a mutual spirit of justice and moderation will crown those endeavors with success.

I shall cheerfully concur in the beneficial measures which your deliberations shall mature on the various subjects demanding your attention. And, while directing your labors to advance the real interests of our country, you receive its blessings, with perfect sincerity my individual wishes will be offered for your present and future felicity.

GEO. WASHINGTON.

No. 11.

FAREWELL ADDRESS OF PRESIDENT WASHINGTON

TO THE PEOPLE OF THE UNITED STATES.

Friends and Fellow-citizens:

The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism; the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the People of these States, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and the adoption, of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop: but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings

of a parting friend, who can possibly have no personal motive to bias his counsel: nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Intervenor as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so: for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken, in your minds, the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national union to your collective, and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess, are the work of joint councils, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest: here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow, and its commerce expand. Turning, partly into its own channels, the seamen of the *North*, it finds its particular navigation invigorated: and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communication, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and what is, perhaps, of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign Power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parties combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger; a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which oppose foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations: *Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the General Government, and in the Atlantic States, unfriendly to their interests in regard to the *Mississippi*: they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliance, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the People to make and to alter their constitutions of government: but, the constitution which at any time exists, till changed by an explicit, an authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws; all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp, for themselves, the reins of government; destroying, afterwards, the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you speedily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find, in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you, the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual, and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties, in free countries, are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and, in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments ancient and modern: some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers, be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation: for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both, forbid us to expect that national morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense, but remembering also that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that, towards the payment of debts, there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects, (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things,

the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions; obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace, often, sometimes, perhaps, the liberty of nations has been the victim.

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions: by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld: and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gliding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites, and enables us to pursue, a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it: for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with Powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that 'tis folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet with being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. 'Tis all illusion, which experience must cure—which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent Powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest, for observing that conduct, will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions; and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart; and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

UNITED STATES, 17th September, 1796.

5th CONGRESS.]

No. 12.

INAUGURAL SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON SATURDAY, THE 4TH OF MARCH, 1797.

WHEN it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims; men of reflection were less apprehensive of danger, from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions, which would certainly arise, concerning the forms of government to be instituted, over the whole, and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the People, under an over-ruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the People, during the Revolutionary war, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The Confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared, with their melancholy consequences—universal languor; jealousies; rivalries of States; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit of foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrections; threatening some great national calamity.

In this dangerous crisis the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad, during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage in common with my fellow-citizens, in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it, on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State Legislatures, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it, for ten years. I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends; and, from an habitual attention to it, satisfaction in its administration, and delight in its effects, upon the peace, order, prosperity, and happiness, of the nation, I have acquired an habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea, that congregations of men into cities and nations, are the most pleasing objects in the sight of superior intelligences; but this is very certain, that, to a benevolent human mind, there can be no spectacle presented by any nation, more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress: of a government, in which the Executive authority, as well as that of all the branches of the Legislature, are exercised by citizens, selected at regular periods by their neighbors, to make and execute laws for the general good. Can any thing essential, any thing more than mere ornament and decoration, be added to this by robes or diamonds? Can authority be more amiable or respectable, when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For, it is the People only that are represented: it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours, for any length of time, is a full proof of a general dissemi-

nation of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party, through artifice or corruption, the government may be the choice of a party, for its own ends—not of the nation, for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces; by fraud or violence; by terror, intrigue, or venality; the government may not be the choice of the American People, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves. And candid men will acknowledge, that, in such cases, choice would have little advantage to boast of, over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the People of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years; under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude—conducting a people, inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity—has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing; and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives a bulwark, against all open or secret enemies of his country's peace.

This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the Legislatures and the People, throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but, as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that, if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the People, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual States, and a constant caution and delicacy towards the State Governments; if an equal and impartial regard to the rights, interests, honor, and happiness, of all the States in the Union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on unessential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronise every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people—not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith, with all nations, and that system of neutrality and impartiality among the belligerent Powers of Europe, which has been adopted by this Government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved—an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow citizens, by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may consider what further measures the honor and interest of the Government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times, and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honor, spirit, and resources of the American People, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age; and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service;—can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor, that this sagacious injunction of the two Houses shall not be without effect.

With this great example before me; with the sense and spirit, the faith and honor, the duty and interest of the same American People pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being, who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its Government, and give it all possible success and duration, consistent with the ends of his Providence.

JOHN ADAMS.

5th Congress.]

No. 13.

[1st Session.]

SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED ON TUESDAY, MAY 16, 1797.

*Gentlemen of the Senate,**and Gentlemen of the House of Representatives:*

The personal inconveniences to the members of the Senate and of the House of Representatives, in leaving their families and private affairs, at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe, whose animosities have endangered our tranquillity; but we have still abundant cause of gratitude to the Supreme Dispenser of national blessings, for general health and promising seasons; for domestic and social happiness; for the rapid progress and ample acquisitions of industry, through extensive territories; for civil, political, and religious liberty. While other States are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights; neither envying the advantages, nor fearing the power of other nations; solicitous only for the maintenance of order and justice, and the preservation of liberty; increasing daily in their attachment to a system of government, in proportion to their experience of its utility; yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation, the affections of the People.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But, if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences, with all the skill we possess, and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be expedient or necessary, according to my constitutional duty, the causes and the objects of the present extraordinary session will be explained.

After the President of the United States received information that the French Government had expressed serious discontents at some proceedings of the Government of these States, said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontents and suspicions of the French Government, and vindicate the conduct of the United States. For this purpose he selected from among his fellow citizens, a character, whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French Republic; being "to maintain that good understanding which, from the commencement of the alliance, had subsisted between the two nations; and to efface unfavorable impressions, banish suspicions, and restore that cordiality, which was at once the evidence and pledge of a friendly union;" and his instructions were to the same effect, "faithfully to represent the disposition of the Government and People of the United States, (their disposition being one) to remove jealousies and obviate complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired; and to explain the relative interests of both countries, and the real sentiments of his own."

A minister thus specially commissioned, it was expected would have proved the instrument of restoring mutual confidence between the two republics. The first step of the French Government corresponded with that expectation.

A few days before his arrival at Paris, the French minister of foreign relations informed the American minister then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor, preparatory to his reception. These formalities they observed; and on the ninth of December, presented, officially, to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence: these were laid before the Executive Directory. Two days afterwards, the minister of foreign relations informed the recalled American minister that the Executive Directory had determined not to receive another minister plenipotentiary from the United States, until after the redress of grievances demanded of the American Government, and which the French republic had a right to expect from it. The American minister immediately endeavored to ascertain, whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic; and verbal answers were given that such was the intention of the Directory. For his own justification, he desired a written answer, but obtained none until towards the last of January; when receiving notice, in writing, to quit the territories of the republic, he proceeded to Amsterdam, where he proposed to wait for instructions from this Government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police; but, with becoming firmness, he insisted on the protection of the law of nations, due to him as the known minister of a foreign Power. You will derive further information from his despatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences, and as they can treat only by Ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister, is then the denial of a right; but the refusal to receive him until we have acceded to their demands, without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign State.

With this conduct of the French Government, it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union; and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests, from those of their fellow citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France, and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority; fitted to be the miserable instruments of foreign influence; and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten: they have inflicted a wound in the American breast; it is my sincere desire, however, that it may be healed. It is my desire, and in this I presume I concur with you and our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. If we

have done injuries, we shall be willing, on conviction, to redress them: and equal measures of justice we have a right to expect from France and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country; nevertheless there is reason to believe, that the Executive Directory passed a decree, on the second of March last, contravening, in part, the treaty of amity and commerce of one thousand seven hundred and seventy-eight, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources of the nation. With a sea-coast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to these objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders: to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of the vessels by which these abuses have been practised. As the sufferings of our mercantile and seafaring citizens cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of Government.

A naval power, next to the militia, is the natural defence of the United States. The experience of the last war would be sufficient to show, that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one State to another, which were then practised. Our sea-coasts, from their great extent, are more easily annoyed and more easily defended by a naval force than any other. With all the materials, our country abounds; in skill, our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage, and the danger from pirates, appeared to render the permission proper; yet the restriction has originated solely from a wish to prevent collisions with the Powers at war, contravening the act of Congress of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence, while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them from committing acts of hostility against the Powers at war. In addition to this voluntary provision for defence, by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped, in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress, to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention, that some of our citizens resident abroad, have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoiliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well known promptitude, ardor, and courage of the people in defence of their country, happily diminish the probability of invasion; nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal seaports demands your consideration: and as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general defence ought not to be increased, by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in time of universal peace, ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defence of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it, if we can; yet, to effect this separation, early, punctual, and continual, information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them: it is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparation against them. However we may consider ourselves, the maritime and commercial Powers of the world will consider the United States of America as forming a weight in that balance of power in Europe, which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral, to consult with other nations, engaged in the same studies and pursuits at the same time; that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed.

Gentlemen of the House of Representatives:

It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them, as exigencies shall be found to require. The preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expenses, will, of course, call for your serious attention. Although the imposition of new burthens cannot be, in itself, agreeable, yet there is no ground to doubt that the American People will expect from you such measures as their actual engagements, their present security, and future interests, demand.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

The present situation of our country imposes an obligation on all the departments of Government, to adopt an explicit and decided conduct. In my situation, an exposition of the principles by which my administration will be governed, ought not to be omitted.

It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the Government and People of the United States. To investigate the causes which have encouraged the attempt, is not necessary; but to repel, by decided and united councils, insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted, whether the People of the United States will support the Government established by their voluntary consent, and appointed by their free choice; or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country; devoted the best part of my life to obtain and support its independence; and constantly witnessed the patriotism, fidelity, and perseverance of my fellow citizens, on the most trying occasions, it is not for me to hesitate, or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the Government has been just and impartial to foreign nations; that those internal regulations which have been established by law for the preservation of peace, are, in their nature, proper, and that they have been fairly executed; nothing will ever be done by me to impair the national engagements; to innovate upon principles which have been so deliberately and uprightly established; or to surrender, in any manner, the rights of the Government. To enable me to maintain this declaration, I rely with entire confidence, under God, on the firm and enlightened support of the National Legislature, and upon the virtue and patriotism of my fellow citizens.

JOHN ADAMS.

On Wednesday, May 24, 1797, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, delivered to him the following

ADDRESS:

SIR:

The Senate of the United States request you to accept their acknowledgments for the comprehensive and interesting detail you have given, in your speech to both Houses of Congress, on the existing state of the Union.

While we regret the necessity of the present meeting of the Legislature, we wish to express our entire approbation of your conduct in convening it on this momentous occasion.

The superintendence of our national faith, honor, and dignity, being in a great measure constitutionally deposited with the Executive, we observe, with singular satisfaction, the vigilance, firmness, and promptitude, exhibited by you, in this critical state of our public affairs, and from thence derive an evidence and pledge of the rectitude and integrity of your administration. And we are sensible it is an object of primary importance, that each branch of the government should adopt a language and system of conduct, which shall be cool, just, and dispassionate; but firm, explicit, and decided.

We are equally desirous, with you, to preserve peace and friendship with all nations, and are happy to be informed, that neither the honor or interests of the United States forbid advances for securing those desirable objects, by amicable negotiation with the French republic. This method of adjusting national differences is not only the most mild but the most rational and humane, and, with governments disposed to be just, can seldom fail of success, when fairly, candidly, and sincerely, used. If we have committed errors, and can be made sensible of them, we agree with you in opinion that we ought to correct them, and compensate the injuries which may have been consequent thereon; and we trust the French republic will be actuated by the same just and benevolent principles of national policy.

We do, therefore, most sincerely approve of your determination to promote and accelerate an accommodation of our existing differences with that republic, by negotiation, on terms compatible with the rights, duties, interests, and honor, of our nation. And you may rest assured of our most cordial co-operation, so far as it may become necessary, in this pursuit.

Peace and harmony with all nations is our sincere wish; but, such being the lot of humanity, that nations will not always reciprocate peaceable dispositions, it is our firm belief, that effectual measures of defence will tend to inspire that national self-respect and confidence at home, which is the unfailing source of respectability abroad, to check aggression, and prevent war.

While we are endeavoring to adjust our differences with the French republic, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, prove to us your vigilant care, in recommending to our attention effectual measures of defence.

Those which you recommend, whether they relate to external defence, by permitting our citizens to arm for the purpose of repelling aggressions on their commercial rights, and by providing sea convoys; or to internal defence, by increasing the establishments of artillery and cavalry, by forming a provisional army, by revising the militia laws, and fortifying, more completely, our ports and harbors; will meet our consideration, under the influence of the same just regard for the security, interest, and honor, of our country, which dictated your recommendation.

Practices so unnatural and iniquitous, as those you state, of our own citizens converting their property and personal exertions into the means of annoying our trade, and injuring their fellow-citizens, deserve legal severity commensurate with their turpitude.

Although the Senate believe that the prosperity and happiness of our country does not depend on general and extensive political connexions with European nations, yet we can never lose sight of the propriety as well as necessity of enabling the Executive, by sufficient and liberal supplies, to maintain, and even extend, our foreign intercourse, as exigencies may require, reposing full confidence in the Executive, in whom the Constitution has placed the powers of negotiation.

We learn, with sincere concern, that attempts are in operation to alienate the affections of our fellow-citizens from their Government. Attempts so wicked, wherever they exist, cannot fail to excite our utmost abhorrence. A government chosen by the People for their own safety and happiness, and calculated to secure both, cannot lose their affections, so long as its administration pursues the principles upon which it was erected. And your resolution to observe a conduct just and impartial to all nations; a sacred regard to our national engagements; and not to impair the rights of our Government; contains principles which cannot fail to secure to your administration the support of the National Legislature, to render abortive every attempt to excite dangerous jealousies among us, and to convince the world that our Government, and your administration of it, cannot be separated from the affectionate support of every good citizen. And the Senate cannot suffer the present occasion to pass, without thus publicly and solemnly expressing their attachment to the constitution and Government of their country; and as they hold themselves responsible to their constituents, their consciences, and their God, it is their determination, by all their exertions, to repel every attempt to alienate the affections of the People from the Government, so highly injurious to the honor, safety, and independence, of the United States.

We are happy, since our sentiments on the subject are in perfect unison with yours, in this public manner to declare, that we believe the conduct of the Government has been just and impartial to foreign nations, and that those internal regulations which have been established for the preservation of peace, are in their nature proper, and have been fairly executed.

And we are equally happy in possessing an entire confidence in your abilities and exertions in your station to maintain untarnished the honor, preserve the peace, and support the independence of our country; to acquire and establish which, in connexion with your fellow-citizens, has been the virtuous effort of a principal part of your life.

To aid you in these arduous and honorable exertions, as it is our duty, so it shall be our faithful endeavor. And we flatter ourselves, sir, that the proceedings of the present session of Congress will manifest to the world, that, although the United States love peace, they will be independent. That they are sincere in their declarations to be just to the French, and all other nations, and expect the same in return.

If a sense of justice, a love of moderation and peace, shall influence their councils, which we sincerely hope, we shall have just grounds to expect peace and amity between the United States and all nations will be preserved.

But if we are so unfortunate as to experience injuries from any foreign Power, and the ordinary methods by which differences are amicably adjusted between nations shall be rejected, the determination "not to surrender in any manner the rights of the Government" being so inseparably connected with the dignity, interest, and independence of our country, shall by us be steadily and inviolably supported.

THOMAS JEFFERSON.

Vice President of the United States and President of the Senate.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Mr. Vice President, and Gentlemen of the Senate:

It would be an affection in me to disseminate the pleasure I feel on receiving this kind address.

My long experience of the wisdom, fortitude, and patriotism, of the Senate of the United States, enhances in my estimation the value of those obliging expressions of your approbation of my conduct, which are a generous reward for the past, and an affecting encouragement to constancy and perseverance in future.

Our sentiments appear to be so entirely in union, that I cannot but believe them to be the rational result of the understandings and the natural feelings of the hearts of Americans in general, on contemplating the present state of the nation.

While such principles and affections prevail, they will form an indissoluble bond of union, and a sure pledge that our country has no essential injury to apprehend from any portentous appearances abroad. In a humble reliance on Divine Providence, we may rest assured, that, while we reiterate with sincerity our endeavors to accommodate all our differences with France, the independence of our country cannot be diminished, its dignity degraded, or its glory tarnished, by any nation or combination of nations, whether friends or enemies.

JOHN ADAMS.

On Saturday, June 3, 1797, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

The interesting details of those events which have rendered the convention of Congress at this time indispensable, (communicated in your speech to both Houses) have excited in us the strongest emotions. Whilst we regret the occasion, we cannot omit to testify our approbation of the measure, and pledge ourselves that no considerations of private inconvenience shall prevent, on our part, a faithful discharge of the duties to which we are called.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars, or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity, to which the impartial conduct of our Government has entitled us; and it is now with extreme regret, we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country.

Upon this occasion we feel it our duty to express, in the most explicit manner, the sensations which the present crisis has excited; and to assure you of our zealous co-operation in those measures which may appear necessary for our security or peace.

Although it is the earnest wish of our hearts that peace may be maintained with the French republic, and with all the world, yet we never will surrender those rights which belong to us as a nation. And whilst we view, with satisfaction, the wisdom, dignity, and moderation, which have marked the measures of the supreme Executive of our country, in its attempt to remove, by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its minister. No attempts to wound our rights as a sovereign State will escape the notice of our constituents: they will be felt with indignation, and repelled with that decision which shall convince the world that we are not a degraded people; that we can never submit to the demands of a foreign Power without examination and without discussion.

Knowing as we do the confidence reposed by the People of the United States in their Government, we cannot hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents. An attempt to separate the People of the United States from their Government, is an attempt to separate them from themselves; and although foreigners, who know not the genius of our country, may have conceived the project, and foreign emissaries may attempt the execution, yet the united efforts of our fellow-citizens will convince the world of its impracticability.

Sensibly as we feel the wound which has been inflicted by the transactions disclosed in your communications, yet we think with you, that neither the honor nor the interest of the United States forbid the repetition of advances for preserving peace. We therefore receive, with the utmost satisfaction, your information that a fresh attempt at negotiation will be instituted, and we cherish the hope, that a mutual spirit of conciliation, and a disposition on the part of France to compensate for any injuries which may have been committed upon our neutral rights; and on the part of the United States to place France on grounds similar to those of other countries, in their relation and connexion with us, (if any inequalities shall be found to exist) will produce an accommodation compatible with the engagements, rights, duties, and honor, of the United States. Fully, however, impressed with the uncertainty of the result, we shall prepare to meet, with fortitude, any unfavorable events which may occur, and to extricate ourselves from their consequences, with all the skill we possess, and all the efforts in our power. Believing, with you, that the conduct of the Government has been just and impartial to foreign nations; that the laws for the preservation of peace have been proper, and that they have been fairly executed, the Representatives of the People do not hesitate to declare, that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands; and we trust, that, by the decided and explicit conduct which will govern our deliberations, every insinuation will be repelled which is derogatory to the honor and independence of our country.

Permit us, in offering this address, to express our satisfaction at your promotion to the first office in the Government, and our entire confidence that the pre-eminent talents and patriotism which have placed you in this distinguished situation, will enable you to discharge its various duties with satisfaction to yourself and advantage to our common country.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Mr. Speaker, and Gentlemen of the House of Representatives:

I receive, with great satisfaction, your candid approbation of the convention of Congress; and I thank you for your assurances that the interesting subjects recommended to your consideration, shall receive the attention which their importance demands; and that your co-operation may be expected in those measures which may appear necessary for our security or peace.

The declarations of the Representatives of this nation, of their satisfaction at my promotion to the first office in this Government, and of their confidence in my sincere endeavors to discharge the various duties of it with advantage to our common country, have excited my most grateful sensibility.

I pray you, gentlemen, to believe, and to communicate such assurance to our constituents, that no event, which I can foresee to be attainable by any exertions in the discharge of my duties, can afford me so much cordial satisfaction, as to conduct a negotiation with the French republic to a removal of prejudices, a correction of errors, a dissipation of umbrages, an accommodation of all differences, and a restoration of harmony and affection, to the mutual satisfaction of both nations. And whenever the legitimate organs of intercourse shall be restored, and the real sentiments of the two Governments can be candidly communicated to each other, although strongly impressed with the necessity of collecting ourselves into a manly posture of defence, I nevertheless entertain an encouraging confidence that a mutual spirit of conciliation, a disposition to compensate injuries, and accommodate each other in all our relations and connexions, will produce an agreement to a treaty, consistent with the engagements, rights, duties, and honor, of both nations.

JOHN ADAMS.

5th CONGRESS.]

No. 14.

[2d SESSION.]

SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED ON THURSDAY, NOVEMBER 23, 1797.

*Gentlemen of the Senate,
and Gentlemen of the House of Representatives:*

I was for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the National Legislature at some other place. This measure it was desirable to avoid, because it would occasion much public inconvenience, and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens; therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination: having hopes, now happily realized, that, without hazard to the lives or health of the members, Congress might assemble at this place, where it was next by law to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution, upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea; we have, nevertheless, abundant cause of gratitude to the Source of Benevolence and Influence, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements; and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our envoys extraordinary to the French republic embarked, one in July, the other early in August, to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journeys to Paris, within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will have been omitted, on my part, to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interests, of the United States. Nothing, in the mean time, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity, of which, on many former occasions, the People of the United States have given such memorable proofs; and the exertion of those resources for national defence, which a beneficent Providence has kindly placed within their power.

It may be confidently asserted that nothing has occurred, since the adjournment of Congress, which renders inexpedient those precautionary measures recommended by me to the consideration of the two Houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is, or is not, to continue, I hold it most certain, that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force; while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation that a commerce without protection or defence will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits, of the People, are highly commercial; their cities have been formed and exist upon commerce; our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it. In short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the People in poverty and distress. Great numbers are directly and solely supported by navigation; the faith of society is pledged for the preservation of the rights of commercial and sea-faring, no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty, if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with his Catholic Majesty, respecting the withdrawing of his troops from our territory, and the demarcation of the line of limits; but by the latest authentic intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced; these circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts, and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connexion with this unpleasant state of things on our Western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted by these persons, who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation, to form them into a confederacy, and prepare them for war against the United States. Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that, to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law, providing adequate punishment for such offences may be necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, to ascertain the river which was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, met at Passamaquoddy bay, in October, one thousand seven hundred and ninety-six, and viewed the mouths of the rivers in question, and the adjacent shores and islands; and being of opinion, that actual surveys of both rivers, to their sources, were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August. They met; but the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned, to meet at Providence, in the State of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty met at Philadelphia in May last, to examine the claims of British subjects for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations; but the business is now resumed, and doubtless will be prosecuted without interruption.

Several decisions on the claims of citizens of the United States for losses and damages, sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London, conformably to the seventh article of the treaty. The sums awarded by the commissioners have

been paid by the British Government; a considerable number of other claims, where costs and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia, in the summer past, to examine and decide on the claims of our citizens for losses they have sustained, in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between Spain and France. Their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners, acting under the sixth article of the treaty with Great Britain, and for the losses and damages sustained by British subjects, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners, acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French republic, and of some by those of Spain, have occasioned considerable expenses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have, in divers instances, been disbursed by the consuls of the United States. By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence, and the sick, in particular, have been exposed to grievous sufferings. The consuls have, in these cases, also advanced moneys for their relief: for these advances they reasonably expect reimbursements from the United States.

The consular act, relative to seamen, requires revision and amendment; the provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual. Another provision seems necessary to be added to the consular act; some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers; it seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea letters.

Gentlemen of the House of Representatives:

It is my duty to recommend to your serious consideration those objects, which, by the constitution, are placed particularly within your sphere—the national debt and taxes.

Since the decay of the feudal system, by which the public defence was provided for, chiefly at the expense of individuals, the system of loans has been introduced; and as no nation can raise within the year, by taxes, sufficient sums for its defence and military operations in time of war, the sums loaned and debts contracted have necessarily become the subjects, of what have been called funding systems. The consequences arising from the continual accumulation of public debts in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for, as well as the support of government; but both should be accomplished, as much as possible, by immediate taxes, and as little as possible by loans.

The estimates for the service of the ensuing year will, by my direction, be laid before you.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

We are met together at a most interesting period. The situations of the principal Powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there, can be indifferent to us. Such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures, on which the honor, safety, and prosperity, of our country depend, than for all the exertions of wisdom and firmness.

In all such measures, you may rely on my zealous and hearty concurrence.

JOHN ADAMS.

On Tuesday, November 28, 1797, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the *President pro tempore*, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

The communications you thought proper to make in your speech to both Houses of Congress, on the opening of their present session, afford additional proofs of the attention, integrity, and firmness, which have always marked your official character.

We cannot but approve of the measures you had taken to ascertain the state and decline of the contagious sickness, which has so lately afflicted the city of Philadelphia; and the pleasing circumstance that Congress is now assembled at that place, without hazard to the health of its members, evinces the propriety of your having postponed a determination to convene the National Legislature at another place. We shall take into consideration the law of 1794, on this subject, and will readily concur in any amendment which may be deemed expedient.

It would have given us much pleasure to have received your congratulations on the re-establishment of peace in Europe, and the restoration of security to the persons and property of our citizens from injustice and violence at sea. But, though these events, so desirable to our country and the world, have not taken place, yet, we have abundant cause of gratitude to the Great Disposer of human events, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvement; and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty against all open and secret attacks.

We learn, with satisfaction, that our envoys extraordinary to the French Republic had safely arrived in Europe, and were proceeding to the scene of negotiation; and, whatever may be the result of the mission, we are perfectly satisfied that nothing on your part has been omitted, which could, in any way, conduce to a successful conclusion of the negotiation, upon terms compatible with the safety, honor, and interest, of the United States; and we are fully convinced that, in the mean time, a manifestation of that unanimity and energy of which the People of the United States have given such memorable proofs, and a proper exertion of those resources of national defence, which we possess, will essentially contribute to the preservation of peace and the attainment of justice.

We think, sir, with you, that the commerce of the United States is essential to the growth, comfort, and prosperity, of our country; and that the faith of society is pledged for the preservation of the rights of commercial and sea-faring, no less than of other citizens. And even if our negotiation with France should terminate favorably, and the war in Europe cease, yet the state of society, which unhappily prevails in so great a portion of the world, and the experience of past times, under better circumstances, unite in warning us that a commerce so extensive, and which holds out so many temptations to lawless plunderers, can never be safe without protection; and we hold ourselves obliged, by every tie of duty which binds us to our constituents, to promote and concur in such measures of marine defence, as may convince our merchants and seamen that their rights are not sacrificed, nor their injuries forgotten.

We regret, that, notwithstanding the clear and explicit terms of the treaty between the United States and his Catholic Majesty, the Spanish garrisons are not yet withdrawn from our territory, nor the running of the boundary line commenced. The United States have been faithful in the performance of their obligations to Spain, and had reason to expect a compliance equally prompt on the part of that Power. We still, however, indulge the hope that the convincing answers, which have been given to the objections stated by the Spanish officers, to the immediate execution of the treaty, will have their proper effect; and that this treaty, so mutually beneficial to the contracting

parties, will be finally observed with good faith. We therefore entirely approve of your determination to continue in readiness to receive the posts, and to run the line of partition between our territory and that of the King of Spain.

Attempts to alienate the affections of the Indians; to form them into a confederacy, and to excite them to actual hostility against the United States; whether made by foreign agents, or by others, are so injurious to our interests at large, and so inhuman with respect to our citizens inhabiting the adjacent territory, as to deserve the most exemplary punishment; and we will cheerfully afford our aid in framing a law, which may prescribe a punishment adequate to the commission of crimes so heinous.

The several objects you have pointed out to the attention of the Legislature, whether they regard our internal or external relations, shall receive from us that consideration which they merit; and we will readily concur in all such measures as may be necessary, either to enable us to fulfil our engagements at home, or to cause ourselves to be respected abroad. And, at this portentous period, when the Powers of Europe, with whom we are connected by treaty or commerce, are in so critical a situation, and when the conduct of some of those Powers towards the United States is so hostile and menacing, the several branches of the Government are, in our opinion, called upon, with peculiar importunity, to unite, and, by union, not only to devise and carry into effect those measures on which the safety and prosperity of our country depend, but also to undeceive those nations who, regarding us as a weak and divided people, have pursued systems of aggression inconsistent with a state of peace between independent nations. And, sir, we beg leave to assure you, that we derive a singular consolation from the reflection that, at such a time, the executive part of our government has been committed to your hands: for, in your integrity, talents, and firmness, we place the most entire confidence.

JACOB READ,
President of the Senate pro tempore.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Gentlemen of the Senate:

I thank you for this address. When, after the most laborious investigation, and serious reflection, without partial considerations, or personal motives, measures have been adopted or recommended, I can receive no higher testimony of their rectitude, than the approbation of an assembly, so independent, patriotic, and enlightened, as the Senate of the United States.

Nothing has afforded me more entire satisfaction, than the coincidence of your judgment with mine, in the opinion of the essential importance of our commerce, and the absolute necessity of a maritime defence. What is it, that has drawn to Europe the superfluous riches of the three other quarters of the globe, but a marine? What is it, that has drained the wealth of Europe itself into the coffers of two or three of its principal commercial Powers, but a marine?

The world has furnished no example of a flourishing commerce, without a maritime protection: and a moderate knowledge of man and his history will convince any one, that no such prodigy ever can arise. A mercantile marine and a military marine must grow up together: one cannot long exist without the other.

JOHN ADAMS.

UNITED STATES, November 28, 1797.

On Wednesday, November 29, 1797, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

SIR:

While our sympathy is excited by the recent sufferings of the citizens of Philadelphia, we participate in the satisfaction which you are pleased to express, that the duration of the late calamity was so limited as to render unnecessary the expense and inconvenience that would have been incident to the convention of Congress in another place; and we shall readily attend to every useful amendment to the law, which contemplates the event of contagious sickness at the seat of Government.

In lamenting the increase of the injuries offered to the persons and property of our citizens at sea, we gratefully acknowledge the continuance of interior tranquillity, and the attendant blessings of which you remind us, as alleviations of these fatal effects of injustice and violence.

Whatever may be the result of the mission to the French republic, your early and uniform attachment to the interest of our country; your important services in the struggle for its independence; and your unceasing exertions for its welfare, afford no room to doubt of the sincerity of your efforts to conduct the negotiation to a successful conclusion, on such terms as may be compatible with the safety, honor, and interest, of the United States. We have also a firm reliance upon the energy and unanimity of the People of these States, in the assertion of their rights, and on their determination to exert, upon all proper occasions, their ample resources in providing for the national defence.

The importance of commerce, and its beneficial influence upon agriculture, arts, and manufactures, have been verified in the growth and prosperity of our country. It is essentially connected with the other great interests of the community. They must flourish and decline together; and while the extension of our navigation and trade naturally excites the jealousy, and tempts the avarice of other nations, we are firmly persuaded, that the numerous and deserving class of citizens engaged in these pursuits, and dependent on them for their subsistence, has a strong and indisputable claim to our support and protection.

The delay of the Spanish officers to fulfil the treaty existing with his Catholic Majesty, is a source of deep regret. We learn, however, with satisfaction, that you still indulge hopes of removing the objections which have been made to its execution, and that you have continued in readiness to receive the posts. Disposed to perform, with fidelity, our national engagements, nothing shall be wanting, on our part, to obtain the same justice from others, which we exercise towards them.

Our abhorrence cannot be too strongly expressed, of the intrigues of foreign agents to alienate the affections of the Indians, and to rouse them to acts of hostility against the United States. No means in our power should be omitted, of providing for the suppression of such cruel practices, and for the adequate punishment of their atrocious authors.

Upon the other interesting subjects noticed in your address, we shall bestow the requisite attention. To preserve inviolable the public faith, by providing for the due execution of our treaties; to indemnify those who may have just claims to retribution upon the United States, for expenses incurred in defending the property and relieving the necessities of our unfortunate fellow-citizens; to guard against evasions of the laws intended to secure advantages to the navigation of our own vessels; and especially to prevent, by all possible means, an unnecessary accumulation of the public debt, are duties which we shall endeavor to keep in view, and discharge with assiduity.

We regard, with great anxiety, the singular and portentous situation of the principal Powers of Europe. It were devoutly to be wished, that the United States, remote from this seat of war and discord; unambitious of conquests; respecting the rights of other nations; and desirous merely to avail themselves of their natural resources, might be permitted to behold the scenes which desolate that quarter of the globe, with only those sympathetic emotions which are natural to the lovers of peace, and friends of the human race. But we are led, by events, to associate with these feelings a sense of the dangers which menace our security and peace. We rely upon your assurances of a zealous and hearty concurrence in such measures as may be necessary to avert these dangers; and nothing on our part shall be wanting to repel them, which the honor, safety, and prosperity, of our country may require.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Gentlemen of the House of Representatives:

I receive this address from the House of Representatives of the United States with peculiar pleasure.

Your approbation of the meeting of Congress in this city, and of those other measures of the Executive authority of Government, communicated in my address to both Houses at the opening of the session, afford me great satisfaction; as the strongest desire of my heart is to give satisfaction to the People and their Representatives by a faithful discharge of my duty.

The confidence you express in the sincerity of my endeavors, and in the unanimity of the People, does me much honor, and gives me great joy.

I rejoice in that harmony which appears in the sentiments of all the branches of the Government, on the importance of our commerce, and our obligations to defend it, as well as in all the other subjects recommended to your consideration; and sincerely congratulate you, and our fellow-citizens at large, on this appearance, so auspicious to the honor, interest, and happiness, of the nation.

JOHN ADAMS.

UNITED STATES, November 29, 1797.

5th CONGRESS.]

No. 15.

[3d SESSION.]

SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED ON SATURDAY, DECEMBER 8, 1798.

Gentlemen of the Senate,

and Gentlemen of the House of Representatives:

While with reverence and resignation we contemplate the dispensations of Divine Providence, in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations that the malady has disappeared, and that we are again permitted to assemble in safety at the seat of Government, for the discharge of our important duties. But, when we reflect that this fatal disorder has, within a few years, made repeated ravages in some of our principal sea ports, and with increased malignancy; and, when we consider the magnitude of the evils arising from the interruption of public and private business, whereby the national interests are deeply affected, I think it my duty to invite the Legislature of the Union to examine the expediency of establishing suitable regulations in aid of the health laws of the respective States: for, these being formed on the idea that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity that Congress, who alone can regulate trade, should frame a system which, while it may tend to preserve the general health, may be compatible with the interests of commerce and the safety of the revenue.

While we think on this calamity, and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being our annual oblations of gratitude for a liberal participation in the ordinary blessings of his providence. To the usual subjects of gratitude, I cannot omit to add one of the first importance to our well being and safety—I mean that spirit which has arisen in our country against the menaces and aggression of a foreign nation. A manly sense of national honor, dignity, and independence, has appeared, which, if encouraged and invigorated by every branch of the Government, will enable us to view, undismayed, the enterprises of any foreign Power, and become the sure foundation of national prosperity and glory.

The course of the transactions in relation to the United States and France, which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken, by the Government of the United States, towards an amicable adjustment of differences with that Power. You will, at the same time, perceive that the French Government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has, in a qualified manner, declared itself willing to receive a minister from the United States, for the purpose of restoring a good understanding. It is unfortunate for professions of this kind, that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess; and that, while France is asserting the existence of a disposition, on her part, to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition, on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation that the decree of the Directory, alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, and cannot give, any relief; it enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation, by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French Government only a Power regardless of their essential rights, of their independence, and sovereignty; and if they possess the means, they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defence; on the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued; and, in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But, in demonstrating by our conduct, that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone ensure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option. But to send another minister, without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must, therefore, be left with France (if she is, indeed, desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy; and, with a sincere disposition, on the part of France, to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France, and the world, that the Executive authority of this country still adheres to the humane and pacific policy, which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government, and of the People of the United States. But, considering the late manifestations of her policy towards foreign nations, I deem it a duty,

deliberately and solemnly to declare my opinion, that, whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty, and ensure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session, are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy, than we have derived from the arming for our maritime protection and defence. We ought, without loss of time, to lay the foundation for an increase of our navy to a size sufficient to guard our coast, and protect our trade. Such a naval force, as it is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence, by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring, at all times, the requisite timber and other supplies. In what manner this shall be done, I leave to your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the National Legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut-Hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi, which terminated the Northernmost part of the thirty-first degree of North latitude. From thence he proceeded to run the boundary line between the United States and Spain. He was afterwards joined by the Spanish commissioner, when the work of the former was confirmed; and they proceeded together to the demarcation of the line. Recent information renders it probable that the Southern Indians, either instigated to oppose the demarcation, or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have, ere this time, stopped the progress of the commissioners. And considering the mischiefs which may result from continuing the demarcation, in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established, probably extend at least as far as the Indian title has been extinguished, it will perhaps become expedient and necessary to suspend further proceedings, by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce, and navigation, between the United States and his Britannic Majesty, to determine what river was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October they made their declaration that a river called Scodiac, which falls into Passamaquoddy Bay at its Northwestern quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes from the westward, and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Scodiac and its northern branch bound the grants of lands which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix, as now settled, and what is usually called the Bay of Fundy, lie a number of valuable islands. The Commissioners have not continued the boundary line through any channel of these islands, and unless the Bay of Passamaquoddy be a part of the Bay of Fundy, this further adjustment of boundary will be necessary: but it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels, which were the subject of the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-fifth article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens, for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between France and Spain.

Various circumstances have concurred to delay the execution of the law for augmenting the military establishment—among these, the desire of obtaining the fullest information to direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle and with effect.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations, which will be necessary for the service of the ensuing year, to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the public resources, from the prosperous state of the finances, notwithstanding the unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow-citizens, and how great a proportion of the public resources depends on their enterprise, you will naturally consider whether their convenience cannot be promoted and reconciled with the security of the revenue, by a revision of the system by which the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country, and the magnitude and novelty of the operation, and enough has been accomplished to assure a fulfilment of the views of the Legislature.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

I cannot close this address without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust that, by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

JOHN ADAMS.

On Wednesday, December 12, 1798, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the President *pro tempore*, delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

The Senate of the United States join you in thanks to Almighty God for the removal of the late afflicting dispensations of his providence, and for the patriotic spirit and general prosperity of our country. Sympathy for the sufferings of our fellow-citizens from disease, and the important interests of the Union, demand of the National Legislature a ready co-operation with the State Governments in the use of such means as seem best calculated to prevent the return of this fatal calamity.

Although we have sincerely wished that an adjustment of our differences with the republic of France might be effected on safe and honorable terms, yet the information you have given us of the ultimate failure of the negotiation has not surprised us. In the general conduct of that republic, we have seen a design of universal influence, incompatible with the self-government, and destructive of the independence, of other States. In its conduct towards these United States, we have seen a plan of hostility pursued with unremitted constancy—equally disregarding the obligations of treaties and the rights of individuals. We have seen two embassies, formed for the purpose of mutual expla-

nations, and clothed with the most extensive and liberal powers, dismissed without recognition and even without a hearing. The Government of France has not only refused to repeal, but has recently enjoined the observance of its former edict, respecting merchandise of British fabric or produce, the property of neutrals, by which the interruption of our lawful commerce, and the spoliation of the property of our citizens, have again received a public sanction. These facts indicate no change of system or disposition; they speak a more intelligible language than professions of solicitude to avoid a rupture, however ardently made. But if, after the repeated proofs we have given of a sincere desire for peace, these professions should be accompanied by insinuations, implicating the integrity with which it has been pursued; if, neglecting and passing by the constitutional and authorized agents of the Government, they are made through the medium of individuals, without public character or authority; and, above all, if they carry with them a claim to prescribe the political qualifications of the minister of the United States to be employed in the negotiation; they are not entitled to attention or consideration, but ought to be regarded as designed to separate the People from their Government, and to bring about by intrigue that which open force could not effect.

We are of opinion with you, sir, that there has nothing yet been discovered in the conduct of France which can justify a relaxation of the means of defence, adopted during the last session of Congress, the happy result of which is so strongly and generally marked. If the force by sea and land, which the existing laws authorize, should be judged inadequate to the public defence, we will perform the indispensable duty of bringing forward such other acts as will effectually call forth the resources and force of our country.

A steady adherence to this wise and manly policy; a proper direction of the noble spirit of patriotism which has arisen in our country, and which ought to be cherished and invigorated by every branch of the Government; will secure our liberty and independence against all open and secret attacks.

We enter on the business of the present session with an anxious solicitude for the public good, and shall bestow that consideration on the several objects pointed out in your communication, which they respectively merit.

Your long and important services; your talents and firmness, so often displayed in the most trying times and most critical situations; afford a sure pledge of a zealous co-operation in every measure necessary to secure us justice and respect.

JOHN LAURANCE,
President of the Senate pro tempore.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

To the Senate of the United States:

GENTLEMEN:

I thank you for this address, so conformable to the spirit of our constitution, and the established character of the Senate of the United States, for wisdom, honor, and virtue.

I have seen no real evidence of any change of system or disposition in the French republic towards the United States. Although the officious interference of individuals, without public character or authority, is not entitled to any credit, yet it deserves to be considered, whether that temerity and impertinence of individuals affecting to interfere in public affairs, between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the People, and separate them from their Government, ought not to be inquired into and corrected.

I thank you, gentlemen, for your assurances that you will bestow that consideration on the several objects pointed out in my communication which they respectively merit.

If I have participated in that understanding, sincerity, and constancy, which have been displayed by my fellow-citizens and countrymen, in the most trying times and critical situations, and fulfilled my duties to them, I am happy. The testimony of the Senate of the United States in my favor, is an high and honorable reward, which receives, as it merits, my grateful acknowledgments. My zealous co-operation in measures necessary to secure us justice and consideration may be always depended on.

December 12, 1798.

JOHN ADAMS.

On Friday, December 14, 1798, the SPEAKER, attended by the members of the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

To JOHN ADAMS, President of the United States:

SIR:

The House of Representatives unite with you in deploring the effects of the desolating malady by which the seat of Government, and other parts of our country, have recently been visited. In calling our attention to the fatality of its repeated ravages, and inviting us to consider the expediency of exercising our constitutional powers in aid of the health laws of the respective States, your recommendation is sanctioned by the dictates of humanity and liberal policy. On this interesting subject, we feel the necessity of adopting every wise expedient for preventing a calamity so distressing to individual sufferers, and so prejudicial to our national commerce.

That our finances are in a prosperous state, notwithstanding the commercial derangements resulting from this calamity and from external embarrassments, is a satisfactory manifestation of the great extent and solidity of the public resources. Connected with this situation of our fiscal concerns, the assurance that the legal provisions for obtaining revenue by direct taxation will fulfil the views of the Legislature, is peculiarly acceptable.

Desirous as we are, that all causes of hostility may be removed by the amicable adjustment of national differences, we learn with satisfaction, that, in pursuance of our treaties with Spain and with Great Britain, advances have been made for definitively settling the controversies relative to the Southern and Northeastern limits of the United States. With similar sentiments have we received your information that the proceedings under commissions authorized by the same treaties, afford, to a respectable portion of our citizens, the prospect of a final decision on their claims for maritime injuries committed by subjects of those Powers.

It would be the theme of mutual felicitation, were we assured of experiencing similar moderation and justice from the French republic, between which and the United States differences have unhappily arisen. But this is denied us by the ultimate failure of the measures which have been taken by this Government towards an amicable adjustment of those differences, and by the various inadmissible pretensions on the part of that nation.

The continuing in force the decree of January last, to which you have more particularly pointed our attention, ought, of itself, to be considered as demonstrative of the real intention of the French Government. That decree proclaims a predatory warfare against the unquestionable rights of neutral commerce, which, with our means of defence, our interest and our honor command us to repel. It, therefore, now becomes the United States to be as determined in resistance, as they have been patient in suffering, and condescending in negotiation.

While those who direct the affairs of France persist in the enforcement of decrees so hostile to our essential rights, their conduct forbids us to confide in any of their professions of amity.

As, therefore, the conduct of France hitherto exhibits nothing which ought to change or relax our measures of defence, the policy of extending and invigorating those measures demands our sedulous attention. The sudden and remarkable advantages which this country has experienced from a small naval armament, sufficiently prove the utility of its establishment. As it respects the guarding of our coast, the protection of our trade, and the facility of safely transporting the means of territorial defence to every part of our maritime frontier, an adequate naval force must be considered as an important object of national policy. Nor do we hesitate to adopt the opinion that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.

In this conjuncture of affairs, while with you we recognize our abundant cause of gratitude to the Supreme Disposer of events for the ordinary blessings of Providence, we regard, as of high national importance, the manifestation, in our country, of a magnanimous spirit of resistance to foreign domination. This spirit merits to be cherished and invigorated by every branch of Government, as the estimable pledge of national prosperity and glory.

Disdaining a reliance on foreign protection; wanting no foreign guarantee of our liberties; resolving to maintain our national independence against every attempt to despoil us of this inestimable treasure; we confide, under Providence, in the patriotism and energies of the People of these United States for defeating the hostile enterprises of any foreign Power.

To adopt, with prudent foresight, such systematical measures as may be expedient for calling forth those energies wherever the national exigencies may require, whether on the ocean, or on our own territory, and to reconcile with the proper security of revenue, the convenience of mercantile enterprise, on which so great a proportion of the public resources depends, are objects of moment which shall be duly regarded in the course of our deliberations.

Fully as we accord with you in the opinion that the United States ought not to submit to the humiliation of sending another minister to France, without previous assurances sufficiently determinate that he will be duly accredited, we have heard, with cordial approbation, the declaration of your purpose steadily to observe those maxims of humane and pacific policy by which the United States have hitherto been governed. While it is left with France to take the requisite steps for accommodation, it is worthy the Chief Magistrate of a free People to make known to the world, that justice, on the part of France, will annihilate every obstacle to the restoration of a friendly intercourse, and that the Executive authority of this country will respect the sacred rights of embassy. At the same time, the wisdom and decision which have characterized your past administration, assure us that no illusory professions will seduce you into any abandonment of the rights which belong to the United States as a free and independent nation.

To which the PRESIDENT OF THE UNITED STATES made the following reply :

To the House of Representatives of the United States of America:

GENTLEMEN:

My sincere acknowledgments are due to the House of Representatives of the United States for this excellent address, so consonant to the character of Representatives of a great and free People. The judgment and feelings of a nation, I believe, were never more truly expressed by their Representatives, than those of our constituents by your decided declaration, that, with our means of defence, our interest and honor command us to repel a predatory warfare against the unquestionable rights of neutral commerce; that it becomes the United States to be as determined in resistance, as they have been patient in suffering, and condescending in negotiation; that, while those who direct the affairs of France persist in the enforcement of decrees so hostile to our essential rights, their conduct forbids us to confide in any of their professions of amity; that an adequate naval force must be considered as an important object of national policy; and that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.

The generous disdain you so coolly and deliberately express, of a reliance on foreign protection, wanting no foreign guarantee of our liberties, resolving to maintain our national independence against every attempt to despoil us of this inestimable treasure, will meet the full approbation of every sound understanding, and exulting applauses from the heart of every faithful American.

I thank you, gentlemen, for your candid approbation of my sentiments on the subject of negotiation, and for the declaration of your opinion that the policy of extending and invigorating our measures of defence, and the adoption, with prudent foresight, of such systematical measures as may be expedient for calling forth the energies of our country, wherever the national exigencies may require, whether on the ocean, or on our own territory, will demand your sedulous attention.

At the same time, I take the liberty to assure you it shall be my vigilant endeavor that no illusory professions shall seduce me into any abandonment of the rights which belong to the United States as a free and independent nation.

JOHN ADAMS.

December 14, 1798.

6th CONGRESS.]

No. 16.

[1st SESSION.]

SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED ON TUESDAY, DECEMBER 3, 1799.

Gentlemen of the Senate,

and Gentlemen of the House of Representatives:

It is with peculiar satisfaction that I meet the Sixth Congress of the United States of America. Coming from all parts of the Union at this critical and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance, from the labors of the people, by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade, to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us impaired; demand of the whole American People sincere thanks to a benevolent Deity for the merciful dispensations of his providence.

But, while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return which has been made for them, by some of the people, in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless all further attempts, by judicial process, to enforce the execution of the law; and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these some have been convicted of misdemeanors, and others, charged with various crimes, remain to be tried.

To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it cannot but happen, that numerous questions respecting the interpretation of the laws and the rights and duties of officers and citizens must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression: by these objects is sufficiently assured under the present organization of the judicial department. I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacific and humane policy which had been invariably professed, and sincerely pursued, by the Executive authority of the United States, when indications were made, on the part of the French republic, of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances, by a nomination of ministers, upon certain conditions, which the honor of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French Government, previous to the departure of our envoys, have been given, through their minister of foreign relations; and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen are sure pledges to their country, that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse with some ports in the island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privateering from those ports has ceased.

In examining the claims of British subjects by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce, and navigation, with Great Britain, a difference of opinion, on points deemed essential, in the interpretation of that article, has arisen between the commissioners appointed by the United States, and the other members of that Board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted, that the execution of an article produced by a mutual spirit of amity and justice should have been thus unavoidably interrupted. It is, however, confidently expected, that the same spirit of amity, and the same sense of justice, in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannic Majesty has directed the commissioners appointed by him, under the 7th article of the treaty, relating to the British captures of American vessels, to withdraw from the Board sitting in London; but with the express declaration of his determination to fulfil, with punctuality and good faith, the engagements which his majesty has contracted by his treaty with the United States; and that they will be instructed to resume their functions whenever the obstacles which impede the progress of the commission at Philadelphia shall be removed. It being, in like manner, my sincere determination, so far as the same depends on me, that, with equal punctuality and good faith, the engagements contracted by the United States, in their treaties with his Britannic Majesty, shall be fulfilled, I shall immediately instruct our minister at London to endeavor to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt, that all difficulties will soon be removed, and that the two Boards will then proceed and bring the business committed to them respectively to a satisfactory conclusion.

The act of Congress relative to the seat of the government of the United States requiring that, on the first Monday of December next, it should be transferred from Philadelphia to the District chosen for its permanent seat, it is proper for me to inform you that the commissioners appointed to provide suitable buildings for the accommodation of Congress, and of the President, and of the public offices of the Government, have made a report of the state of the buildings designed for those purposes in the City of Washington; from which they conclude, that the removal of the seat of government to that place, at the time required, will be practicable, and the accommodation satisfactory. Their report will be laid before you.

Gentlemen of the House of Representatives:

I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period in which a great portion of the civilized world has been involved in a war unusually calamitous and destructive, it was not to be expected that the United States could be exempted from extraordinary burthens. Although the period is not arrived when the measures adopted to secure our country against foreign attacks can be renounced, yet it is alike necessary to the honor of the Government and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure; the examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

At a period like the present, when momentous changes are occurring, and every hour is preparing new and great events in the political world; when a spirit of war is prevalent in almost every nation, with whose affairs the interests of the United States have any connexion; unsafe and precarious would be our situation, were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but, however it may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obvious dictate of wisdom: for, remotely as we are placed from the belligerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, nothing short of the power of repelling aggressions, will secure to our country a rational prospect of escaping the calamities of war, or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me, as to render the People of the United States prosperous and happy. I rely, with entire confidence, on your co-operation in objects equally your care; and that our mutual labors will serve to increase and confirm union among our fellow-citizens, and an unshaken attachment to our Government.

JOHN ADAMS.

UNITED STATES, December 3d, 1799.

On Tuesday, December 10, 1799, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the President *pro tempore*, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, sir, the respectful acknowledgments of the Senate of the United States for your speech delivered to both Houses of Congress at the opening of the present session.

While we devoutly join you in offering our thanks to Almighty God for the return of health to our cities, and for the general prosperity of the country, we cannot refrain from lamenting that the arts and calumnies of factious, designing men have excited open rebellion a second time in Pennsylvania, and thereby compelled the employment of a military force to aid the civil authority in the execution of the laws. We rejoice that your vigilance, energy, and well-timed exertions, have crushed so daring an opposition, and prevented the spreading of such treasonable combinations. The promptitude and zeal displayed by the troops called to suppress this insurrection deserve our highest commendation and praise, and afford a pleasing proof of the spirit and alacrity with which our fellow-citizens are ready to maintain the authority of our excellent Government.

Knowing, as we do, that the United States are sincerely anxious for a fair and liberal execution of the treaty of amity, commerce, and navigation, entered into with Great Britain, we learn, with regret, that the progress of adjustment has been interrupted by a difference of opinion among the commissioners. We hope, however, that the justice, the moderation, and the obvious interests of both parties will lead to satisfactory explanations, and that the business will then go forward to an amicable close of all differences and demands between the two countries. We

are fully persuaded that the Legislature of the United States will cheerfully enable you to realize your assurances of performing, on our part, all engagements under our treaties with punctuality, and the most scrupulous good faith.

When we reflect upon the uncertainty of the result of the late mission to France; and upon the uncommon nature, extent, and aspect, of the war now raging in Europe; which affects materially our relations with the Powers at war, and which has changed the condition of their colonies in our neighborhood: we are of opinion, with you, that it would be neither wise nor safe to relax our measures of defence, or to lessen any of our preparations to repel aggression.

Our inquiries and attention shall be carefully directed to the various other important subjects which you have recommended to our consideration; and from our experience of your past administration, we anticipate, with the highest confidence, your strenuous co-operation in all measures which have a tendency to promote and extend our national interests and happiness.

SAMUEL LIVERMORE,
President of the Senate pro tempore.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Gentlemen of the Senate:

I thank you for this address. I wish you all possible success and satisfaction in your deliberations on the means which have a tendency to promote and extend our national interests and happiness; and I assure you that, in all your measures directed to those great objects, you may, at all times, rely with the highest confidence on my cordial co-operation.

The praise of the Senate, so judiciously conferred on the promptitude and zeal of the troops called to suppress the insurrection, as it falls from so high authority, must make a deep impression—both as a terror to the disobedient, and an encouragement of such as do well.

JOHN ADAMS.

UNITED STATES, Dec. 10, 1799.

On Tuesday, December 10, 1799, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

To the President of the United States:

SIR:

While the House of Representatives contemplate the flattering prospects of abundance from the labors of the people by land and by sea; the prosperity of our extended commerce, notwithstanding the interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade, to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of Government, are continued to us unimpaired; we cannot fail to offer up to a benevolent Deity our sincere thanks for these, the merciful dispensations of his protecting providence.

That any portion of the People of America should permit themselves, amid such numerous blessings, to be seduced by the arts and misrepresentations of designing men, into an open resistance of a law of the United States, cannot be heard without deep and serious regret. Under a constitution where the public burthens can only be imposed by the People themselves, for their own benefit, and to promote their own objects, a hope might well have been indulged that the general interest would have been too well understood, and the general welfare too highly prized, to have produced, in any of our citizens, a disposition to hazard so much felicity, by the criminal effort of a part to oppose, with lawless violence, the will of the whole. While we lament that depravity which could produce a defiance of the civil authority, and render indispensable the aid of the military force of the nation, real consolation is to be derived from the promptness and fidelity with which that aid was afforded. That zealous and active co-operation with the judicial power, of the volunteers and militia called into service, which has restored order and submission to the laws, is a pleasing evidence of the attachment of our fellow-citizens to their own free Government, and of the truly patriotic alacrity with which they will support it.

To give due effect to the civil administration of Government, and to ensure a just execution of the laws, are objects of such real magnitude as to secure a proper attention to your recommendation of a revision and amendment of the judiciary system.

Highly approving, as we do, the pacific and humane policy which has been invariably professed, and sincerely pursued by the Executive authority of the United States—a policy which our best interests enjoined, and of which honor has permitted the observance—we consider as the most unequivocal proof of your inflexible perseverance in the same well chosen system, your preparation to meet the first indications on the part of the French republic, of a disposition to accommodate the existing differences between the two countries, by a nomination of ministers on certain conditions, which the honor of our country unquestionably dictated, and which its moderation had certainly given it a right to prescribe. When the assurances thus required of the French Government, previous to the departure of our envoys, had been given through their minister of foreign relations, the direction that they should proceed on their mission was, on your part, a completion of the measure, and manifests the sincerity with which it was commenced. We offer up our fervent prayers to the Supreme Ruler of the Universe for the success of their embassy, and that it may be productive of peace and happiness to our common country. The uniform tenor of your conduct through a life useful to your fellow-citizens and honorable to yourself, gives a sure pledge of the sincerity with which the avowed objects of the negotiation will be pursued on your part, and we earnestly pray that similar dispositions may be displayed on the part of France. The differences which unfortunately subsist between the two nations cannot fail, in that event, to be happily terminated. To produce this end, to all so desirable, firmness, moderation, and union at home, constitute, we are persuaded, the surest means. The character of the gentlemen you have deputed, and still more the character of the Government which deposes them, are safe pledges to your country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

We learn, with pleasure, that our citizens, with their property, trading to those ports of St. Domingo with which commercial intercourse has been renewed, have been duly respected, and that privateering from those ports has ceased.

With you, we sincerely regret that the execution of the sixth article of the treaty of amity, commerce, and navigation, with Great Britain—an article produced by a mutual spirit of amity and justice—should have been unavoidably interrupted. We doubt not that the same spirit of amity, and the same sense of justice in which it originated, will lead to satisfactory explanations; and we hear with approbation that our minister at London will be immediately instructed to obtain them. While the engagements which America has contracted by her treaty with Great Britain ought to be fulfilled with that scrupulous punctuality and good faith to which our Government has ever so tenaciously adhered; yet no motive exists to induce, and every principle forbids us to adopt, a construction which might extend them beyond the instrument by which they are created. We cherish the hope that the Government of Great Britain will disclaim such extension, and by cordially uniting with that of the United States for the removal of all difficulties, will soon enable the Boards, appointed under the sixth and seventh articles of our treaty with that nation, to proceed, and bring the business committed to them, respectively, to a satisfactory conclusion.

The buildings for the accommodation of Congress, and of the President, and for the public offices of the Government, at its permanent seat, being in such a state as to admit of a removal to that District by the time prescribed by the act of Congress, no obstacle, it is presumed, will exist to a compliance with the law.

With you, sir, we deem the present period critical and momentous. The important changes which are occurring; the new and great events which are every hour preparing in the political world; the spirit of war which is

prevalent in almost every nation with whose affairs the interests of the United States have any connexion; demonstrate how unsafe and precarious would be our situation should we neglect the means of obtaining our just rights. Respecting, as we have ever done, the rights of others, America estimates too correctly the value of her own, and has received evidence, too complete, that they are only to be preserved by her own vigilance, ever to permit herself to be seduced by a love of ease, or by other considerations, into that deadly disregard of the means of self-defence, which could only result from a carelessness, as criminal as it would be fatal, concerning the future destinies of our growing republic. The result of the mission to France is, indeed, sir, uncertain. It depends not on America alone. The most pacific temper will not always ensure peace. We should, therefore, exhibit a system of conduct as indiscreet as it would be new in the history of the world, if we considered the negotiation happily terminated, because we have attempted to commence it; and peace restored, because we wish its restoration. But, sir, however this mission may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obvious dictate of duty. Experience, the parent of wisdom, and the great instructor of nations, has established the truth of your position, that, remotely as we are placed from the belligerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, yet nothing short of the power of repelling aggressions will secure to our country a rational prospect of escaping the calamities of war, or national degradation.

In the progress of the session we shall take into our serious consideration the various and important matters recommended to our attention.

A life devoted to the service of your country; talents and integrity which have so justly acquired, and so long retained, the confidence and affection of your fellow-citizens; attest the sincerity of your declaration that it is your anxious desire so to execute the trust reposed in you as to render the People of the United States prosperous and happy.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Gentlemen of the House of Representatives:

This very respectful address from the Representatives of the People of the United States, at their first assembly after a fresh election, under the strong impression of the public opinion and national sense, at this interesting and singular crisis of our public affairs, has excited my sensibility, and receives my sincere and grateful acknowledgments.

As long as we can maintain, with harmony and affection, the honor of our country, consistently with its peace, externally and internally, while that is attainable; or in war, when that becomes necessary, assert its real independence and sovereignty, and support the constitutional energies and dignity of its Government; we may be perfectly sure, under the smiles of Divine Providence, that we shall effectually promote and extend our national interest and happiness.

The applause of the Senate and House of Representatives, so justly bestowed upon the volunteers and militia, for their zealous and active co-operation with the judicial power, which has restored order and submission to the laws, as it comes with peculiar weight and propriety from the Legislature, cannot fail to have an extensive and permanent effect, for the support of Government, upon all those ingenuous minds who receive delight from the approving and animating voice of their country.

JOHN ADAMS.

UNITED STATES, December 10, 1799.

6th CONGRESS.]

No. 17.

[2d SESSION.]

SPEECH OF PRESIDENT JOHN ADAMS,

DELIVERED ON SATURDAY, NOVEMBER 22, 1800.

Gentlemen of the Senate,

and Gentlemen of the House of Representatives:

Immediately after the adjournment of Congress at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the Government in this place.

I congratulate the People of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the Representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the Universe, and imploring his blessing.

May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish forever!

It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing, with unexampled rapidity, in arts, in commerce, in wealth, and in population; and possessing, within itself, those energies and resources, which, if not thrown away, or lamentably misdirected, secure to it a long course of prosperity and self-government.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave of the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

It is, in every point of view, of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts, as convenient to the People as may consist with their present circumstances, that I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience be more beneficially applied.

A treaty of amity and commerce with the King of Prussia has been concluded and ratified. The ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspended the execution of the sixth article of our treaty of amity, commerce, and navigation, with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the Government of the United States to bring it to an amicable termination will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France, were received by the First Consul with the respect due to their character; and three persons, with equal powers, were appointed to treat with them. Although, at the date of the last official intelligence, the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation and harmony with all nations will continue to be used, the experience of the world, our own experience, admonish us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self protection which are adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our vast extent of sea coast, the commercial and agricultural habits of our People, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength, will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted to defensive war, and which may, in case of necessity, be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence, by a great national exigency, has raised us in our own esteem; and by the protection afforded to our commerce, has effected, to the extent of our expectations, the objects for which it was created.

In connexion with a navy ought to be contemplated the fortification of some of our principal sea ports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the National Legislature. At a considerable expense to the public, this manufactory has been brought to such a state of maturity, as, with continued encouragement will supersede the necessity of future importations from foreign countries.

Gentlemen of the House of Representatives:

I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure, to a late period, to be laid before you.

I observe with much satisfaction that the product of the revenue, during the present year, has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if all enjoy, in safety, under the protection of laws emanating only from the general will, the fruits of their own labor; we ought to fortify and cling to those institutions which have been the source of such real felicity; and resist, with unabating perseverance, the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labors to promote the general happiness will receive from me the most zealous co-operation.

JOHN ADAMS.

UNITED STATES, November 22, 1800.

On Wednesday, November 26, 1800, the SENATE waited on the PRESIDENT OF THE UNITED STATES, and the President *pro tempore*, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

SIR: Impressed with the important truth that the hearts of rulers and people are in the hand of the Almighty, the Senate of the United States most cordially join in your invocations for appropriate blessings upon the Government and People of this Union.

We meet you, sir, and the other branch of the National Legislature, in the city which is honored by the name of our late hero and sage, the illustrious Washington, with sensations and emotions which exceed our power of description.

While we congratulate ourselves on the convention of the Legislature at the permanent seat of Government, and ardently hope that permanence and stability may be communicated as well as to the Government itself as to its seat, our minds are irresistibly led to deplore the death of him who bore so honorable and efficient a part in the establishment of both. Great indeed would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place; but we derive consolation from a belief that the moment in which we were destined to experience the loss we deplore, was fixed by that Being whose counsels cannot err; and from a hope that, since in this seat of Government, which bears his name, his earthly remains will be deposited, the members of Congress, and all who inhabit the city, with these memorials before them, will retain his virtues in lively recollection, and make his patriotism, morals, and piety, models for imitation. And permit us to add, sir, that it is not among the least of our consolations that you, who have been his companion and friend from the dawning of our national existence, and trained in the same school of exertion to effect our independence, are still preserved by a gracious Providence in health and activity to exercise the functions of Chief Magistrate.

The question whether the local powers over the District of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised, is of great importance, and in deliberating upon it, we shall naturally be led to weigh the attending circumstances and every probable consequence of the measures which may be proposed.

The several subjects for legislative consideration, contained in your speech to both Houses of Congress, shall receive from the Senate all the attention which they can give, when contemplating those objects, both in respect to their national importance, and the additional weight that is given them by your recommendation.

We deprecate, with you, sir, all spirit of innovation, from whatever quarter it may arise, which may impair the sacred bond that connects the different parts of this empire; and we trust, that, under the protection of Divine Pro-

vidence, the wisdom and virtue of the citizens of the United States will deliver our national compact unimpaired to a grateful posterity.

From past experience, it is impossible for the Senate of the United States to doubt of your zealous co-operation with the Legislature in every effort to promote the general happiness and tranquillity of the Union.

Accept, sir, our warmest wishes for your health and happiness.

JOHN E. HOWARD,
President of the Senate pro tempore.

To which the PRESIDENT OF THE UNITED STATES replied as follows:

Mr. President, and Gentlemen of the Senate:

For this excellent address, so respectful to the memory of my illustrious predecessor, which I receive from the Senate of the United States, at this time, and in this place, with peculiar satisfaction, I pray you to accept of my unfeigned acknowledgments. With you I ardently hope, that permanence and stability will be communicated, as well to the Government itself, as to its beautiful and commodious seat. With you I deplore the death of that hero and sage who bore so honorable and efficient a part in the establishment of both. Great indeed would have been my gratification, if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place, himself at its head. But, while we submit to the decisions of Heaven, whose counsels are inscrutable to us, we cannot but hope, that the members of Congress, the officers of Government, and all who inhabit the city or the country, will retain his virtues in lively recollection, and make his patriotism, morals, and piety, models for imitation.

I thank you, gentlemen, for your assurance that the several subjects for legislative consideration, recommended in my communication to both Houses, shall receive from the Senate a deliberate and candid attention.

With you, gentlemen, I sincerely deprecate all spirit of innovation which may weaken the sacred bond that connects the different parts of this nation and Government; and with you, I trust, that, under the protection of Divine Providence, the wisdom and virtue of our citizens will deliver our national compact unimpaired to a free, prosperous, happy, and grateful posterity. To this end it is my fervent prayer, that, in this city, the fountains of wisdom may be always open, and the streams of eloquence forever flow. Here may the youth of this extensive country forever look up, without disappointment, not only to the monuments and memorials of the dead, but to the examples of the living, in the members of Congress and officers of Government, for finished models all those virtues, graces, talents, and accomplishments, which constitute the dignity of human nature, and lay the only foundation for the prosperity or duration of empires.

CITY OF WASHINGTON, November 26, 1800.

JOHN ADAMS.

On Thursday, November 27, 1800, the SPEAKER, attended by the HOUSE OF REPRESENTATIVES, waited on the PRESIDENT OF THE UNITED STATES, and delivered to him the following

ADDRESS:

To JOHN ADAMS, *President of the United States:*

SIR:

The House of Representatives have received with great respect the communication which you have been pleased to make to the two Houses of Congress, at the commencement of the present session.

The final establishment of the seat of National Government which has now taken place within the District of Columbia, is an event of no small importance in the political transactions of our country; and we cordially unite our wishes with yours, that this territory may be the residence of happiness and virtue.

Nor can we, on this occasion, omit to express a hope, that the spirit which animated the great founder of this city, may descend to future generations; and that the wisdom, magnanimity, and steadiness, which marked the events of his public life, may be imitated in all succeeding ages.

A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention; nor shall we forget that, in exercising these powers, a regard must be had to those events which will necessarily attend the capital of America.

The cheerfulness and regularity with which the officers and soldiers of the temporary army have returned to the condition of private citizens, is a testimony clear and conclusive of the purity of those motives which induced them to engage in the public service; and will remain a proof, on all future occasions, that an army of soldiers, drawn from the citizens of our country, deserve our confidence and respect.

No subject can be more important than that of the judiciary, which you have again recommended to our consideration, and it shall receive our early and deliberate attention.

The constitution of the United States having confided the management of our foreign negotiations to the control of the Executive power, we cheerfully submit to its decisions on this important subject. And in respect to the negotiations now pending with France, we sincerely hope that the final result may prove as fortunate to our country as the most ardent mind can wish.

So long as a predatory war is carried on against our commerce, we should sacrifice the interests and disappoint the expectations of our constituents, should we, for a moment, relax that system of maritime defence, which has resulted in such beneficial effects. At this period it is confidently believed that few persons can be found within the United States, who do not admit that a navy, well organized, must constitute the natural and efficient defence of this country against all foreign hostility.

The progress which has been made in the manufacture of arms, leaves no doubt that the public patronage has already placed this country beyond all necessary dependence on foreign markets for an article so indispensable for defence; and gives us assurances that, under the encouragement which Government will continue to extend to this important object, we shall soon rival foreign countries, not only in the number, but in the quality of arms completed from our own manufactories.

Few events could have been more pleasing to our constituents, than that great and rapid increase of revenue which has arisen from permanent taxes. Whilst this event explains the great and increasing resources of our country, it carries along with it a proof which cannot be resisted, that those measures of maritime defence which were calculated to meet our enemy upon the ocean, and which have produced such extensive protection to our commerce, were founded in wisdom and policy. The mind must, in our opinion, be insensible to the plainest truths, which cannot discern the elevated ground on which this policy has placed our country. That national spirit, which alone could vindicate our common rights, has been roused, and those latent energies which had not been fully known, were unfolded and brought into view, and our fellow-citizens were prepared to meet every event which national honor or national security could render necessary. Nor have its effects been much less important in other respects.

Whilst many of the nations of the earth have been impoverished and depopulated by internal commotions and national contests, our internal peace has not been materially impaired; our commerce has extended, under the protection of our infant navy, to every part of the globe; wealth has flowed without intermission into our sea-ports; and the labors of the husbandman have been rewarded by a ready market for the productions of the soil.

Be assured, sir, that the various and important subjects recommended to our consideration, shall receive our early and deliberate attention; and, confident of your co-operation in every measure which may be calculated to promote the general interest, we shall endeavor, on our part, to testify, by our industry and despatch, the zeal and sincerity with which we regard the public good.

To which the PRESIDENT OF THE UNITED STATES made the following reply:

Mr. Speaker, and Gentlemen of the House of Representatives:

Compelled by the habits of a long life, as well as by all the principles of society and government which I could ever understand and believe, to consider the great body of the People as the source of all legitimate authority, no less than of all efficient power, it is impossible for me to receive this address from the immediate Representatives of the American People, at this time and in this place, without emotions which it would be improper to express, if any language could convey them.

May the spirit which animated the great founder of this city descend to future generations; and may the wisdom, magnanimity, and steadiness, which marked the events of his public life, be imitated in all succeeding ages.

I thank you, gentlemen, for your assurance that the judiciary system shall receive your deliberate attention.

With you, gentlemen, I sincerely hope, that the final result of the negotiations now pending with France may prove as fortunate to our country as they have been commenced with sincerity and prosecuted with deliberation and caution. With you, I cordially agree, that, so long as a predatory war is carried on against our commerce, we should sacrifice the interests and disappoint the expectations of our constituents, should we for a moment relax that system of maritime defence, which has resulted in such beneficial effects. With you, I confidently believe that few persons can be found within the United States, who do not admit that a navy, well organized, must constitute the natural and efficient defence of this country against all foreign hostility.

Those who recollect the distress and danger to this country, in former periods, from the want of arms, must exult in the assurance, from their Representatives, that we shall soon rival foreign countries, not only in the number but in the quality of arms completed from our own manufactories.

With you, gentlemen, I fully agree, that the great increase of revenue is a proof that the measures of maritime defence were founded in wisdom. This policy has raised us in the esteem of foreign nations. That national spirit and those latent energies which had not been and are not yet fully known to any, were not entirely forgotten by those who had lived long enough to see, in former times, their operation, and some of their effects. Our fellow-citizens were undoubtedly prepared to meet every event which national honor or national security could render necessary. These it is to be hoped are secured at the cheapest and easiest rate: if not, they will be secured at more expense.

I thank you, gentlemen, for your assurance that the various subjects recommended to your consideration shall receive your deliberate attention. No further evidence is wanting to convince me of the zeal and sincerity with which the House of Representatives regard the public good.

I pray you, gentlemen, to accept of my best wishes for your health and happiness.

JOHN ADAMS.

WASHINGTON, November 27, 1800.

7th CONGRESS.]

No. 18.

INAUGURAL SPEECH OF PRESIDENT JEFFERSON,

DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON WEDNESDAY, THE FOURTH OF MARCH, 1801.

Friends and Fellow-citizens:

Called upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look towards me; to declare a sincere consciousness that the task is above my talents; and that I approach it with those anxious and awful presentiments which the greatness of the charge, and the weakness of my power, so justly inspire. A rising nation, spread over a wide and fruitful land; traversing all the seas with the rich productions of their industry; engaged in commerce with nations who feel power and forget right; advancing rapidly to destinies beyond the reach of mortal eyes—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have past, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that, though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind—let us restore to social intercourse that harmony and affection, without which, liberty, and even life itself, are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long labored and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world; during the agonizing spasms of infuriated man, seeking through blood and slaughter, his long lost liberty; it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others; and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a Government which has so far kept us free and firm, on the theoretic and visionary fear, that this Government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one, where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels, in the form of kings, to govern him? Let history answer this question.

Let us then with courage and confidence pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high minded to endure the degradations of the others; possessing a chosen country,

with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter;—with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more fellow-citizens: a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship, with all nations, entangling alliances with none; the support of the State Governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home, and safety abroad; a jealous care of the right of election by the People, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of person, under the protection of the habeas corpus; and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment; they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and, should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

Repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong, through defect of judgment. When right, I shall often be thought wrong, by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power, which rules the destinies of the universe, lead our counsels to what is best, and give them a favorable issue for your peace and prosperity.

TH: JEFFERSON.

7th CONGRESS.]

No. 19.

[1st Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, DECEMBER 8, 1804.

The Honorable the SPEAKER of the House of Representatives:

SIR:

The circumstances under which we find ourselves, at this place, rendering inconvenient the mode heretofore practised, of making by personal address the first communications between the Legislative and Executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the Legislature; to the economy of their time; to their relief from the embarrassment of immediate answers on subjects not yet fully before them; and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, Sir, to communicate the enclosed message, with the documents accompanying it, to the Honorable the House of Representatives; and pray you to accept, for yourself and them, the homage of my high respect and consideration.

TH: JEFFERSON.

December 8, 1801.

[A similar letter was transmitted to the President of the Senate.]

Fellow-citizens of the Senate

and House of Representatives:

It is a circumstance of sincere gratification to me, that, on meeting the great council of our nation, I am able to announce to them, on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations, have at length come to an end, and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him, that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practise and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposi-

tion received from all the Powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence, and strengthen, at the same time, the hope, that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past, and new assurance for the future.

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence, for clothing and subsistence, over the precarious resources of hunting and fishing; and already we are able to announce that, instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands, unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that Power of our sincere desire to remain in peace; but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blocked; and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieutenant Sterret, which had gone out as a tender to our larger vessels, was captured after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue, which makes us seek their peace; but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel, being disabled from committing further hostilities, was liberated, with its crew. The Legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that, in the exercise of this important function, confided by the constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary States was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuing ratio of representation and taxation. You will perceive that the increase of numbers, during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others, in some future day, but to the settlement of the extensive country still remaining vacant within our limits; to the multiplication of men, susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone; and though the changes in foreign relations now taking place, so desirably for the whole world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excise, stamps, auctions, licences, carriages, and refined sugars; to which the postage on newspapers may be added, to facilitate the progress of information; and that the remaining sources of revenue will be sufficient to provide for the support of Government, to pay the interest of the public debts, and to discharge the principals within shorter periods than the laws, or the general expectation, had contemplated. War, indeed, and untoward events may change this prospect of things, and call for expenses which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow-citizens, to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burthens, are formed on the expectation that a sensible, and at the same time a salutary reduction, may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and the navy, will need revision. When we consider that this Government is charged with the external and mutual relations only of these States; that the States themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns; we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay towards a statement of those who, under public employment of various kinds, draw money from the Treasury, or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on Executive discretion, I have begun the reduction of what was deemed unnecessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue, who were found to obstruct the accountability of the institution, have been discontinued. Several agencies, created by Executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformatorys of the same kind will be pursued with that caution which is requisite, in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and therefore by law alone can be abolished. Should the Legislature think it expedient to pass this roll in review, and to try all its parts by the test of public utility, they may be assured of every aid and light which Executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the whole residue of what it was instituted to guard.

In our care, too, of the public contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the Secretary of the Treasury, will, as usual, be laid before you. The success which has attended the late sales of the public lands shows that, with attention, they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt, will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will of course be affected by such modifications of the system of expense as you shall think proper to adopt.

A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is con-

siderably short of the present military establishment. For the surplus, no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it considered needful or safe that a standing army should be kept up, in time of peace, for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely, not only to meet the first attack, but, if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should, at every session, continue to amend the defects which, from time to time, show themselves, in the laws for regulating the militia, until they are sufficiently perfect: nor should we now, or at any time, separate, until we can say we have done every thing for the militia which we could do, were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted, for actual service, in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships, as directed by law.

How far the authority given by the Legislature for procuring and establishing sites for naval purposes, has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have, in certain cases, suspended or slackened these expenditures, that the Legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on: and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the Executive administration, as well as of its agents, and where yourselves also will be guided by your own view, in the legislative provisions respecting them, which may, from time to time, be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up, so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the Executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it; others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, as far as it can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving, when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If, in the course of your observations or inquiries, they should appear to need any aid, within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will, of course, present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a marshal depending on Executive will, or designated by the court, or by officers dependant on them.

I cannot omit recommending a revival of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement, by many of these States, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress, that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bona fide* purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag—an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.

These, fellow-citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others, of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our Government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and, by its example, will encourage among our constituents that progress of opinion, which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the General and State Governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of Government.

TH: JEFFERSON.

December 8, 1801.

7th CONGRESS.]

No. 20.

[2d Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON WEDNESDAY, DEC. 15, 1802.

To the Senate and House of Representatives of the United States:

When we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty. Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burthens lightened, yet our income sufficient for the public wants; and the produce of the year great beyond example. These, fellow-citizens, are the circumstances under which we meet; and we remark, with special satisfaction, those which, under the smiles of Providence, result from the skill, industry, and order, of our citizens, managing their own affairs in their own way, and for their own use; unembarrassed by two much regulation, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war, was abridged by the returning competition of the belligerent Powers. This was to be expected, and was just. But, in addition, we find, in some parts of Europe, monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the Legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British Parliament, anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows, on their part, a spirit of justice and friendly accommodation, which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary, in some cases, to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the Legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli, might be taken up by some other of the Barbary Powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea, with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color, remain prisoners with them, unless exchanged under an agreement formerly made with the Bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the State of Georgia has been ratified by their Legislature, and a re-purchase from the Creeks has been consequently made of a part of the Tallahassee country. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Ocmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them, and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole within a short time. The country to which their title had been extinguished before the Revolution, is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging, so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbours, and distant from its support. And how far that monopoly, which prevents population, should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indiana territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length parallel with, and including, the Wabash. They have also ceded a tract of four miles square, including the salt springs near the mouth of that river.

In the department of finance, it is with pleasure I inform you that the receipts of external duties, for the last twelve months, have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of Government; to pay from the Treasury, within one year, upwards of eight millions of dollars, principal and interest, of the public debt, exclusive of upwards of one million paid by the sale of bank stock, and making, in the whole, a reduction of nearly five millions and a half of principal, and to have now in the Treasury, four millions and a half of dollars, which are in a course of application to the further discharge of debt, and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses, which will be actually incurred, shall not be greater than were contemplated by Congress, at their last session, that we shall not be disappointed in the expectations then formed. But, nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the States, the officers employed in it are, of course, out of commission; in others they will be so shortly. But in a few, where the arrangements for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent, authorized by an act of the last session, for transacting business in Europe, relative to debts and loans. Nor have we used the power, confided by the same act, of prolonging the foreign debt by re-loans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale, render it necessary at any time, the power shall be executed, and the money, thus unemployed abroad, shall, in conformity with that law, be faithfully applied here, in an equivalent extinction of domestic debt. When effects, so salutary, result from the plans you have already sanctioned; when, merely by avoiding false objects of expense, we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our public debt, and the emancipation of our posterity from that mortal canker; it is an encouragement, fellow-citizens, of the highest order, to proceed, as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And, whensoever we are destined to meet events which shall call forth all the energies of our country-

men, we have the firmest reliance on those energies, and the comfort of leaving for calls like these, the extraordinary resources of loans and internal taxes. In the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming, from them, a growing fund, still further to lessen the necessity of recurring to extraordinary resources.

The usual account of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the Secretary of the Treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year, on its present footing, as also of the sums to be employed in fortifications, and other objects within that department, has been prepared by the Secretary of War, and will make a part of the general estimates which will be presented you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will, doubtless, think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the Secretary of the Navy, for another year, will, in like manner, be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers; and the uncertain tenure of peace with some other of the Barbary Powers, may, eventually, require that force to be augmented. The necessity of procuring some smaller vessels for that service, will raise the estimate; but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend, annually, a convenient sum towards providing the naval defence which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay, which lie in water, and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the moneys destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here, a dock, within which our present vessels may be laid up dry, and under cover from the sun. Under these circumstances, experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water, which this situation possesses, at heights far above the level of the tide, if employed, as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And, should the measure be found useful here, similar depositories for laying up, as well as for building and repairing vessels, may, hereafter, be undertaken at other navy yards, offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and, from these, it will be seen, that scarcely more than has been the cost of one vessel, is necessary to save the whole, and that the annual sum to be employed towards its completion, may be adapted to the views of the Legislature, as to naval expenditure.

To cultivate peace, and maintain commerce and navigation, in all their lawful enterprises; to foster our fisheries as nurseries of navigation, and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts; expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burthens; to keep, in all things, within the pale of our constitutional powers, and cherish the Federal Union, as the only rock of safety; these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these the rule of our action, we shall endeavor to our countrymen the true principles of their constitution, and promote an union of sentiment and of action, equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

TH: JEFFERSON.

15th December, 1802.

8th CONGRESS.]

No. 21.

[1st Session.

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON MONDAY, OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:

In calling you together, fellow-citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these, will supersede, in your minds, all private considerations.

Congress witnessed, at their late session, the extraordinary agitation produced in the public mind, by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made, according to treaty. They were sensible, that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but, reposing just confidence in the good faith of the Government, whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the commerce of the western country remained under foreign power. Difficulties too were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter, interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for, by the President of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened Government of France saw, with just discernment, the importance, to both nations, of such liberal arrangements as might best and permanently promote the peace, interests, and friendship of both; and the property and sovereignty of all Louisiana, which had been restored to them, has, on certain conditions, been transferred to the United States, by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will, without delay, be communicated to the Representatives for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States, and an uncontrolled navigation through their whole course, free from collision with other Powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest, to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of Government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals, unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids, in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to, and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country, should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both Houses only, it will be laid before Congress as soon as the Senate shall have advised its ratification.

With many of the other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all, our peace and friendship are established on grounds much firmer than heretofore. The measure adopted, of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities, at such moderate prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress, with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground, in the northeastern and northwestern angles of the United States, has evinced that the boundaries, established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove, by timely arrangements, what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the Secretary of the Treasury, so soon as the receipts of the last quarter shall be returned from the more distant States. It is already ascertained that the amount paid into the treasury, for that year, has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid, for the same year, is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars, of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802; and two millions are what have been before mentioned as placed by Congress under the power and accountability of the President, towards the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost, from increasing population and wealth, the augmentation of the same revenue, by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the intermediate interest of this additional debt without recurring to new taxes; and applying to this object only the ordinary progression of our revenue, its extraordinary increase in times of foreign war, will be the proper and sufficient fund for any measures of safety or precaution, which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power, given by a former act of Congress, of continuing them by re-loans, and of redeeming, instead thereof, equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars, appropriated by Congress for providing gun boats, remains unexpended. The favorable and peaceable turn of affairs, on the Mississippi, rendered an immediate execution of that law unnecessary; and time was desirable, in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars, contemplated for purposes which were effected by happier means.

We have seen, with sincere concern, the flames of war lighted up again in Europe, and nations, with which we have the most friendly and useful relations, engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence, which, inspiring with wisdom and moderation our late legislative councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on, and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice, and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war, in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance towards our vessels and citizens of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course, with our citizens in all places, and with others, while within the limits of our jurisdiction; and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation, that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular

blessings of the position in which nature has placed us, the opportunity she has endowed us with, of pursuing, at a distance from foreign contentions, the paths of industry, peace and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a Government like ours, to see its citizens adopt individually the views, the interest, and the conduct, which their country should pursue; divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct; that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration, indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions, in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests, now committed to you, will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country.

TH: JEFFERSON.

October 17, 1803.

8th CONGRESS.]

No. 22.

[2d Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON THURSDAY, NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States:

To a People, fellow-citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well being is advanced by that of the nations with which they have intercourse; it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting, has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too, on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But, in the American seas, they have been greater, from peculiar causes; and, even within our harbors and jurisdiction, infringements on the authority of the laws have been committed, which have called for serious attention. The friendly conduct of the Governments from whose officers and subjects these acts have proceeded, in other respects, and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received, that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries, in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own, is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the mean time, inconsistent with the peace and friendship existing between the two nations; and that, conformably to these intentions, would be the execution of the law. That Government, however, had thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you, that the objections which had been urged by that Government against the validity of our title to the country of Louisiana, have been withdrawn—its exact limits, however, still remaining to be settled between us. And to this is to be added, that, having prepared and delivered the stock created in execution of the convention of Paris of April 30th, 1803, in consideration of the cession of that country, we have received from the Government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe, in general, our friendship and intercourse are undisturbed; and, from the Governments of the belligerent Powers, especially, we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices, consistent with that, as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The Bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war; but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other Powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts. The form of government thus provided, having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will, of course, be subject to your consideration.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their stations, that district will also be in its due state of organization. In the mean time, their places are supplied by the officers before commanding there, and the functions of the governor and judges of Indiana having commenced, the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding, and neighborly relations between us. So far as we have

yet learned, we have reason to believe that their dispositions are generally favorable and friendly. And, with these dispositions on their part, we have in our own hands means which cannot fail us, for preserving their peace and friendship. By pursuing a uniform course of justice towards them; by aiding them in all the improvements which may better their condition; and especially by establishing a commerce on terms which shall be advantageous to them, and only not losing to us, and so regulated as that no incendiaries, of our own or any other nation, may be permitted to disturb the natural effects of our just and friendly offices; we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members, will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force, proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and Ohio, south of, and including, the road from the rapids towards Vincennes: for which they are to receive annuities in animals and implements for agriculture, and in other necessities. This acquisition is important, not only for its extent and fertility, but as, fronting three hundred miles on the Ohio, and near half that on the Wabash, the produce of the settled country descending those rivers will no longer pass in review of the Indian frontier, but in a small portion; and, with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both Houses.

The act of Congress, of February 28, 1803, for building and employing a number of gun boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns, their utility towards supporting within our waters the authority of the laws, the promptness with which they will be manned by the seamen and militia of the place in the moment they are wanting, the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary, the economy of their maintenance and preservation from decay, when not in actual service, and the competence of our finances to this defensive provision, without any new burthen, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number, from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen, since your last session, which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will, as usual, be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the thirtieth of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay three millions six hundred thousand dollars of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period; and, by a proportionate diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upwards of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the further redemption of the funded debt as rapidly as had been contemplated.

These, fellow-citizens, are the principal matters which I have thought it necessary, at this time, to communicate for your consideration and attention. Some others will be laid before you in the course of the session. But, in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations? whether laws are provided in all cases where they are wanting? whether those provided are exactly what they should be? whether any abuses take place in their administration or in that of the public revenues? whether the organization of the public agents or of the public force, is perfect in all its parts? in fine, whether any thing can be done to advance the general good?—are questions within the limits of your functions, which will necessarily occupy your attention. In these and all other matters, which you, in your wisdom, may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

TH: JEFFERSON.

November 8, 1804.

9th CONGRESS.]

No. 23.

INAUGURAL SPEECH OF PRESIDENT JEFFERSON,

DELIVERED IN THE SENATE CHAMBER ON MONDAY, MARCH 4, 1805.

Proceeding, fellow-citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as with individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is trusted on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These, covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of property and produce. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not

have paid the officers who collected them, and because, if they had any merit, the State authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles is paid chiefly by those who can afford to add foreign luxuries to domestic comforts. Being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the Government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption; and that redemption, once effected, the revenue thereby liberated may, by a just repartition of it among the States, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each State. *In time of war*—if injustice by ourselves or others, must sometimes produce war—increased as the same revenue will be by increased population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations by burthening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace a return to the progress of improvement.

I have said, fellow-citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the mean time may keep down the accruing interest; in all events, it will replace the advances we shall have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its Union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which should we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the General Government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of the State or church authorities, acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert, or habits to contend against it, they have been overwhelmed by the current, or driven before it; now reduced within limits too narrow for the hunter state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which, to bodily comforts, adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctionious reverence for the customs of their ancestors; that whatsoever they did must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them also is seen the action and counteraction of good sense and of bigotry; they too have their anti-philosophists, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow-citizens, to arrogate to myself the merit of the measures. That is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the Executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might indeed have been corrected by the wholesome punishments reserved to, and provided by, the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth; whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation? The experiment has been tried; you have witnessed the scene. Our fellow-citizens looked on, cool and collected. They saw the latent source from which these outrages proceeded; they gathered around their public functionaries; and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes that he may be trusted with the control of his own affairs.

No inference is here intended, that the laws, provided by the States against false and defamatory publications, should not be enforced; he who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coercions of the law; but the experiment is noted to prove, that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint. The public judgment will correct false reasonings and opinions on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same point, the disposition to do so is gaining strength; facts are piercing through the veil drawn over them; and our doubting brethren will at length see, that the mass of their fellow-citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire; that our wish, as well as theirs, is, that the public efforts may be directed honestly to the public good; that peace be cultivated; civil and religious liberty unassailed; law and order preserved; equality of rights maintained; and that state of property, equal or unequal, which results to every man from his own industry or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them; in the mean time, let us cherish them with patient affection; let us do them justice, and more than justice, in all competitions of interest; and we need not doubt that truth, reason, and their own interests, will at length prevail—will gather them into the fold of their country, and will complete that entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow-citizens have again called me; and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray. I am sensible of no passion which could seduce me knowingly from the path of justice. But the weaknesses of human nature

and the limits of my own understanding will produce errors of judgment, sometimes injurious to your interests. I shall need therefore all the indulgence which I have heretofore experienced from my constituents; the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are; who led our fathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join in supplications with me, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation, of all nations.

TH: JEFFERSON.

9th CONGRESS.]

No. 24.

[1st Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, DECEMBER 3, 1805.

To the Senate and House of Representatives of the United States of America:

At a moment when the nations of Europe are in commotion, and arming against each other; when those with whom we have principal intercourse are engaged in the general contest; and when the countenance of some of them towards our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre; a meeting of the Representatives of the nation in both Houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs, which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which, in latter times, has occasionally visited our shores. Providence, in his goodness, gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities and on the tide waters only, incommunicable in the country, either by persons under the disease, or by goods carried from diseased places; that its access is with the autumn, and it disappears with the early frosts. These restrictions within narrow limits of time and space give security, even to our maritime cities, during three fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet, to satisfy the fears of foreign nations, and cautions on their part, not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify, with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to identify with this endemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the State authorities, charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the States should be found to need no present revival by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting, the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions; others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off, under pretence of legal adjudication; but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats in the open sea, or on desert shores, without food or covering. These enormities appearing to be unreachd by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral, having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed, the confidence we ought to have in the justice of others still countenances the hope that a sounder view of those rights will, of itself, induce from every belligerent a more correct observance of them.

With Spain, our negotiations for a settlement of differences have not had a satisfactory issue. Spoiliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims, in nowise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things, by taking new posts, or strengthening ourselves in the disputed territories, in the hope that the other Power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi; our citizens have been seized, and their property plundered, in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government. I have therefore found it necessary, at length, to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication. In reviewing these injuries from some of the belligerent Powers, the moderation, the firmness, and the wisdom, of the Legislature will all be called into action. We ought still to hope that time, and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unpro-

fiable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent, it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these, it is desirable we should have a competent number of gun-boats; and the number, to be competent, must be considerable. If immediately begun they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us on any sudden emergency, to call for the services of the younger portions, unincumbered with the old and those having families. Upwards of three hundred thousand able bodied men, between the ages of eighteen and twenty-six years, which the last census shews we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service, cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of seventy-four guns. These materials are on hand, subject to the further will of the Legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination. Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every individual citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that State, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this, prevented opportunities of which the officers and men of our squadron, destined for Tripoli, would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed, whenever occasions permitted, in the late Mediterranean service, I think it would be an useful encouragement, as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis, some misunderstandings have arisen, not yet sufficiently explained; but friendly discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still, it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall be manned by not more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men, must depend on the nature of the service on which she is ordered. That may sometimes, for her safety, as well as to ensure her object, require her fullest complement. In adverting to this subject, Congress will, perhaps, consider whether the best limitation on the Executive discretion in this case, would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense, to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit, and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest from time to time to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session the northern tribes have sold to us the lands between the Connecticut reserve and the former Indian boundary; and those on the Ohio, from the same boundary to the Rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between, and adjacent to, the two districts of Tennessee; and the Creeks, the residue of their lands in the fork of Ocmulgee, up to the Ulfouhatchee. The three former purchases are important, inasmuch as they consolidate disjointed parts of our settled country, and render their intercourse secure; and the second particularly so, as, with the small point on the river which we expect by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks, too, has been for some time particularly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both Houses of Congress for the exercise of their respective faculties.

Deputations now on their way to the seat of government from various nations of Indians, inhabiting the Missouri and other parts beyond the Mississippi, come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated as soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury, during the year ending on the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of November 10, 1803, authorized us to borrow one million seven hundred and fifty thousand dollars towards meeting the claims of our citizens assumed by the convention with France. We have not however made use of this authority; because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars, appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance that I will exert my best endeavors to administer faithfully the Executive department, and will zealously co-operate with you in every measure which

may tend to secure the liberty, property, and personal safety, of our fellow-citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

TH: JEFFERSON.

December 3, 1805.

9th CONGRESS.]

No. 25.

[2d Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, DECEMBER 2, 1806.

To the Senate and House of Representatives

of the United States of America in Congress assembled:

It would have given me, fellow-citizens, great satisfaction to announce, in the moment of your meeting, that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions, charged with such powers and instructions as, in the event of failure, could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British Government, appear to have proceeded from causes which do not forbid the expectation that, during the course of the session, I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place, at the date of the last despatches, enables us to pronounce. On the western side of the Mississippi, she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of re-delivery to France and the United States, that she continued a guard of half a dozen men, which had been stationed there. A proposition, however, having been lately made, by our commander in chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations, until the issue of our negotiation shall be known, this has been referred by the Spanish commandant to his superior, and, in the mean time, he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry, or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the Governors of Orleans and Mississippi, for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed, may, perhaps, render this unnecessary. But I inform you, with great pleasure, of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that, in another part of the United States, a great number of private individuals were combining together, arming and organizing themselves, contrary to law, to carry on a military expedition against the territories of Spain, I thought it necessary, by proclamation, as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith, which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that, while the public force was acting strictly on the defensive, and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide, for their country, the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force, will depend on the result of our negotiations with Spain. But as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence; and, in conjunction with them, to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the Legislature.

The gun boats, authorized by an act of the last session, are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting, to place our seaport towns and waters in that state of defence to which we are competent, and they entitled, a similar appropriation for a further provision of them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such other works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the People, directly expressed by their free suffrages; where the principal Executive functionaries, and those of the Legislature, are renewed by them at short periods; where, under the character of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection, or enterprise on the public peace or authority.

The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishment for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation, in amity with the United States, powers of prevention, to a certain extent, are given by the laws. Would they not be as reasonable and useful, where the enterprise preparing is against the United States? While adverting to this branch of law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The States on the coast of Barbary seem generally disposed at present to respect our peace and friendship. With Tunis alone, some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal

terms, or not at all, I propose to send, in due time, a reinforcement into the Mediterranean, unless previous information shall shew it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare. And as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clark, for exploring the river Missouri, and the best communication from that to the Pacific Ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific Ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce and inhabitants; and it is but justice to say, that Messrs. Lewis and Clark, and their brave companions, have, by this arduous service, deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended, while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi, by Lieut. Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both Houses of Congress. Those of Messrs. Lewis, Clark, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, towards which, the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury, during the year ending on the thirtieth day of September last, have amounted to near fifteen millions of dollars; which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay, of the funded debt, upwards of three millions of principal, and nearly four of interest, and, in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will, at the close of the present year, have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease, by law, at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall, in this way, be relinquished, there will still, ere long, be an accumulation of moneys in the treasury, beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues, the most desirable of all objects: nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles, on which impost is paid, are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism must certainly prefer its continuance, and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations, new channels of communication will be opened between the States; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care; not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand, and without employment. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring, for its own purposes, the resources destined for them.

This, fellow-citizens, is the state of the public interests at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such, too, the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs, that may change from moment to moment, during the course of your session, or after you shall have separated. Our duty is, therefore, to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace, in preparations for the defence of our seaport towns and waters, an early settlement of the most exposed and vulnerable parts of our country, a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests, while a more permanent force shall be in a course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements, in its outset, will go far towards securing us in its course and issue, and towards throwing its burthens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also, on our western frontier, as may shew whether war is to be pressed there, while negotiation is protracted elsewhere, shall be communicated to you from time to time, as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

10th CONGRESS.]

No. 26.

[1st Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, OCTOBER 27, 1807.

To the Senate and House of Representatives of the United States:

Circumstances, fellow-citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace, so much cherished in the bosoms of our citizens, which has so long guided the proceedings of their public councils, and induced forbearance under so many wrongs, may not ensure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation, upon the high seas, for years past; the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the empire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us; which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification. Some of the articles proposed, might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form, could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorized, than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion we were reposing in confidence, when, on the twenty-second day of June last, by a formal order from a British admiral, the frigate *Chesapeake*, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens, with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and, uncertain how far hostilities were intended, and the town of Norfolk, indeed, being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was despatched with instructions to our ministers at London to call on that Government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which will be communicated to you as soon as received. Then, also, or as soon after as the public interests shall be found to admit, the unratified treaty, and proceedings relative to it, shall be made known to you.

The aggression, thus begun, has been continued on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*. These aggravations necessarily lead to the policy, either of never admitting an armed vessel into our harbors, or of maintaining, in every harbor, such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests; but the expense of such a standing force, and its inconsistency with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army, of a foreign Power, from entering our limits.

To former violations of maritime rights, another is now added, of very extensive effect: the Government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them; and, being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress, to bring them to a close. But, under a state of things, which may favor reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place, nor seem immediately to be apprehended. To our former grounds of complaint, has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French Government, of November twenty-first, one thousand eight hundred and six, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several States on the coast of Barbary appears as firm as at any former period, and as likely to continue as that of any other nation.

Among our Indian neighbors, in the northwestern quarter, some fermentation was observed, soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others; while those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our southwestern quarter, much advanced beyond the others in agriculture and household arts, appear tranquil, and identifying their views with ours, in proportion to their advancement. With the whole of these People, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well being.

The appropriations of the last session, for the defence of our sea-port towns and harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given, towards the defence of New York, Charleston, and New Orleans, chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun boats, too, already provided, have, on a like principle, been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the Legislature. For the purpose of manning these vessels, in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty, in defence of the harbors where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores, with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law, would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the Legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service, for the defence of our harbors, of all which, accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the meantime, I have called on the States for quotas of militia, to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity, in every part of the Union. They are ordered to be organized, and ready at a moment's warning, to proceed on any service to which they may be called; and every preparation within the Executive powers has been made, to ensure us the benefit of early exertions.

I informed Congress, at their last session, of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates; of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated, by the patriotic exertions of the militia, whenever called into action, by the fidelity of the army, and energy of the commander-in-chief, in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendering there. I shall think it my duty to lay before you the proceedings, and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and, wherever it shall be found, the Legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their Government against destruction by treason, as their citizens against oppression, under pretence of it; and, if these ends are not attained, it is of importance to inquire by what means, more effectual, they may be secured.

The accounts of the receipts of revenue, during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the meantime, it is ascertained that the receipts have amounted to near sixteen millions of dollars; which, with the five millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debt, as they shall become payable, will remain without any specific object. It may partly, indeed, be applied towards completing the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is, doubtless, among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized; or, more usefully, to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress; unless, indeed, they shall be superseded by a change in our public relations, now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the Supreme Council of the Nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications; and nothing shall be wanting on my part, which may give information or despatch to the proceedings of the Legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

TH: JEFFERSON.

October 27, 1807.

10th CONGRESS.]

No. 27.

[2d SESSION.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States:

It would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective Governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged, on all sides, had been reluctantly obstructed. As each of those Governments had pledged its readiness to concur in renouncing a measure, which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both, for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, for a suspension of the embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a

compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition, to state explicitly, that, on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France, no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States, no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has, nevertheless, been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the Executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that, in return for the privations imposed by the measure, and which our fellow-citizens in general, have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country; and has thus long frustrated those usurpations and spoliation which, if resisted, involved war; if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues, which, on other occasions, have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents, containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session, explained the posture in which the close of the discussions relating to the attack by a British ship of war on the frigate *Chesapeake*, left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed, authorized a belief, that immediate steps would be taken by the British Government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connexion with the distinct and irrelevant case of the orders in council. The instructions which had been given to our minister at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relation with the other Powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause, under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary Powers we continue in harmony, with the exception of an unjustifiable proceeding of the Dey of Algiers towards our consul to that Regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may either now or hereafter call for any measures not within the limits of the Executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Ioways, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves, accused of murdering citizens of the United States. On this side the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And generally, from a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily; is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the Southern than Northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and Government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress, for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction, when it shall be deemed necessary.

Under the act of the last session, for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and, in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present you a statement of the numbers engaged.

I have not thought it necessary, in the course of the last season, to call for any general detachments of militia or of volunteers, under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness, should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced, as soon as it could be done, by bodies of new recruits. By the aid of these, and of the armed vessels called into service in other quarters, the spirit of disobedience and abuse, which manifested itself early, and with sensible effect, while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittently be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this object, but every degree of neglect is to be found among others. Congress alone having the power to produce an uniform state of preparation in this great organ of defence, the interests which they so deeply feel in their own and their country's security, will present this as among the most important objects of their deliberation.

Under the acts of March eleventh and April twenty-third, respecting arms, the difficulty of procuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and, in propor-

tion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent Powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians, too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will hereafter be transmitted from the treasury. In the mean time, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? shall the revenue be reduced? or, shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this, the last occasion which will occur, of addressing the two Houses of Legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention, and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust, that, in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country, long ages to come of prosperity and happiness.

TH: JEFFERSON.

November 8, 1808.

11th CONGRESS.]

No. 28.

INAUGURAL SPEECH OF PRESIDENT MADISON,

. DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON SATURDAY, MARCH 4, 1809.

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself, by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel; and that of our own country full of difficulties. The pressure of these two is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue and the use made of it in reducing the public debt; and in the valuable works and establishments every where multiplying over the face of our land.

It is a precious reflection, that the transition from this prosperous condition of our country to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned. Posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent Powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations, that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, cannot be anticipated. Assuring myself that, under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussions and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the People, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics, that, without standing armies, their liberty can never be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor, in like manner, the advancement of science and the diffusion of information, as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state;—as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor, it might least become me here to speak; I may, however, be pardoned for not suppressing the sympathy, with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness. But the source to which I look for the aids, which alone can supply my deficiencies, is in the well tried intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these, my confidence will, under every difficulty, be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being, whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

JAMES MADISON.

11th CONGRESS.]

No. 29.

[1st Session.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, MAY 23, 1809.

*Fellow-citizens of the Senate
and of the House of Representatives:*

On this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations; the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were, without delay, instructed to let it be understood by the French and British Governments, that the authority vested in the Executive, to renew commercial intercourse with their respective nations, would be exercised in the case specified by that act.

Soon after these instructions were despatched, it was found that the British Government, anticipating, from early proceedings of Congress, at their last session, the state of our laws which has had the effect of placing the two belligerent Powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here provisional instructions, not only to offer satisfaction for the attack on the frigate *Chesapeake*, and to make known the determination of His Britannic Majesty to send an envoy extraordinary, with powers to conclude a treaty on all points between the two countries, but, moreover, to signify his willingness, in the mean time, to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British Government led to the correspondence and the proclamation now laid before you; by virtue of which the commerce between the two countries will be renewable after the tenth day of June next.

Whilst I take pleasure in doing justice to the councils of His Britannic Majesty, which, no longer adhering to the policy which made an abandonment by France of her decrees, a prerequisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I cannot do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided, during a period of the most trying embarrassments.

The discontinuance of the British orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded, in one of our public vessels, to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French Government a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture, which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution, to have the gun boats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and convenience for future service; and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens, detached in quotas of militia, amounting to one hundred thousand, under the act of March, one thousand eight hundred and eight, might, not improperly, be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, one thousand eight hundred and eight, together with the disposition of the troops, will appear by a report which the Secretary of War is preparing, and which will be laid before you.

Of the additional frigates required, by an act of the last session, to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report, which the Secretary of the Navy is preparing on the subject, to be laid before Congress, will show at the same time the progress made in officering and manning these ships. It will show also the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospects may authorize any modifications of the laws relating to the army and navy establishments.

The works of defence for our sea-port towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state, that the appropriations hitherto made, being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the eight per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had been reimbursed on the last day of the year 1808. And on the first day of April last, the sum in the treasury exceeded nine and a half millions of dollars. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly, if not altogether sufficient to defray the expenses of the year. But the suspension of exports, and the consequent decrease of importations, during the last twelve months, will necessarily cause a great diminution in the receipts of the year one thousand eight hundred and ten. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the present season of the year, I forbear to call the attention of the Legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall co-operate for the welfare and happiness of our country; and to pray that you may experience a continuance of the divine blessings, by which it has been so signally favored.

JAMES MADISON.

11th CONGRESS.]

No. 30.

[2d Session.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON WEDNESDAY, NOV. 29, 1809.

Fellow-citizens of the Senate

and of the House of Representatives:

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favorable prospect has been overclouded, by a refusal of the British Government to abide by the act of its minister plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where, by the terms of the engagements, a mutual ratification is reserved; or where notice at the time may have been given, of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity; a disavowal could not have been apprehended in a case where no such notice or violation existed; where no such ratification was reserved; and more especially, where, as is now in proof, an engagement, to be executed without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution on the part of the United States.

These considerations not having restrained the British Government from disavowing the arrangement, by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury, now laid before you, were transmitted to the Collectors of the several ports. If, in permitting British vessels to depart, without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individuals should be injured by so unforeseen an occurrence; and I rely on the regard of Congress for the equitable interests of our own citizens, to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted, that it would at least be charged with conciliatory explanations of the step which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed, nor any authority to substitute proposals as to that branch which concerned the British orders in council. And finally, that his proposals with respect to the other branch, the attack on the frigate *Chesapeake*, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals, at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws, and British practice, than to the principles and obligations of the United States.

The correspondence between the Department of State and this minister, will show how unessentially the features presented in its commencement have been varied in its progress. It will show also, that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic Majesty through the minister plenipotentiary of the United States in London. And it would indicate a want of the confidence due to a government which so well understands and exacts what becomes foreign ministers near it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British Government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy if the change in this respect should be accompanied by a favorable revision of the unfriendly policy, which has been so long pursued towards the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures, taken on the part of the United States, to effect a favorable change. The result of the several communications made to her government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our minister at Paris, now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature, how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered.

In relation to the Powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued towards them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated; and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms of an improving quality appears to be annually increasing, at a rate, that, with those made on private contract, may be expected to go far towards providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorized by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of September last, (and amounting to more than nine millions of dollars) have enabled us to fulfil all our engagements, and to defray the current expenses of government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the national Legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation, conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection, that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts, by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot, from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

November 29, 1809.

11th CONGRESS.]

No. 31.

[3d Session.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON WEDNESDAY, DEC. 5, 1810.

Fellow-citizens of the Senate

and of the House of Representatives:

The embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty, in meeting you, to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress, "concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies," having invited, in a new form, a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British Governments.

By the communication received through our minister at Paris, it appeared, that a knowledge of the act by the French Government, was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the first day of November ensuing. These being the only known edicts of France, within the description of the act, and the revocation of them being such that they ceased, at that date, to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the second day of November.

It would have well accorded with the conciliatory views, indicated by this proceeding, on the part of France, to have extended them to all the grounds of just complaint, which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions towards them, restoration would have been

immediately made of the property of our citizens seized under a misapplication of the principle of reprisals, combined with a misconstruction of a law of the United States. This expectation has not been fulfilled.

From the British Government no communication on the subject of the act has been received. To a communication from our minister at London of the revocation, by the French Government, of its Berlin and Milan decrees, it was answered that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of those novel blockades which have a like effect of interrupting our neutral commerce. And this further justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations, than inconsistent with the rules of blockade formally recognised by Great Britain herself, could have no alleged basis, other than the plea of retaliation, alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is indeed scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be, in effect, comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress, not to be comprehended in the explanation of the requisites to a compliance with it. The British Government was accordingly apprized by our minister near it, that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that Government, no progress has been made, from which an early and satisfactory result can be relied on.

In this new posture of our relations with those Powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a further and more formal interposition with the Danish Government is contemplated. The principles which have been maintained by that Government, in relation to neutral commerce, and the friendly professions of his Danish Majesty towards the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change, developing itself in that portion of West Florida, which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted, and a situation produced, exposing the country to ulterior events, which might essentially affect the rights and welfare of the Union. In such a conjuncture, I did not delay the interposition required for the occupancy of the territory west of the river Perdido; to which the title of the United States extends, and to which the laws, provided for the territory of Orleans, are applicable. With this view, the proclamation, of which a copy is laid before you, was confided to the Governor of that territory, to be carried into effect. The legality and necessity of the course pursued, assure me of the favorable light in which it will present itself to the Legislature; and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the Powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted, and to have become more firmly established.

With the Indian tribes, also, the peace and friendship of the United States are found to be so eligible, that the general disposition to preserve both, continues to gain strength.

I feel particular satisfaction in remarking, that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements related to it, is added a highly interesting extension of useful manufactures—the combined product of professional occupations and of household industry. Such, indeed, is the experience of economy, as well as of policy, in these substitutes for supplies heretofore obtained by foreign commerce, that, in a national view, the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice, which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor, by regulation of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress, also, whether a provident, as well as fair encouragement, would not be given to our navigation, by such regulations as will place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity in the existing regulations on this subject, operates, in our ports, as a premium to foreign competitors; and the inconvenience must increase, as these may be multiplied, under more favorable circumstances, by the more than countervailing encouragements now given them, by the laws of their respective countries.

Whilst it is universally admitted that a well instructed people alone can be permanently a free people; and whilst it is evident that the means of diffusing and improving useful knowledge form so small a portion of the expenditures for national purposes; I cannot presume it to be unreasonable, to invite your attention to the advantages of superadding to the means of education provided by the several States, a seminary of learning, instituted by the National Legislature, within the limits of their exclusive jurisdiction; the expense of which might be defrayed, or reimbursed, out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions; by expanding the patriotism; and by assimilating the principles, the sentiments, and the manners, of those who might resort to this temple of science, to be re-distributed, in due time, through every part of the community; sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But above all, a well constituted seminary, in the centre of the nation, is recommended by the consideration, that the additional instruction emanating from it would contribute not less to strengthen the foundations, than to adorn the structure of our free and happy system of government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct, will doubtless be felt by Congress, in devising further means of suppressing the evil.

In the midst of uncertainties, necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement. The Secretary of War and Secretary of the Navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures, and the grounds on which they were made.

The fortifications for the defence of our maritime frontier have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed, and furnished with ordnance. Those for the security of the city of New York, though far advanced towards completion, will require a further time and appropriation. This is the case with a few others, either not completed, or in need of repairs.

The improvements, in quality and quantity, made in the manufacture of cannon, and of small arms, both at the public armories, and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress, with respect to that great bulwark of the public safety, it is for their consideration, whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispen-

sable that they should be instructed and practised in the rules by which they are to be governed. Towards an accomplishment of this important work, I recommend, for the consideration of Congress, the expediency of instituting a system, which shall, in the first instance, call into the field, at the public expense, and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired, would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service, which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill, in those portions of an army, in fitting it for the final duties which it may have to perform.

The corps of engineers, with the military academy, are entitled to the early attention of Congress. The buildings at the seat, fixed by law, for the present academy, are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy, at the seat of government or elsewhere. The means by which war, as well for defence as for offence, are now carried on, render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government, happily without the other opportunities, seminaries, where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger, with a scrupulous regard to internal safety. In no other way, probably, can a provision, of equal efficacy for the public defence, be made at so little expense, or more consistently with the public liberty.

The receipts into the treasury during the year ending on the thirtieth of September last (and amounting to more than eight millions and a half of dollars) have exceeded the current expenses of the Government, including the interest on the public debt. For the purpose of reimbursing, at the end of the year, three millions seven hundred and fifty thousand dollars of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to two millions seven hundred and fifty thousand dollars; the reduction being permitted by the state of the treasury, in which there will be a balance remaining, at the end of the year, estimated at two millions of dollars. For the probable receipts of the next year, and other details, I refer to statements which will be transmitted from the treasury, and which will enable you to judge what further provisions may be necessary for the ensuing years.

Reserving for future occasions, in the course of the session, whatever other communications may claim your attention, I close the present by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united counsels and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

JAMES MADISON.

WASHINGTON, *December 5, 1810.*

12th CONGRESS.]

No. 32.

[1st SESSION.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, NOVEMBER 5, 1811.

*Fellow-citizens of the Senate
and of the House of Representatives:*

In calling you together, sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent Powers towards this country, which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British Government, was denied to have taken place; it was an indispensable condition of the repeal of the British orders, that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy: the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared, that a communication to the British Government, of fresh evidence of the repeal of the French decrees against our neutral trade, was followed by an intimation, that it had been transmitted to the British plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality, satisfactory proofs of such a change, and to proceed in the mean time in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts, and the mouths of our harbors, have again witnessed scenes not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is, therefore, alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry, requested by Captain Rodgers, are communicated; together with the correspondence relating to the occurrence between the Secretary of State and his Britannic Majesty's envoy. To these are added the several correspondences which have passed on the subject of the British orders in council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.

The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States; and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected; and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects, our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you, and by ascertaining the ulterior policy of the French Government towards the United States, will enable you to adapt to it that of the United States towards France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce, in the councils of that nation also. And the information from our special minister to Denmark shows, that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the Executive Department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gun boats have, in particular harbors, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast. And such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana territory, and marched towards our Northwestern frontier. This measure was made requisite by several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawnee tribe. With these exceptions, the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add, that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts, on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries all the mutual advantages of re-established friendship and confidence, we have seen that the British cabinet perseveres, not only in withholding a remedy for other wrongs so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success; and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the Southern portion of our own hemisphere, and extend into our neighborhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the State, attains it utmost guilt when it blends, with a pursuit of ignominious gain, a treacherous subversivity, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient, also, that it be made punishable in our citizens to accept licences from foreign governments, for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of any sort.

A prohibition is equally called for, against the acceptance, by our citizens, of special licences, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent of which it is at present abridged, by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices, which a change of circumstances might bring on them, the national interest requires, that, with respect to such articles, at least, as belong to our defence, and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation, in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury, during the year ending on the thirtieth of September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue, arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year.

And I recommend to your consideration, the propriety of ensuring a sufficiency of annual revenue, at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled; my confidence in a wise and honorable result to your deliberations; and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed, in vindicating its rights and advancing its welfare.

JAMES MADISON.

WASHINGTON, November 5, 1811.

12th CONGRESS.]

No. 33.

[2d SESSION.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON WEDNESDAY, NOV. 4, 1812.

*Fellow-citizens of the Senate
and of the House of Representatives:*

On our present meeting it is my first duty to invite your attention to the providential favors which our country has experienced, in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced, by the perseverance of a foreign Power in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier General Hull was charged with this provisional service, having under his command a body of troops composed of regulars, and of volunteers from the State of Ohio. Having reached his destination, after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy, with a prospect of easy and victorious progress. The expedition nevertheless terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace, and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture, which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation: for it is committed in the face of our example. They cannot mitigate it by calling it a self defence against men in arms: for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation, boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs, that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendered with it, inspired every where new ardor and determination. In the States and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier General Harrison, who possesses the entire confidence of his fellow soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subservency into which they had been seduced by the enemy—a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the command of Major General Van Rensselaer, of the militia of the State of New York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the Governor of the province; and was sustained by veteran troops, from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy, where it is essential to our permanent peace with, and control over the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the Governors of Massachusetts and Connecticut to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject. It is obvious that, if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the public safety may have no other resource, than in those large and permanent military establishments, which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favored in it by the course pursued by a squadron of our frigates, under the command of Commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate *Constitution*, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer and all on board a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification. And our charge d'affaires at London was, at the same time, authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other, should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this government, had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this Government, affording an occasion for re-considering the subject, on the part of Great Britain, will be viewed in a more favorable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the Department of State, which relate to this subject, will give a view also of the propositions for an armistice, which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British Government itself, through Admiral Warren, and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrasted to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special minister to Denmark, afford further proofs of the good effects of his mission and of the amicable disposition of the Danish Government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul general, residing with that regency, has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied, during the campaign, by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing, more favorably for the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other. And although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners, and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the Legislature the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries, and by the experience of our own.

A revision of the militia laws, for the purpose of rendering them more systematic, and better adapting them to emergencies of the war, is, at this time, particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship-building, the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterised our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe, that the act prohibiting the acceptance of British licences, is not a sufficient guard against the use of them, for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels, which were in England when the revocation of the orders in council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previously affording to Congress, an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the treasury, during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars, which have been sufficient to defray all the demands on the treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans au-

thorized by the acts of the last session; the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former counsels, and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked, without violating the obligations of Great Britain to other Powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes. It would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that, on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American People were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all-powerful Being who holds in his hand the chain of events and the destiny of nations. It remains only, that, faithful to ourselves, entangled in no connexions with the views of other Powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels, and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing, of speedily obtaining it.

JAMES MADISON.

WASHINGTON, Nov. 4, 1812.

No. 34.

INAUGURAL SPEECH OF PRESIDENT MADISON,

DELIVERED IN THE HALL OF THE HOUSE OF REPRESENTATIVES, ON THURSDAY, MARCH 4, 1813.

About to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated, and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment without presumption, when we reflect on the characters by which this war is distinguished?

It was not declared on the part of the United States until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent Powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other Powers on the element common to all; and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones; nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our Government; and the cruel sufferings of that portion of the American People have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect, with a proud satisfaction, that, in carrying it on, no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity, have been infringed. The war has been waged, on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons, emigrating without restraint to the United States, incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages, armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief, awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganise our political society—to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate; and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a

government which founded the very war in which it has been so long engaged on a charge against the disorganising and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of its scabbard, before the enemy was apprised of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is in number more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessities, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew, and still know, that without them it could not be carried on through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

JAMES MADISON.

13th Congress.]

No. 35.

[1st Session.

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, MAY 25, 1813.

*Fellow-citizens of the Senate
and of the House of Representatives:*

At an early day after the close of the last session of Congress, an offer was formally communicated from his Imperial Majesty the Emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and, as a further proof of the disposition, on the part of the United States, to meet their adversary in honorable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized, also, to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment, have proceeded to join their colleague, already at St. Petersburg.

The envoys have received another commission, authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations, and improve the beneficial intercourse, between the two countries.

The issue of this friendly interposition of the Russian Emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that sovereign will have produced an acceptance of his offered mediation, must be presumed. That no adequate motives exist to prefer a continuance of war with the United States, to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property, on board neutral vessels, on the high seas, is not a belligerent right derived from the law of nations; and it is obvious, that no visit or search, or use of force, for any purpose, on board the vessels of one independent Power, on the high seas, can, in war or peace, be sanctioned by the laws or authority of another Power. It is equally obvious that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode practised by Great Britain, without a conviction of its title to preference; inasmuch as the latter leaves the discrimination between the mariners of the two nations, to officers exposed, by unavoidable bias, as well as by a defect of evidence, to a wrong decision, under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas, the mode assumed by the United States, guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

If the reasonableness of expectations, drawn from these considerations, could guaranty their fulfilment, a just peace would not be distant. But it becomes the wisdom of the National Legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition, that the only course to that happy event, is in the vigorous employment of the resources of war. And, painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy; who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it, on one frontier, a system of plunder and conflagration, on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by Captain Lawrence and his companions, in the Hornet sloop of war, which destroyed a British sloop of war, with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the Hornet, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our public ships of war, in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts to intercept them returning into port, and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the Lakes, our superiority is near at hand, where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and shew that, under a wise organization and efficient direction, the army is destined to a glory not less brilliant than that which already encircles the navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks and enlarging the staff of the army, have had the best effects. It will be for the consideration of Congress, whether other provisions, depending on their authority, may not still further improve the military establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications; nor has the French Government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays, before so unreasonably spun out. A successor to our deceased Minister has been appointed, and is ready to proceed on his mission; the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interest of the United States, which equally avoids an abandonment of their just demands, and a connexion of their fortunes with the systems of other Powers.

The receipts into the treasury, from the 1st of October to the 31st day of March last, including the sums received on account of treasury notes, and of the loans authorized by the acts of the last and the preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures, during the same period, amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the treasury, on the 1st of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum, more than a million of dollars had been paid into the treasury, prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making, in the whole, twenty-nine millions three hundred thousand dollars, to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the public debt. These engagements amount, during that period, to ten millions five hundred thousand dollars; which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the treasury, at the end of the present year, equal to that on the 1st of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource, for any emergency, may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shews that due provision has been made for the expenses of the current year, shews, at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and, on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent. And although other causes may have had an agency, it cannot be doubted, that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily, no People, with local and transitory exceptions, never to be wholly avoided, are more able than the People of the United States, to spare, for the public wants, a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and on the land, an alacrity in supplying the treasure necessary to give them their fullest effect, and thus demonstrating to the world the public energy which our political institutions combine with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support to every motive that can animate an uncorrupted and enlightened People; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs, of a class of citizens who have proved themselves so worthy the protection of their country, by their heroic zeal in its defence; and finally, to the sacred obligation of transmitting, entire, to future generations, that precious patrimony of national rights and independence, which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages, which may ensue, regard will be had to the same consideration.

JAMES MADISON.

WASHINGTON, May 25, 1813.

13th CONGRESS.]

No. 36.

[2d SESSION.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, DECEMBER 7, 1813.

*Fellow-citizens of the Senate
and of the House of Representatives:*

In meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation from the respect due to the distinguished sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their Legislature, for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not

to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honorable and desirable to both, for discussing, and, if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place, or is to be expected.

Under such circumstances, a nation proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander; the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On lake Erie, the squadron under command of Captain Perry, having met the British squadron, of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country; and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

On lake Ontario, the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted for a more shining display of his own talents, and the gallantry of those under his command.

The success on lake Erie having opened a passage to the territory of the enemy, the officer commanding the northwestern army transferred the war thither; and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honorable to Major General Harrison, by whose military talents it was prepared; to Col. Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in hardships and battles, for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign Power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare, which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced in the first instance by adverse weather, of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy, in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them.

It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view a force was called into the service of the United States from the States of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character; stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates, and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and of honorable war. For these enormities, the enemy are equally responsible, whether with the power to prevent them they want the will, or, with a knowledge of a want of power, they still avail themselves of such instruments.

In other respects, the enemy are pursuing a course which threatens consequences most afflictive to humanity. A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States, being there under certain circumstances, to bear arms; whilst of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, as appears, of his government, thought proper to select from American prisoners of war, and send to Great Britain for trial, as criminals, a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognized by the law and the practice of Great Britain, and who were made prisoners of war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain, would have led her government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice, that, in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed upon us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British Government has been apprized of the determination of this government to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation, have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free States, and the constitution having wisely committed to the national authority a use of that force as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws, for the purpose of securing more effectually the services of all detachments called into the employment and placed under the government of the United States.

It will deserve the consideration of Congress, also, whether, among other improvements in the militia laws, justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of detachments called into the national service.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly Powers. With this view I recommend to Congress the expediency of such legal provision as may supply the defects, or remove the doubts of the Executive authority to allow to the cruisers of other Powers, at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the treasury have exceeded thirty-seven millions and a half of dollars, of which nearly twenty-four millions were the produce of loans. After meeting all the demands for the public service, there remained in the treasury, on that day, nearly seven millions of dollars. Under the authority contained in the act of the second of August last, for borrowing seven millions and a half of dollars, that sum has been obtained, on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums, to a considerable amount will be necessary to be obtained in the same way during the ensuing year; and, from the increased capital of the country, from the fidelity with which the public engagements have been kept, and the public credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages, in one quarter, been less favorable than was expected; but, in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honorable to the American arms.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden; by the recovery of Detroit, and the extinction of the Indian war in the west; and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness, in which all ought to unite, for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and, above all, for the light of divine truth, and the protection of every man's conscience in the enjoyment of it. And although among our blessings we cannot number an exemption from the evils of war, yet these will never be regarded as the greatest of evils, by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative, when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude, and feel the value of that glorious event, will shrink from a struggle to maintain the high and happy ground on which it placed the American People.

With all good citizens, the justice and necessity of resisting wrongs and usurpations, no longer to be borne, will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that, whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States, that the calamities of the contest into which they have been compelled to enter, are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly giving them an extent, which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliation on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter; demonstrating to all, that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction; by augmenting and distributing warlike preparations, applicable to future use; by evincing the zeal and valor with which they will be employed, and the cheerfulness with which every necessary burden will be borne; a greater respect for our rights, and a longer duration of our future peace, are promised, than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom; and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others;

and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these, their claims have never extended; and, in contending for these, we behold a subject for our congratulations in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

WASHINGTON, December 7, 1813.

JAMES MADISON.

13th CONGRESS.]

No. 37.

[3d Session.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, SEPT. 20, 1814.

Fellow-citizens of the Senate

and of the House of Representatives:

Notwithstanding the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on one hand, the repeal of the orders in council, and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established; we are compelled, on the other hand, by the refusal of the British Government to accept the offered mediation of the Emperor of Russia; by the delays in giving effect to its own proposal of a direct negotiation; and, above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged, more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe for an equilibrium guarantying all its States against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and that it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war against a free people, and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power, already formidable in its abuses to the tranquillity of the civilized and commercial world.

But, whatever may have inspired the enemy with these more violent purposes, the public councils of a nation, more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions, with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy, with all his augmented means, and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria; from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals, and in dishonoring his arms, than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the seat of government, no compensation for the loss of character with the world, by his violations of private property, and by his destruction of public edifices, protected, as monuments of the arts by the laws of civilised warfare.

On our side we can appeal to a series of achievements, which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara, by the American forces under Major General Brown and Brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels; and, having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts, the more certain and decisive will be his final discomfiture.

On our southern border, victory has continued also to follow the American standard. The bold and skilful operations of Major General Jackson, conducting troops drawn from the militia of the States least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our northwestern frontier have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships; whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack, by a powerful force, on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command, made on our part, have been well repaid. On lake Ontario our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on lake Erie has been extended into lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with, the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalised another officer; and established, at a critical moment, our command of another lake.

On the ocean, the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other

severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputation of their commanders; whilst two others, one commanded by Captain Warrington, the other by Captain Blakeley, have captured British ships of the same class, with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy, accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce, and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral Powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defence, and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety, all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the thirtieth day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the public revenue, and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year, already authorized by Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised, that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force, and in its worst forms, may be looked for. The American People will face it with the undaunted spirit which, in their Revolutionary struggle, defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the National Legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind, which the safety and honor of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld.

Having forbore to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the Government of Great Britain, that her hostile orders against our commerce would not be revoked, but on conditions as impossible as unjust; whilst it was known that these orders would not otherwise cease but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested, on every occasion, and in every proper mode, a sincere desire to arrest the effusion of blood, and meet our enemy on the ground of justice and reconciliation; our beloved country, in still opposing to persevering hostility, all its energies, with an undiminished disposition towards peace and friendship on honorable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence.

JAMES MADISON.

WASHINGTON, *September 20, 1814.*

FOREIGN RELATIONS.

EXECUTIVE COMMUNICATIONS TO CONGRESS

AND

REPORTS OF COMMITTEES.

[1st CONGRESS.]

No. 38.

[1st SESSION.]

CONSULAR FUNCTIONS.

Message from the President relative to the Consular Convention with France.

Gentlemen of the Senate:

A convention between His Most Christian Majesty and the United States, for the purposes of determining and fixing the functions and prerogatives of their respective consuls, vice consuls, agents, and commissaries, was signed by their respective plenipotentiaries on the 29th of July, 1784.

It appearing to the late Congress that certain alterations in that convention ought to be made, they instructed their minister at the court of France to endeavor to obtain them. It has accordingly been altered in several respects, and, as amended, was signed by the plenipotentiaries of the contracting Powers, on the 14th of November, 1788.

The 16th article provides that it shall be in force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

I now lay before you the original, by the hands of Mr. Jay, for your consideration and advice. The papers relative to this negotiation are in his custody, and he has my orders to communicate to you whatever official papers and information on the subject he may possess, and you may require.

GEO. WASHINGTON,
President United States.

NEW YORK, June 11th, 1789.

[1st CONGRESS.]

No. 39.

[1st SESSION.]

CONSULAR FUNCTIONS.

Report of the Secretary of Foreign Affairs on the Consular Convention with France.—Communicated to the Senate July 27, 1789.

OFFICE FOR FOREIGN AFFAIRS, 25th July, 1789.

The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the following resolution, viz:

“IN SENATE, 22nd July, 1789.

“Whereas a convention referred this day to the Senate, bears reference to a convention pending between the Most Christian King and the United States, previous to the adoption of our present constitution:

“Resolved, That the Secretary of Foreign Affairs under the former Congress be requested to peruse the said convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations or negotiations entered into by our minister at the court of Versailles, to ratify in its present sense or form the convention now referred to the Senate”—Reports:

That he has compared the two conventions of 1784 and 1788; that the copies of them received from Mr. Jefferson, and now before the Senate, are so printed, and their variations so clearly marked, as that he cannot contrast them in a manner better calculated for an easy and accurate comparison.

That, in his opinion, there exist in the convention of 1788 no variations from the original scheme sent to Doctor Franklin in 1782, nor from the convention of 1784, but such as render it less ineligible than either of the other two. That, although he apprehends that this convention will prove more inconvenient than beneficial to the United States, yet he thinks that the circumstances under which it was formed, render its being ratified by them indispensable.

The circumstances alluded to are these:

The original scheme of 1782, however exceptionable, was framed and agreed to by Congress.

The convention of 1784 was modelled by that scheme, but, in certain instances, deviated from it; but both of them were to be perpetual in their duration.

On account of those deviations, Congress refused to ratify it, but promised to ratify one corresponding with the scheme, provided its duration was limited to eight or ten years; but they, afterwards, extended it to twelve.

By an instruction to Mr. Jefferson, of 3d October, 1786, he was, among other things, directed to propose to the King, "That the said convention be so amended as perfectly to correspond with the scheme, in every part, where a deviation from the same is not permitted by the said act of 1782; and, further, that he represent to his Majesty the desire of Congress to make the said Convention probationary, by adding a clause for limiting its duration to eight or ten years. That he assure his Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings, and that, on receiving the convention, so amended, and with such a clause, they will immediately ratify it."

In the letter which accompanied these instructions is the following paragraph:

"The original scheme of the convention is far from being unexceptionable, but a former Congress having agreed to it, it would be improper now to recede; and, therefore, Congress are content to ratify a convention made conformable to that scheme, and to their act of 25th of January 1782, provided a clause limiting its duration be added."

On the 27th July, 1787, Congress gave to Mr. Jefferson a commission in general terms, to negotiate and conclude with His Most Christian Majesty a convention for regulating the privileges, &c. of their respective consuls.

In one of the letters then written to him, is this paragraph:

"Congress confide fully in your talents and discretion, and they will ratify any convention that is not liable to more objections than the one already in part concluded, provided that an article, limiting its duration to a term not exceeding twelve years, be inserted."

As the convention in question is free from several objections to which the one of 1784 was liable, and is in every respect preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow, as of necessary consequence, that the United States ought to ratify it.

All which is submitted to the wisdom of the Senate.

JOHN JAY.

1st CONGRESS.]

No. 40.

[2d SESSION.]

EASTERN BOUNDARY.

Message from the President of the United States relative to differences with Great Britain respecting the Eastern Boundary.—Communicated February 9, 1790.

Gentlemen of the Senate:

You will perceive from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States, relative to the boundary line between our Eastern, and their territories. A plan for deciding this difference was laid before the late Congress; and whether that, or some other plan of a like kind, would not now be eligible, is submitted to your consideration.

In my opinion, it is desirable that all questions between this and other nations be speedily and amicably settled; and in this instance, I think it advisable to postpone any negotiations on the subject, until I shall be informed of the result of your deliberations, and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, &c. I am the more solicitous that the business now submitted to you may be prepared for negotiation, as soon as the other important affairs which engage your attention will permit.

GEO. WASHINGTON.

[Papers referred to in the foregoing message.]

COMMONWEALTH OF MASSACHUSETTS.

Resolve for appointing Agents to repair to the Eastern part of this State, to inform themselves of encroachments made by British subjects, and instructing them how to proceed.—July 7, 1784.

Whereas the United States in Congress assembled; on the twenty-sixth day of January last past, recommended to the Governor of this Commonwealth to cause inquiry to be made whether encroachments had actually been made on the territories of this State by the subjects of his Britannic Majesty, from the Government of Nova Scotia; and it appearing that great encroachments have been made on the said territories:

Resolved, That three gentlemen be appointed by the General Court, whose duty and business it shall be to repair to the eastern part of this State, and there inform themselves what encroachments have been made by his said Britannic Majesty's subjects, on the territories of this commonwealth; and if they find such have been made, that they make representation thereof to the Governor of Nova Scotia, and request him, in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighboring States, to recall from off the said territory the said subjects of his Britannic Majesty, so found to have encroached thereon; that they receive any communications on the said subject which may be made by the said Governor of Nova Scotia, and make report of their proceedings herein to the General Court.

Resolved, That His Excellency the Governor make a commission, under the seal of the commonwealth, to the agents to be appointed as aforesaid, to transact the said business, and transmit to the said Governor of Nova Scotia a copy of these resolves.

Deposition of John Mitchell, dated October 9, 1784.

The subscriber, an inhabitant of Chester, in the State of New Hampshire, voluntarily makes the following declaration, to wit: That I was employed by His Excellency Francis Bernard, Esq. Governor of the Province of Massa-

chusetts Bay, in April, 1764, as a surveyor, in company with Mr. Israel Jones, as my deputy, Mr. Nathan Jones, as commanding officer of a party of troops, and Captain Fletcher, as Indian interpreter, to repair to the bay of Passamaquoddy, to assemble the Indians usually residing there, and from them to ascertain the river known by the name of the St. Croix. We accordingly assembled upwards of forty of the principal Indians upon an island then called L'Atercel in the said bay of Passamaquoddy. After having fully and freely conversed with them upon the subject of our mission, the chief commissioned three Indians to show us the said river St. Croix, which is situated nearly six miles north, and about three degrees east of harbor L'Tete, and east northeast of the bay or river Schoodick, and distant from it about nine miles upon a right line. The aforesaid three Indians, after having shewn us the river, and being duly informed of the nature and importance of an oath, did, in a solemn manner, depose to the truth of their information respecting the identity of the said river St. Croix, and that it was the ancient and only river known amongst them by that name. We proceeded conformably to this information in our surveys; and in August following, I delivered to Governor Bernard, three plans of the said river St. Croix, and the said bay of Passamaquoddy.

JOHN MITCHELL, *Surveyor.*

SUFFOLK, ss.

Boston, October 9, 1784.

The above named John Mitchell personally appeared, and on solemn oath, declared that the above by him subscribed is true.

Before me,

EZEKIEL PRICE, *Justice of the Peace.*

True copy. Attest,

JOHN AVERY, Jun. *Secretary.*

Report of Generals Lincoln and Knox to the Governor of Massachusetts, dated Boston, October 19, 1784.

SIR: In obedience to your Excellency's commission, bearing date July 12, 1784, the subscribers, two of the commissioners named therein, proceeded, the latter end of August, to the bay of Passamaquoddy, and there endeavored to inform themselves of what encroachments had been made by the subjects of his Britannic Majesty on the territories of this commonwealth.

They beg leave to inform your Excellency, that a very considerable number of British subjects are settled at a place called St. Andrews, on the eastern bank of the river Schoodick, which, in the opinion of your commissioners, is clearly within the limits of this State.

By your Excellency's leave, they will recite a short state of facts on which this opinion was formed.

There are three very considerable rivers which empty themselves into the bay of Passamaquoddy, which is from five to seven leagues wide. The eastern river falls into the bay about a league from the head of it, and perpendicular to the eastern side; the middle river falls into the bay far on the westerly side of the head of it, and in a direction parallel therewith; the western river falls into the bay about six leagues from the head of it, on the westerly side, and nearly perpendicular to it: all of which, in late British maps, are called St. Croix. The first is, by the Indians, called Maggadava, the second Schoodick, and the third Cobbscook.

From every information the subscribers could obtain, on an inquiry of the Indians and others, the eastern river was the original St. Croix. This is about three leagues east of St. Andrews, where the British inhabitants have made a settlement. Soon after the subscribers received their commission, they wrote to Mr. Jay, requesting him to give them information whether the commissioners for negotiating the peace confined themselves, in tracing the boundaries of the United States, to any particular map, and if any one, to what? Since their return, they received his answer, mentioning that Mitchell's map was the only one that the commissioners used, and on that they traced the boundaries agreed to. This, in the opinion of the subscribers, is a fact which must facilitate an equitable decision of the matter; though Mitchell's map is not accurate, at least in the description of the eastern parts of this State. He has described but two, instead of three rivers, which empty themselves into the bay of Passamaquoddy. The eastern of those he has placed at the head of the bay, near the centre of it, and calls it St. Croix. The western river he has called by the name of Passamaquoddy. Hence it is plain, that though the map is inaccurate, yet the eastern river, which empties itself into the bay, is, in the opinion of Mr. Mitchell, the St. Croix. This opinion is further supported by the deposition of Mr. Mitchell accompanying this report. The subscribers are informed that the Mr. Jones, mentioned in the deposition, is soon expected in this town, who will depose the same facts.

The subscribers further represent, that they find in the maps of a quarto volume, published in Paris, in 1744, from Charlevoix' voyage to North America, made in 1604, two rivers delineated at the head of the bay of Passamaquoddy, the western of which is called Passamaquoddy, the eastern St. Croix.

Although the mouth of the river St. Croix is but little more than three leagues east of the banks of the Schoodick, on which the British subjects are settled, yet, from the different courses of the two rivers, the source of the western branch of the Schoodick is nearly an hundred miles from the source of the St. Croix.

From a view of the rapid improvements made by the British subjects on the banks of the Schoodick, the subscribers could not but suppose that the idea of their removal would always embarrass a settlement of the line agreeably to the treaty of peace. They therefore have thought it their duty to suggest the propriety of quieting such British settlers in their possessions, who are desirous of becoming inhabitants of the United States. That the General Court might have time to take this matter into their consideration, they have deferred writing to the Governor of Nova Scotia, though they could not have done this until within a few days past, from the necessary delays which have attended the procuring the evidence relative to the ancient St. Croix. Want of health prevented the attendance of Mr. Partridge.

We have the honor to be, sir, &c.

B. LINCOLN,
H. KNOX.

True copy. Attest,

JOHN AVERY, Jun. *Secretary.*

Extract of a letter from His Excellency John Adams, Esq. to His Honor Lieutenant Governor Cushing.

AUTEUIL, near Paris, October 25, 1784.

In writing upon the subject of the line between Massachusetts and Nova Scotia he observes as follows:

"We had before us, through the whole negotiation, a variety of maps, but it was Mitchell's map upon which was marked out the whole of the boundary lines of the United States; and the river St. Croix, which we fixed on, was upon that map the nearest river to St. Johns; so that in all equity, good conscience, and honor, the river next to St. Johns should be the boundary. I am glad the General Court are taking early measures, and hope they will pursue them steadily until the point is settled, which it may be now, amicably; if neglected long, it may be more difficult."

Attest,

JOHN AVERY, jun. *Secretary.*

Letter from Governor Hancock to Governor Parr, of Nova Scotia.

BOSTON, November 12, 1784.

SIR:

I have the honor to enclose to your Excellency a resolution and proclamation of Congress respecting the boundary line at the eastern part of this commonwealth; and am to inform you, that, agreeably to the said resolution, an inquiry has been made by a respectable committee, appointed by this government for that purpose, who have reported, that, upon a most careful examination of the evidence respecting the ancient boundary between Nova Scotia and this State, they found the most easterly of the three rivers which empty themselves into the bay of Passamaquoddy to be the ancient line, and now the boundary established by the late treaty so happily concluded between the crown of Great Britain and these States. The committee also report, that the subjects of his Britannic Majesty have made encroachments upon the territory of this Commonwealth, a large number of whom are now possessing themselves of lands on the western side of the said river.

The government of this State, sir, is no less desirous than the United States in Congress assembled, of cultivating that peace and harmony which I hope will ever subsist between the citizens of the States and the subjects of his Majesty: wherefore, in pursuance of the resolution of Congress, I am to request your Excellency will be pleased to recall from off the said territory those subjects of his Majesty who have removed themselves from his dominions, and planted themselves within this commonwealth.

I shall be always ready to give immediate attention to such communications as your Excellency shall be pleased to make upon this or any other subject.

I have the honor to be, &c.

JOHN HANCOCK.

I had the honor of a verbal message from your Excellency by Mr. Gregory Townsend, respecting the probate papers in the hands of Mr. Hutchinson at Halifax, that they were packing up and would be sent by the first opportunity. I have since received no tidings of them. I take the liberty to request your Excellency's kind interposition, that they may be forwarded before the bad season comes on, more especially as they are papers of great consequence, and are much wanted.

His Excellency JOHN PARR, Esq.

*Governor and Commander in Chief of the Province of Nova Scotia, at Halifax.**Letter from Governor Parr to Governor Hancock.*

HALIFAX, December 7, 1784.

SIR:

I had the honor of your letter, dated 12th November, enclosing a copy of a resolution of Congress 29th January last, with a proclamation dated 14th of the same month; all which I have forwarded to the Governor of New Brunswick, within whose government are the lands in dispute; and I have transmitted copies of them to Lord Sidney, one of his Majesty's principal Secretaries of State.

I have the honor to be, &c.

J. PARR.

His Excellency JOHN HANCOCK,

*Governor of the State of Massachusetts.**Letter from Rufus Putnam to the Committee of Massachusetts.*

RUTLAND, December 27, 1784.

GENTLEMEN:

As the plan I furnished you on my return from the eastern country, was much more extensive than what was barely necessary for the delineation of the lands which I surveyed for government, comprehending so much of the Passamaquoddy country as I thought sufficient to give a pretty clear idea of the grounds in dispute between this commonwealth and Nova Scotia, respecting our eastern boundary, if it is not my duty as a servant of the public, I ask their indulgence as a citizen, to mention several matters by way of information and explanation of my plan, and also to make a few observations on the respective claims of the two nations in that quarter.

From Mr. Jones, who is the principal surveyor employed by the British in that quarter, since the peace took place, I learned that they consider the Schoodick as the St. Croix intended in the treaty; that they fix the mouth of that river at the Devil's Head, which you will see marked in township No. V. in my plan; and the bays of Schoodick, St. Andrews, Cobbscook, &c. &c. formerly comprehended under the general name of Passamaquoddy, they consider as arms of the sea, or parts of the bay of Fundy. Here then, say they, that is, at the Devil's Head, the following description in the treaty begins, viz. "bounded east by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source."

Again, a line drawn from the mouth of St. Croix, at Devil's Head, to the mouth of St. Mary's river, between Georgia and East Florida, they consider as a boundary, to the eastward of which we have no claim on the main land or among the islands, nor yet to the islands westward of such a line, except they lie within 20 leagues of the sea coast or main land, and have not been granted by the government of Nova Scotia. Again, in consequence of their claiming the Schoodick river for the St. Croix, all the lands to the eastward of it, as high as the first falls above Mill Island, marked in my plan, are surveyed and granted to the refugees, and others, after a judgment of escheat being passed on them: for they were formerly granted to others, as may be seen in the copy of the Halifax plan.

A straight line, says Mr. Jones, drawn from the Devil's Head to the mouth of St. Mary's river, as above mentioned, will fall on the sea coast or north shore of the bay of Fundy, about the mouth of little Machias river. The direction of this line across my plan, is marked on the southern edge of it, and in consequence of their claiming such a line, not only all the islands in the bay of Passamaquoddy, whether granted before the peace, or since, they claim as theirs; but the Island of Grand Manan has been granted by the Governor of Nova Scotia to certain proprietors; and on the same principle, a few days before I left the country, Mr. Jones began the survey of Seward's Neck.

Their settlements keep pretty equal pace with their surveys. The island of Grand Manan has several settlers on it already, as well as a number of smaller islands in the eastern part of Passamaquoddy Bay. The town of St. Andrews has between two and three hundred houses; and a town at present called Schoodick, near the head of navigation, has near one hundred houses; besides which there is a township at the head of Oak Bay granted to a company of associates, at the head of which is a Mr. Norwood from Cape Ann; another township, west of this, is surveyed for a company from Connecticut; and these companies obtain the same supplies of provision as the refugees do.

The reason why they have made no surveys on the main land between the Devil's Head and Pleasant Point, or on Moose Island, I presume is because they consider these lands as the property of Sir Francis Bernard and his associates, and that no judgment of escheat respecting them has yet taken place.

Upon supposition that the Magzacadava river, or eastern St. Croix, from the falls, makes a north course up to its source, and the river Schoodick does the same from the upper pond marked in my plan, then the tract of land, between the two rivers in dispute, will be in extent east and west nearly thirty-six miles, and by a London map, published immediately after the peace, at least 120 miles north and south; so that the two rivers in all probability make a difference of 120 townships of 6 miles square, within which there is no doubt a great quantity of good lands.

Again, to draw a line as they propose from the Devil's Head, will cut off at least a quantity of land equal to four or five townships of 6 miles square, besides the island of Grand Manan, and the small islands on the southern side of it, which are equal to three or four such townships together, with Moose Island and some others, whose quantities are marked in my plan or report. But besides the value of the lands cut off by this proposed line, it is well to consider that the remainder of the lands bordering on the Schoodic and Cobscook rivers will be of little value to their owners, if they have no communication with the sea but what depends on the courtesy of their British neighbors. The bay of Passamaquoddy at present affords great plenty of fish; but if we are to possess no islands in that bay for curing them, it must prove very injurious to the subjects of America, who are or may be employed in taking fish in that quarter. The island of Grand Manan has a good harbor towards the southeast part of it, and its southern shore is lined with a number of small islands, among which, and in the vicinity of them, great plenty of fish are taken; and the quality of the lands in Grand Manan and some of those smaller islands it is said are not inferior to those in the bay of Passamaquoddy; so that in respect of both farming and fishing these islands are of no small consequence.

But where the gentlemen of Nova Scotia have got the idea that the United States are bounded by a line drawn through the Atlantic ocean, from the mouth of St. Mary's river to the mouth of the St. Croix, is hard to conceive. For my own part I cannot find a single hint of such a boundary in all the treaty. Yet, as absurd as this idea appears to be, not only Mr. Jones, and other refugees, are fallen into the mistake; but Governor Parr must have done so too, or otherwise he would not have patented the island of Grand Manan; for, as Mr. Jones told me, it had never been granted before, it cannot now possibly belong to Nova Scotia, on any other principle but the establishment of such a line.

With respect to the islands, the words of the treaty are these: "comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the *points* where the aforesaid boundary between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands," &c. Now, whenever we can find that point, viz. the middle of the mouth of St. Croix river, in the bay of Fundy, we are to draw a line due east from that spot, and all islands lying to the south of such line (and to the north of a line drawn due east from the middle of the mouth of St. Mary's river) and within twenty leagues of the shore or main lands of the United States, are by the treaty ceded to them, "except such islands as now are, or heretofore have been, within the limits of said province of Nova Scotia." Now although at present it may be uncertain where to fix this point, viz. the middle of the mouth of the river St. Croix in the bay of Fundy, yet, if we attend to the bearing of Grand Manan from west passage, as marked in my plan, it is certain that if you fix it any where about the bay of Passamaquoddy, a line drawn due east from thence will leave the whole island of Grand Manan to the south; and this island, lying within much less than twenty leagues of the shore or main land, of course belongs to the United States: therefore, Governor Parr could never grant this island on any other principle but the one I have mentioned. The survey then made on Seward's Neck may be of a much more serious nature than was at first apprehended. If the Schoodic be the St. Croix intended in the treaty, I agree with the Nova Scotia gentlemen that the *real* mouth of that river is at the Devil's Head; but I by no means admit this to be the mouth intended by the commissioners who formed the treaty: for to draw a line due east from thence, not only crosses over a tract of main land before it touches the bay of Fundy *proper*, and would give every island in the bay of Passamaquoddy to the United States; but also, all the islands along the shore to the eastward of Passamaquoddy for several leagues, which I can by no means suppose to be intended. And if we fix this point in the real mouth of the Maggadava, or eastern St. Croix, we shall be involved in the same difficulties as before; so that, whichever be the St. Croix intended, the point mentioned in the treaty must be in some other place than either of these I have mentioned; and the most probable opinion I have been able to form of the matter is, that the commissioners considered the whole bay of Passamaquoddy as the mouth of the river St. Croix; and that their real intention was, that a line beginning in the middle of this mouth, at a point where it joins the bay of Fundy, that is, on a line drawn from the west to the east cape or head land that forms the bay of Passamaquoddy, and from thence, drawn through the middle of this bay or mouth, and along the middle of the St. Croix to its source, &c. &c. should be our eastern boundary. My reasons for this opinion are these: from this point, wherever it is, a line is to be drawn due east, in order to determine what islands belong to the United States, and what not. Now, to draw such line from any point within the eastern cape, or head land, must cross over a tract of main land before it can touch the bay of Fundy *proper*, and involve us in all those difficulties respecting the islands near the eastern shore beyond Passamaquoddy which I have before mentioned. Again, the bay of Passamaquoddy is not mentioned in all the treaty, although noticed in Mitchell's map and all the maps of that country in the American atlas; wherefore the commissioners I conceive must consider it as a part of the bay of Fundy, or as the mouth of the St. Croix. We have already observed the absurdities of considering it as part of the bay of Fundy, and fixing the mouth of the St. Croix at the Devil's Head, or any where else within the eastern cape; therefore, they must consider it as the mouth of the St. Croix, or they could have no respect to it whatever. But if we carefully inspect Mitchell's map, and those in the American atlas, and compare these draughts with the whole description of our eastern boundary, my hypothesis appears to me the only intelligible and consistent one that can take place. For instance, if we consult Mitchell's map, a line drawn from the eastern and western capes, and bisected in the middle, strikes me as the identical point intended by the commissioners; from hence, a line drawn due east escapes the eastern cape, and determines to whom the islands belong in a rational and consistent manner; from hence also, a line drawn through the middle of the bay, and up the St. Croix, will make a pretty equal division of the bay of Passamaquoddy, and the islands therein, which it is natural to suppose was intended; and if we inspect the several maps in the American atlas, the same ideas naturally arise; and upon this principle most if not all Campobello, and a great part of Deer Island, belongs to us; for the exceptions are respecting those islands only which are situate between lines drawn due east from certain points mentioned in the treaty.

With respect to the river intended by the commissioners, as the boundary between us and Nova Scotia, I think they alone must determine: for as they are entirely silent with respect to any description but the bare name of St. Croix, and as the Passamaquoddy and Maggadava have both obtained that name, I think it impossible to determine which is the river intended by the description they have given us. It may, however, be well to observe, that the river Schoodic, or a river by the name of Schoodick, is not to be found in Mitchell's map, the American atlas, or any other draught that I have seen. Mitchell, at the head of his St. Croix, has a lake which he calls Koneaki. This is evidently an Indian name, but it is not the name of either of the lakes or ponds on the Schoodic that I have heard of. Mr. Jeffers, author of the American atlas, in one of his maps, which he tells us is a new one made from various surveys, and corrected from divers astronomical observations, has given us two rivers by the name of St. Croix; the eastern one he has contended as the dividing line between us and Nova Scotia, and is undoubtedly the Maggadava; the western river he calls Passamaquoddy or St. Croix. You will please to observe, that in my plan just above the last falls I have marked the mouth of a river coming in on the right, nearly as large as the Schoodic, called by the natives Passamaquoddy. Now, if the treaty should be explained to intend the western St. Croix, yet the boundary line cannot follow the river now known by the name of the Schoodic to its source, but must be confined to the Passamaquoddy or eastern branch of the western St. Croix; for with what propriety they should claim beyond this, and follow the Schoodic (a river not known in any map) above the forks, I cannot conceive; and I think it highly probable that the name of Schoodick was by the natives originally confined to the western branch, and that the name of Passamaquoddy extended from the forks quite down to the bay of the same name: for otherwise there is no connexion between the river and bay which bear the same name, and which probably were derived the one from the other, which is commonly, if not always the case.

I am, gentlemen, yours, &c.

RUFUS PUTNAM.

To Messrs. PHILLIPS, WELLS, and DANZ, *Committee*.

True copy. Attest,

JOHN AVERY, Jun. *Secretary*.

Report of the Secretary for Foreign Affairs, respecting the Eastern Boundary.

OFFICE FOR FOREIGN AFFAIRS, 21st April, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the papers herewith enclosed, respecting the eastern boundary line of said States, reports:

That in his opinion, effectual measures should be immediately taken to settle all disputes with the crown of Great Britain, relative to that line.

He thinks that copies of the said papers should be transmitted to the minister plenipotentiary of the United States at that court, with instructions to present a proper representation of the case, and to propose that commissioners be appointed to hear, and finally decide those disputes.

If this measure should appear expedient to Congress, your secretary would suggest the following hints on the subject, viz.

That the number of commissioners should be six, or eight, or ten, or twelve, at the election of his Britannic Majesty; the exact number not being important.

That two commissions of the like tenor, to be agreed upon between our and their ministers, be issued to the whole number, viz. one by the United States, and the other by his Britannic Majesty.

That each party shall name the one half of the whole number.

That they shall all be foreigners, or all be persons of the two nations, at the election of his Britannic Majesty; it not being important.

If he should prefer having them of the two nations, then that he shall name the one half of them being inhabitants of any of his dominions, except those which are situated in and to the west and south of the gulf of St. Lawrence; and that the United States shall name the other half, from any of their countries except Massachusetts.

That the commissioners, if of the two countries, shall sit in North America, but if foreigners, in Europe, at any place which may be agreed upon by our and their ministers. That previous to their proceeding to business, they shall respectively take an oath, fairly, impartially, and justly, without fear, favor, or affection, to hear and decide the said matters in difference, according to the best of their skill and understanding, agreeably to the directions, true intent and meaning of the said commissions.

That in case of the death or refusal to act of any of the said commissioners, previous to their opening and proceeding to execute the said commission (but not afterwards) the place of such, so dying or refusing, shall be supplied by the party who named him, and that a certificate thereof, under the seal of Great Britain, or of the United States, as the case may be, directed to the said commissioners, by the style of "The commissioners for settling the boundary line between his Britannic Majesty and the United States, on the easterly side of the latter," shall be full evidence of such appointment.

That a majority of the whole number shall be a quorum for every purpose committed to them expressly, or necessarily implied in their commissions; such as choosing their chairman, appointing secretaries and surveyors, adjourning from day to day, or for a longer term, which should not exceed ten days, deciding on matters of evidence, and finally determining the matters in difference, &c.

That they keep regular minutes of their proceedings. That all evidence, whether oral or written, be entered at large in them. That copies of all maps and surveys admitted as evidence be made and kept with their papers.

That their chairman for the time being, shall have power to administer oaths. That contempts offered to the board, while convened and sitting on the business of the commission, shall be punishable as contempts committed in a court of justice; and that a certificate by the chairman, of such contempt, delivered to any civil magistrate, shall make it the duty of such magistrate to apprehend and commit the offender to prison, there to remain until thence delivered in due course of law.

That both parties shall have free access to the public offices and records of the other, and be supplied with copies or exemplifications of any parts thereof, on paying the accustomed fees.

That both the parties shall produce to the board whatever they may have to offer, within three months after the opening of the said commission by a quorum of the commissioners, at the place to be appointed, who shall sit and be ready to do business during the whole of that term, unless the parties shall, by writing, under the hands of their agent or agents, sooner declare that they have nothing further to offer.

That, on receiving such declarations, from both the parties, if within the said three months, or from and immediately after the expiration of that term, whichever of those events shall first happen, the commissioners shall within two days thereafter deliver their judgment in writing under their hands and seals, or the hands and seals of a majority of them, to the agents of both parties, viz. one copy for each party; and that the said judgment shall be absolute, final, and conclusive, between the said parties.

That, on having given judgment as aforesaid, or as soon as may be within two months thereafter, they shall annex transcripts of all their minutes, proceedings, and maps or surveys above mentioned, to each of the said commissioners, and under their hands and seals, or the hands and seals of a majority of them, shall return the same, the one issued by his Britannic Majesty, to his Britannic Majesty; and the one by the United States, to the United States in Congress assembled; and that the delivery of the same to their respective agents shall be deemed and adjudged to be a good and sufficient return.

That the allowance to be made the said commissioners for service and expenses be fixed by our and their minister, and that each party pay the one half thereof.

That it be expressly stipulated, that his Britannic Majesty shall, within six months after the day on which the judgment shall be delivered to the agents as aforesaid, cause the United States to be put in full possession of all the territories, lands, and islands, which by the said judgment may be adjudged to the said States, and then being in the possession of his Majesty; and on the other hand, that the United States shall, within six months after the day on which the judgment shall be delivered as aforesaid, cause his Britannic Majesty to be put in full possession of all the territories, lands, and islands, which by the said judgment may be adjudged to him, and then being in the possession of the United States. All which is humbly submitted to the wisdom of Congress.

JOHN JAY.

Deposition of Nathan Jones, dated March 17, 1785.

I, Nathan Jones, of Goldsborough, in the county of Lincoln, and Commonwealth of Massachusetts, Esq. testify and say, that, in the year 1764, I was employed by Sir Francis Bernard, then Governor of the Province of Massachusetts Bay, as commander of a party employed to explore the woods and view the rivers and bays, particularly that of Passamaquoddy, in the eastern parts of said province; and to ascertain the river St. Croix dividing the said province from the government of Nova Scotia; and to perform a survey thereof. Accordingly we proceeded, and assembled upwards of forty of the Indians on an island called L'Tete; and after having fully and freely conversed with them upon the subject of our mission, the chief commissioned three Indians to show us the said river St. Croix, which is situated nearly six miles north, and about three degrees east of the harbor of L'Tete, and east north east of the bay or river Schoodic, and distant from it about nine miles upon a right line. The aforesaid three Indians, after having shown us the said river, and being duly informed of the nature and importance of an oath, did make solemn oath to the truth of their information respecting the identity of the said river St. Croix, and that it was the river known amongst them by that name; which river is the eastern river in the bay of Passamaquoddy, and now known by the name of the Maggadava. We proceeded according to this information in our surveys, and agreeably thereto, in August following, made return of our doings to the said Governor Bernard.

NATHAN JONES.

Suffolk, ss. Boston, March 17, 1785.—The above named Nathan Jones personally appeared, and on oath declared, that the above by him subscribed is true.

Before me, **EZEKL. PRICE, Just. Peace.**
True copy. Attest.
JOHN AVERY, Jun. Secretary.

Copy of a Letter from Governor Carleton to Governor Hancock.

ST. JOHNS, NEW BRUNSWICK, June 21, 1785.

SIR: In consequence of a letter from your Excellency to the Governor of Nova Scotia, which has been transmitted to his Majesty's ministers, respecting the boundary between this province and the State of Massachusetts Bay, I have it in charge to inform your Excellency that the great St. Croix, called Schoodick by the Indians, was not only considered by the court of Great Britain as the river intended and agreed upon by the treaty, to form a part of that boundary, but a numerous body of the loyal refugees, immediately after the peace, built the town of St. Andrews on the eastern bank thereof. And in fact, it is the only river on that side of the province, of either such magnitude or extent as could have led to the idea of proposing it as a limit between two large and spacious countries.

In making this communication concerning a point of great public importance, I cannot entertain a doubt, sir, of your Excellency's concurrence with me in contributing to the complete observance of the treaty subsisting between Great Britain and the United States of America, as far as may in any instance immediately respect the State of Massachusetts and the Province of New Brunswick; and I hope, and am persuaded, that if any further question on this subject should arise between us, it will be considered on both sides with a temper and attention essential for the preservation of national peace and harmony.

I have the honor to be, &c.
THOMAS CARLETON.

His Excellency Gov. HANCOCK.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, July 1, 1785.

Resolved, That His Excellency the Governor be desired to transmit a copy of the foregoing letter to the delegates of this State in Congress, to be by them communicated to the United States in Congress assembled.

Sent down for concurrence.

In the House of Representatives, July 1, 1785.

Read and concurred.

SAMUEL PHILLIPS, Jun. President.

NATHANIEL GORHAM, Speaker.

Approved. **JAMES BOWDOIN.**
A true copy. Attest,
JOHN AVERY, Jun. Secretary.

Letter from James Avery to Governor Bowdoin.

PASSAMAQUODDY, August 23, 1785.

SIR: Being at this place on some private business of my own, I was informed that the government of New Brunswick had asserted their claims to Moose Island, Dudley and Fred Isle, all lying to the westward of Schoodick river. These islands were surveyed last season by General Putnam, by order of the committee on eastern lands, and the two last mentioned sold by them to Colonel Allan, who has, with Mr. De Lesdernier settled thereon, built houses and stores, and cleared up the lands at a great expense. Moose Island is large, and well situated for trade, and has a number of worthy inhabitants settled on it. A few days ago Mr. Wier, high sheriff for Charlotte county, posted up advertisements on Moose Island, directing the inhabitants to attend the courts at St. Andrews as jurymen. This alarmed the inhabitants, as they were threatened, in case of refusal, to be deprived of their estates. Some weak and designing minds were for complying; others determined not, at all events. Application was made to me by Colonel Allan, the naval officer, Colonel Crane, Major Trescott, with a number of other principal gentlemen, to do something to counteract the proceedings of Mr. Wier; as it would be very detrimental to the claims of our Government in settling the boundary in regard to the islands, for the inhabitants to obey and acknowledge the jurisdiction of Great Britain; therefore I went on to the island, and warned them (as a Justice of the Peace) that, as they were subjects of this commonwealth, not to obey the orders of any other power whatever. This I conceived my duty to do, more particularly as it is part of my district as collector of excise, and I have a deputy on the same island. This matter is of the utmost consequence to our Government: for, should the British take in these islands, we should be entirely cut off from going up the river Schoodick. And likewise, these islands having been surveyed by order of the commonwealth, and two of them sold to gentlemen who have laid out as much as five or six hundred pounds in buildings and improvements, our Government must in honor protect them, or repay what damages they may suffer. Since this matter has taken place, I was up to St. Andrews on some business of my own, and had a long conversation with Mr. Wier, the high sheriff, Mr. Pagan, and other principal persons. They say they acted by advice and directions of Judge Ludlow, who is of opinion that all the islands in the Bay of Passamaquoddy belong to New Brunswick, and are determined to support their claim; and should the inhabitants refuse to obey their summons, they may depend on being punished. They also let me see a long letter from Lord Sidney, wherein he informs, that notwithstanding the opinion of the Massachusetts, and the report of Generals Knox and Lincoln (which was then before him) his Majesty's servants were fully clear that Schoodick was the boundary; and his Majesty's subjects settled between that and the Madecadawie (or what we call St. Croix) might fully rely on their protection. Mr. Wier made use of many arguments to show the propriety of their claims to all the islands; among others he said, before the war, the inhabitants on all of them, in any of their disputes, applied to magistrates belonging to Nova Scotia for redress, and acknowledged themselves subjects of that Province; and the Massachusetts not asserting any right over them was tacitly acknowledging it to be so.

I hope your Excellency will not think I have been too forward. I acted from a principle of public good. Agreeably to the principle they advance, (as well as Lord Sheffield's ideas in his publications) if the inhabitants should acknowledge the jurisdiction of that government, it would more fully support their claims, which I hope now will not be the case. The time was so short it would not admit of the inhabitants receiving any orders from your Excellency on the subject before the time they were directed to attend. I shall continue to keep a deputy collector of excise on Moose Island to regulate that business, until I receive orders from your Excellency to the contrary.

I have the honor to be, &c.
JAMES AVERY.

His Excellency **JAMES BOWDOIN, Esq.**

A true copy of the original letter.

Attest, **W. HARRIS, Dep. Secretary.**

COMMONWEALTH OF MASSACHUSETTS.

Advice of Council respecting encroachments at the Eastward.—September 9, 1785.

His Excellency the Governor laid before the Council a letter from James Avery, Esq. relative to the Government of New Brunswick asserting their claims to Moose Island, Dudley and Fred Island, all lying to the westward of Schoodick river, and requested their advice upon the subject: Thereupon advised, That His Excellency the Governor acquaint James Avery, Esq. that the Governor and Council highly approve of his vigilant attention to the important interest of the commonwealth; and that the said James Avery be directed to inform the inhabitants of the said islands that the said islands are within the jurisdiction of this commonwealth; and that this Government, confiding in their fidelity, expect and require the inhabitants of the same to conduct themselves in every respect as becomes true and faithful subjects of this commonwealth; that a letter be wrote by his Excellency the Governor to the Governor of New Brunswick, upon the subject of these encroachments; and that a copy of the letter from James Avery be sent to our delegates at Congress, with the proceedings of the Governor and Council upon this business, to be laid before Congress.

Letter from Governor Bowdoin to Governor Carleton.

BOSTON, September 9, 1785.

SIR:

I am informed by a gentleman who is an inhabitant in the eastern part of this commonwealth, that the Government of New Brunswick hath asserted a claim to Moose Island, Dudley and Fred Island; but I flatter myself he has extended his ideas beyond the real fact: for he mentions only the conduct of the sheriff of your county of Charlotte, (Mr. Wier) grounded on the advice and direction of Judge Ludlow, in advertising and directing the inhabitants of Moose Island to attend the courts at St. Andrews, as jurymen, upon pain, in case of refusal, of forfeiting their estates.

As I am not informed that your Excellency has interposed your authority, I am inclined to believe that my informant had been premature in forming an opinion that the Government of New Brunswick had given its sanction to a measure altogether unexpected and unsupportable. I have, however, given your Excellency this information, assuring myself that your Excellency will take order effectually to prevent the above mentioned, and every other, encroachment on the territorial rights and sovereignty of this commonwealth and of the United States.

With regard to the lands lying to the eastward of the river Schoodick, and between that and the river St. Croix, or, as the Indians call it, Maggacadava, relative to which some of the subjects of Great Britain under your immediate government appear to have adopted an improper opinion, it is a matter before Congress, who, I am assured, will give instructions to their minister at the court of London to assert and maintain their just claims, as set forth in the treaty agreed to between the two nations.

I have the honor to be, &c.

JAMES BOWDOIN.

His Excellency THOMAS CARLETON, Esq.
Governor of the Province of New Brunswick.

Report of the Secretary for Foreign Affairs.

OFFICE FOR FOREIGN AFFAIRS, September 22, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred certain official papers delivered to Congress by the delegates of Massachusetts, on the 19th instant, relative to attempts of the province of New Brunswick to extend their jurisdiction to Moose Island, &c. reports—

That, in his opinion, the advice given by the Council to his Excellency the Governor of Massachusetts, on the 9th instant, was proper; and that, as one unopposed encroachment always paves the way for another, the commonwealth of Massachusetts be advised by Congress to proceed, without noise or delay, to garrison such places in their actual possession as may be most exposed.

Your Secretary proposes by these garrisons to support the inhabitants in their allegiance, and to overawe New Brunswick peace officers, whom impunity might tempt to be insolent and troublesome. He thinks these garrisons should not be so large as to give alarm; that they should be under select and discreet officers; that they should be formed by immediate detachments from the militia of some of the other counties; be at continental charge, and be, as soon as may be, relieved by detachments from the continental troops raised or to be raised for the frontiers; that they should be ordered never to pass our limits, and to act only on the defensive, or when called upon to support the civil authority. However delicate this measure may appear, it may, in the opinion of your Secretary, be safely confided to the prudence of the Governor and Council of Massachusetts.

Nothing should be done to provoke hostilities on the one hand, and, on the other, it must be remembered, that too great and manifest reluctance to assert our rights by arms, usually invites insult and offence.

Your Secretary is very apprehensive that, to permit these disputes to remain unsettled, will be to risk mutual acts of violence, which may embroil the two nations in a war. He therefore takes the liberty of calling the attention of Congress to a report he had the honor of making to Congress on this subject the 21st of April last.

Your Secretary thinks that no nation can, consistent with the experience of all ages, expect to enjoy peace and security any longer than they may continue prepared for war; and he cannot forbear expressing his fears that the United States are not at present in that desirable situation.

As the 11th article of the treaty of alliance between his Most Christian Majesty and the United States contains an explicit and perpetual guaranty of all the possessions of the latter, your Secretary thinks it would be advisable to apprize the court of France of the disputes in question, that his Majesty may co-operate with the United States in measures proper to bring about a settlement of them. In his opinion, these measures should be formed and pursued in concert with France, and in such a manner as that she may have no just cause to be dissatisfied, or to say, that, as we acted without her concurrence, we alone are to be responsible for the consequences. All which is submitted to the wisdom of Congress.

JOHN JAY.

UNITED STATES IN CONGRESS ASSEMBLED, October 13, 1785.

Resolved, That copies of the papers and documents received from the Governor of the State of Massachusetts, respecting the encroachment made by certain subjects of his Britannic Majesty upon the territories of that State, and within the boundaries of the United States, be transmitted to the minister plenipotentiary of the United States at the court of London, to the end that effectual measures should be immediately taken to settle all disputes with the crown of Great Britain relative to that line.

Resolved, That the said minister plenipotentiary be, and hereby is, instructed to present a proper representation of this case; and if any adjustment, consistent with the true meaning of the definitive articles of peace and friendship

between the United States and his Britannic Majesty cannot, by such representation, be obtained in the ordinary mode of negotiation; that he propose a settlement and final decision of the said dispute by commissaries mutually appointed for that purpose; for the appointment of whom, and for all purposes incident to the final determination of the said dispute, by commissaries conformably to the laws of nations, the said minister plenipotentiary is hereby vested with full powers on behalf of the United States of America.

CHARLES THOMSON, *Secretary.*

Copy of a letter from the Hon. John Jay to the Hon. John Adams.

NEW YORK, November 1, 1785.

DEAR SIR: I have the honor of transmitting to you, herewith enclosed, an act of Congress of the 13th ult. respecting British claims and encroachments on our eastern boundaries, and instructing and authorizing you to take proper measures for amicably settling the disputes thence arising. You will also find herewith enclosed the several papers and documents referred to in that act, and of which a list is hereto subjoined.

It also appears to me expedient to send you copies of two reports which I have made to Congress respecting these matters, not for your direction, but that you may thereby be fully informed of my sentiments on this interesting subject.

With great regard, I am, &c.

JOHN JAY.

HON. JOHN ADAMS.

To the President, the Senate, and House of Representatives of the United States of America, in Congress assembled:

The petition of James Boyd, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, esquire, humbly sheweth, That your petitioner was possessed, from the year 1767 to the beginning of our contest with Great Britain, of very large property in lands situated on the eastern bank of the river Schoodick, granted him by the British Government of Nova Scotia; and that, during said period, he introduced many families on the same lands, at his own charge, and expended much property in getting the same under considerable improvement and cultivation; but, feeling himself attached to the cause of America, he took such an active part in their favor that the resentment of the British subjects in that province compelled him to leave the country, and flee to the protection of the United States; and that, in consequence thereof, he has suffered poverty and distress from that day to the present time; that the said lands which your petitioner held are on the western side of the river St. Croix, and within the dominions of the United States, but unjustly now held in possession by British subjects; that the facts aforesaid and your petitioner's situation have been particularly set forth to Congress by the legislature of this commonwealth, in a letter of instructions to their delegates, in the year 1786, signed and transmitted by the then Governor Bowdoin, and which is now on the files of Congress, accompanied with a number of letters from Governor Bowdoin, the present Governor Hancock, and others, upon the subject to which your excellency and honors will please to be referred; that your petitioner, by his thus quitting the British and joining the American interest, has been subjected to peculiar hardships and difficulties, which, with a large family, he has with great anxiety sustained. But, confiding in the power and disposition of the present Congress of the United States to do him complete justice, he requests them to put him in possession of his lands aforesaid, now held by British subjects, though on this side the line between the two dominions, or otherwise recompense your petitioner, who has lost the whole of his property and means of procuring a comfortable subsistence, in consequence of his attachment as aforesaid.

Your petitioner begs leave to add, that he is possessed of papers, and that John Mitchell, Esq. of the State of New Hampshire, (now an old man about 76 years of age) is also possessed of papers that may be useful in determining the real situation of the river St. Croix, intended by the late treaty of peace to be the dividing line between the dominions of the United States and Great Britain, as will appear by a plan taken in the year 1764, by the said Mitchell, and another taken by the surveyor general of Nova Scotia the year following, and now in the possession of your petitioner, who, as in duty bound, will ever pray, &c.

JAMES BOYD.

Boston, November 27, 1789.

True copy: GEORGE TAYLOR, JUN. Chief Clerk in the Department of State.

COMMONWEALTH OF MASSACHUSETTS.

Letter of Instruction to the Delegates at Congress, respecting James Boyd, to be signed and forwarded by the Governor.—November 10, 1786.

On the petition of James Boyd, Esq. a letter of instruction to the delegates of this commonwealth at Congress:

It having been represented to this Court by James Boyd, Esq. now resident in Boston, that he obtained from the British Government, in the year 1767, a grant of fifty thousand acres of land, lying on the banks of the river Schoodick, and that the said Boyd went on, and possessed the said lands, introducing at his own charge a large number of families, and that he was at great expense for cattle and farming utensils of all sorts, as well as in the erecting of necessary mills and water works; but, in the beginning of the late war between Great Britain and these States, he took such an active and decided part in favor of the latter, that he soon became very obnoxious to the resentment of the British, and was obliged to leave all his property and possessions, and flee to the protection of the United States; that he has resided in Boston until the present time in hopes that his aforementioned lands would fall within the bounds of this State, and that he should be reinstated in them; that the whole of his lands are on the western side of that river, which we suppose to be the St. Croix, mentioned in the treaty, and the boundary line between Nova Scotia and these States; but that, as the British subjects are at present in the possession of those lands, the said Boyd is unjustly prevented from returning there to occupy and improve them: As we esteem him to have been a good friend to this country, and still to remain such, and one who is at present deprived of the possession of a large interest in consequence of his attachment to it, we instruct you to recommend him to the attention and favor of Congress, and to move that honorable body to afford him such relief as they may think proper.

Read, and ordered, That the foregoing letter be transmitted, and that his Excellency the Governor be requested to sign and transmit the same to the delegates from this commonwealth in Congress.

Observations on the western limits of that part of Nova Scotia now called New Brunswick, &c.

Mr. Bernard, the Governor of Massachusetts Bay, in the year 1764, caused a survey of the bay of Passamaquoddy to be made, and proposed making grants of land as being within his government. The next year Mr. Wilmot, the Governor of Nova Scotia, sent the chief land surveyor to make a survey of that bay, when, upon full inquiry, it was found there were three rivers called St. Croix, all emptying into that bay; that the river called by the Indians Cobscook, was anciently called by the French St. Croix; and on examining into the original grants of Nova Scotia, it appears, the grant made by King Charles II. to his brother the Duke of York, in 1663, (called the Duke of York's territory) was bounded by the river St. Croix, to the eastward, and by the river Kennebec, to the

westward; and on the 12th of August, the same year, Sir William Alexander obtained a grant of Nova Scotia, bounded westerly as far as the river St. Croix, and to the furthestmost source or spring which first comes from the west to mingle its waters with those of the river St. Croix, and from thence running towards the north, &c. &c. All the islands in Passamaquoddy Bay are included in this grant, and have ever since been deemed to belong to Nova Scotia. Upon Governor Wilmot's transmitting to Governor Bernard the plans and reports made by the surveyor of Nova Scotia, in 1765, Governor Bernard the same year applied to, and obtained a grant from, the Governor of Nova Scotia, of one hundred thousand acres, including Moose Island, for himself and associates, Thomas Pownall, John Mitchell, Thomas Thornton, and Richard Jackson, between Cobscook and Schoodic rivers on the western side of Passamaquoddy Bay; and the remainder of the principal islands in that bay were granted by the Governor of Nova Scotia the same year; and the whole of Passamaquoddy Bay, together with Grand Manan, and all the islands in the bay, have been deemed to be within the limits of Nova Scotia until the separation of New Brunswick from it.

By the definitive treaty of peace, signed at Paris, September 3, 1783, the eastern limits or boundaries of the United States are thus described:

East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy, to its source, and from its source north to the highlands, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundary between Nova Scotia on the one part, and East Florida on the other part, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, deemed within the limits of Nova Scotia.

Thus it is clearly evident, that Grand Manan, Passamaquoddy, Great Island now called Campo Bello, Deer Island, Moose Island, and all the islands lying within that bay, whether on the southern or northern side the line drawn due east from the mouth of St. Croix river, should, as formerly, belong to Nova Scotia or New Brunswick.

Whether Schoodic, or whether Cobscook is the river that this treaty fixes on for the boundary, I will not presume to say; but from the manner in which these boundaries are described, I should deem that river to be the river St. Croix intended, whose source should be found farthest into the country westward and northward toward the high land mentioned in the treaty being conformable to the old grants before named; and if my conjecture is well founded, the St. Croix mentioned in the treaty cannot be properly ascertained, until accurate surveys are made, and proper commissioners appointed to determine thereupon.

Remarks for Capt. Browell, 1789.

Extract from the Journals of Congress, January 29, 1784.

On the report of a committee, consisting of Mr. Jefferson, Mr. Osgood, and Mr. Williamson, to whom were referred a letter of the 25th December, 1783, from John Allen, and the papers therein enclosed:

Resolved, That a copy of said letter be sent to the Governor of Massachusetts, with a recommendation that he cause inquiry to be made, whether the encroachments therein suggested, have been actually made on the territories of the State of Massachusetts, by the subjects of his Britannic Majesty, from the government of Nova Scotia; and if he shall find any such to have been made, that he send a representation thereof to the British Governor of Nova Scotia, with a copy of the proclamation of the United States, of the 14th instant,* which is to be enclosed to the Governor of Massachusetts, for that purpose, requesting him in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighboring States, to recall from off the said territory, the said subjects of his Britannic Majesty, so found to have encroached thereon; and that the Governor of Massachusetts be requested to inform Congress of his proceedings herein, and the result thereof.

Extracts from Douglass' Summary, Historical and Political, of the First Planting, Progressive Improvements, and Present State of the British Settlements in North America.—London, printed 1760, page 320, section 7th, first volume.

"As the Cape Sable and St. Jones Indians persisted in their hostilities against the subjects of Great Britain, in November, 1744, the government of Massachusetts Bay declares war against them, declaring them enemies and rebels; because they had joined the French enemy in blocking up Annapolis; had killed some British subjects, and had committed other depredations. The Passamaquoddy, Penobscot, Noridgewog, Pigwokit, and other Indians westward of St. Jones, are forbid to have any correspondence with those Indian rebels. For all Indians eastward of a line, beginning at three miles east of Passamaquoddy, and running north to St. Lawrence river, the government settles for a short time premiums, viz: £100 new tenor for a male of 12 $\frac{1}{2}$ $\frac{1}{2}$ and upwards scalped, and £105 new tenor if captivated; for women and children £50 scalps, £55 captives. Sometime afterwards it was found that the Penobscot and Noridgewog Indians also joined with the French."

Page 330, sect. 7th. "When Massachusetts Bay colony obtained a new charter, (their former charter was taken away at the same time with many corporation charters in England, in the end of Charles II. and beginning of the like or more arbitrary reign of James II.) 7th of October, 1691, Nova Scotia, at that time in possession of the French, was annexed (as was also Sagadahock, or Duke of York's property) to the Massachusetts jurisdiction, to keep up the claim of Great Britain. Nova Scotia has since been constituted a separate government, and has continued about forty years, to this time, a nominal British province, without any British settlement, only an insignificant preventive, but precarious fort and garrison. As this country is rude, a geographical description of it cannot be expected. It is a large extent of territory, bounded westward by the bay of Fundy, and a line running northward from St. Jones river to St. Lawrence or Canada great river; northward it is bounded by the said St. Lawrence and gut of Canso, which divides from the island of Cape Britain; and southeasterly it is bounded by Cape Sable shore, settled at the treaty of Utrecht, 1713."

Page 332, sect. 7. "Upon the opposite or westerly shore of the bay of Fundy, are the rivers Passamaquoddy and St. Croix, being about seventeen leagues northwest from the gut or entrance of the basin of Annapolis. The river of St. Croix is the boundary between Nova Scotia and the territory of Sagadahock, or the Duke of York's property, annexed to the neighboring New England province of Massachusetts Bay."

Extracts from a Treatise, entitled The Beginning, Progress, and Conclusion of the late War, printed in London in the year 1770.

"France having by the treaty concluded at Aix-la-Chapelle, in October, 1748, obtained restitution of Cape Breton, her ministers soon formed and began to execute a design to divide and impair the British American empire; and to enable her farther to distress their trade and fishery by extending her territories from the river Canada through the main land to the Atlantic ocean, westward as far as the river Kennebec, and eastward so as to include all the main land of Nova Scotia, leaving to the English only part of the peninsula: for the illustration whereof, with other matters, a map is hereto annexed. And although Nova Scotia has so often passed from nation to nation, the pretensions of France amounted to this, that Great Britain was to hold by the last cession made to her only a small

* Proclamation ratifying treaty of peace, 1783.

part of the same country which had passed to France by former cessions. Having already observed that all Nova Scotia or Acadia, with its ancient boundaries, was ceded by the Utrecht treaty to Great Britain, let us here add, that, when this country was first named Nova Scotia, the following boundaries were given to it in the grant to Sir William Alexander, to wit: All and singular the lands of the continent, and the islands in America within Cape Sable, lying in forty-three degrees north latitude, or thereabouts; thence along the coast to St. Mary's Bay, and thence passing northward by a right line across the gulf or bay now called Fundy, to the river St. Croix, and to the remotest western spring head of the same; whence, by an imaginary line conceived to run through the land northward to the next road of Ship's River or Spring, discharging itself into the great river of Canada, and proceeding thence eastward along the shores of the sea of the said river of Canada to the road, haven, or shore, commonly called Gaspick, and thence southeastward [versus euronotum,] to the islands called Baccalaos or Cape Breton, leaving the said islands on the right, and the gulf of the said great river of Canada, and the lands of Newfoundland, with the islands to those lands pertaining, on the left, and thence to the promontory of Cape Breton aforesaid, lying near or about the latitude of forty-five degrees, and from the said promontory of Cape Breton, towards the south and west, to the aforesaid Cape Sable, where the perambulation began."

1st CONGRESS.

No. 41.

2d SESSION.

EASTERN BOUNDARY.

Message from the President of the United States, relative to the Eastern Boundary of the United States.

UNITED STATES, February 18, 1790.

Gentlemen of the Senate:

By the mail of last evening I received a letter from His Excellency John Hancock, Governor of the commonwealth of Massachusetts, enclosing a resolve of the Senate and House of Representatives of that commonwealth, and sundry documents relative to the eastern boundary of the United States.

I have directed a copy of the letter and resolve to be laid before you. The documents which accompanied them, being but copies of some of the papers which were delivered to you with my communication of the 9th of this month, I have thought it unnecessary to lay them before you at this time. They will be deposited in the office of the Secretary of State, together with the originals of the above mentioned letter and resolve.

GEO. WASHINGTON.

BOSTON, February 10, 1790.

SIR:

At the request of the Senate and House of Representatives of this commonwealth, I have the honor to enclose you some papers evidential of the encroachments, made by the subjects of the King of England, upon the eastern frontier of this commonwealth.

If the papers transmitted do not give satisfactory proof upon this point, I wish that Congress would direct a mode in which a proper and speedy inquiry may be made.

A speedy investigation of this dispute may have a tendency to prevent a disagreeable contention, which is likely to take place between the people on the frontiers of the two nations.

I have the honor to be, &c.

JOHN HANCOCK.

GEORGE WASHINGTON,

President of the United States.

UNITED STATES, February 18th, 1790.

I do hereby certify that the foregoing is a true copy of the letter from His Excellency John Hancock to the President of the United States.

TOBIAS LEAR,

Secretary to the President of the United States.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, February 1, 1790.

Resolved, That His Excellency the Governor be, and he is hereby, requested to write to the President of the United States, in behalf of this commonwealth, informing him that the subjects of his Britannic Majesty have made, and still continue to make, encroachments on the eastern boundary of this commonwealth, in the opinion of the legislature contrary to the treaty of peace; and that His Excellency be further requested to forward such documents as may be necessary to substantiate the facts.

Sent down for concurrence.

THOMAS DAWES, *President pro tem.*

In the House of Representatives, February 1, 1790.

Read and concurred.

DAVID COBB, *Speaker.*

A true copy. Attest,

JOHN AVERY, JUN. *Secretary.*

UNITED STATES, February 18, 1790.

I do hereby certify, that the foregoing is a true copy of the resolve transmitted to the President of the United States, by His Excellency John Hancock.

TOBIAS LEAR,

Secretary to the President of the United States.

1st CONGRESS.]

No. 42.

[2d Session.]

EASTERN BOUNDARY.

Report of a Committee, communicated to the Senate March 9, 1790.

The committee to whom the President's Messages of the 9th and 18th of February, relating to the differences subsisting between Great Britain and the United States, relative to the Eastern Boundary of the said States, were committed, beg leave to report:

That effectual measures should be taken, as soon as conveniently may be, to settle all disputes with the crown of Great Britain, relative to that line.

That it would be proper to cause a representation of the case to be made to the court of Great Britain, and if the said disputes cannot be otherwise amicably adjusted, to propose that commissioners be appointed to hear, and finally decide those disputes, in the manner pointed out in the report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1785, a copy of which report accompanied the first of the said messages.

And that measures should be taken to perpetuate the testimonies of John Mitchell and Nathan Jones, who were appointed by the late Governor Bernard, in 1764, to ascertain the river St. Croix; and of any other persons who may have useful information on this subject.

1st CONGRESS.]

No. 43.

[3d Session.]

PRISONERS AT ALGIERS.

Message from the President of the United States to Congress, communicating a report of the Secretary of State, in relation to American prisoners at Algiers.

UNITED STATES, December 30, 1790.

Gentlemen of the Senate and House of Representatives:

I lay before you a report of the Secretary of State on the subject of the citizens of the United States in captivity at Algiers, that you may provide on their behalf, what to you shall seem most expedient.

GEO. WASHINGTON.

The Secretary of State, having had under consideration the situation of the citizens of the United States in captivity at Algiers, makes the following report thereupon to the President of the United States:

When the House of Representatives, at their late session, were pleased to refer to the Secretary of State, the petition of our citizens in captivity at Algiers, there still existed some expectation that certain measures, which had been employed to effect their redemption, the success of which depended on their secrecy, might prove effectual. Information received during the recess of Congress has so far weakened those expectations, as to make it now a duty to lay before the President of the United States, a full statement of what has been attempted for the relief of these our suffering citizens, as well before, as since he came into office, that he may be enabled to decide what further is to be done.

On the 25th of July, 1785, the schooner Maria, captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine corsair; and, five days afterwards, the ship Dauphin, captain O'Brien, belonging to Messieurs Irvins of Philadelphia, was taken by another Algerine, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers.

Congress had some time before commissioned ministers plenipotentiary for entering into treaties of amity and commerce with the Barbary Powers, and to send to them proper agents for preparing such treaties. An agent was accordingly appointed for Algiers, and his instructions prepared, when the Ministers Plenipotentiary received information of these captures. Though the ransom of captives was not among the objects expressed in their commissions, because at their dates the case did not exist, yet they thought it their duty to undertake that ransom, fearing that the captives might be sold and dispersed through the interior and distant countries of Africa, if the previous orders of Congress should be waited for. They therefore added a supplementary instruction to the agent to negotiate their ransom. But, while acting thus without authority, they thought themselves bound to offer a price so moderate as not to be disapproved. They therefore restrained him to two hundred dollars a man; which was something less than had been just before paid for about three hundred French captives, by the Mathurins, a religious order of France, instituted in ancient times for the redemption of Christian captives from the infidel Powers. On the arrival of the agent at Algiers, the Dey demanded fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and could be brought to abate but little from that demand. The agent, therefore, returned in 1786, without having effected either peace or ransom.

In the beginning of the next year, 1787, the minister plenipotentiary of the United States at Paris procured an interview with the general of the religious order of Mathurins, before mentioned, to engage him to lend his agency, at the expense of the United States, for the redemption of their captive citizens. He proffered at once, all the services he could render, with the liberality and the zeal which distinguish his character. He observed, that he had agents on the spot, constantly employed in seeking out and redeeming the captives of their own country; that these should act for us, as for themselves; that nothing could be accepted for their agency; and that he would only expect that the price of redemption should be ready on our part, so as to cover the engagement into which he should enter. He added, that, by the time all expenses were paid, their last redemption had amounted to near two thousand five hundred livres a man, and that he could by no means flatter us that they could redeem our captives as cheap as their own. The pirates would take advantage of its being out of their ordinary line. Still he was in hopes they would not be much higher.

The proposition was then submitted to Congress, that is to say, in February, 1787, and on the 19th of September, in the same year, their minister plenipotentiary at Paris received their orders to embrace the offers of the Mathurins. This he immediately notified to the general, observing, however, that he did not desire him to enter into any engagements till a sufficient sum to cover them should be actually deposited in Paris. The general wished that the whole might be kept rigorously secret, as, should the barbarians suspect him to be acting for the United States, they

would demand such sums as he could never agree to give, even with our consent, because it would injure his future purchases from them. He said he had information from his agent at Algiers, that our captives received so liberal a daily allowance as to evince that it came from a public source. He recommended that this should be discontinued; engaging that he would have an allowance administered to them, much short indeed of what they had hitherto received, but such as was given to his own countrymen, quite sufficient for physical necessities, and more likely to prepare the opinion, that as they were subsisted by his charity, they were to be redeemed by it also. These ideas, suggested to him by the danger of raising his market, were approved by the minister plenipotentiary; because, this being the first instance of a redemption by the United States, it would form a precedent, because a high price given by us might induce these pirates to abandon all other nations in pursuit of Americans; whereas, the contrary would take place, could our price of redemption be fixed at the lowest point.

To destroy, therefore, every expectation of a redemption by the United States, the bills of the Spanish consul at Algiers, who had made the kind advances before spoken of for the sustenance of our captives, were not answered. On the contrary, a hint was given that these advances had better be discontinued, as it was not known that they would be reimbursed. It was necessary even to go further, and to suffer the captives themselves and their friends to believe for a while, that no attention was paid to them, no notice taken of their letters. They are still under this impression. It would have been unsafe to trust them with a secret, the disclosure of which might for ever prevent their redemption, by raising the demands of the captors to sums which a due regard for our seamen, still in freedom, would forbid us to give. This was the most trying of all circumstances, and drew from them the most afflicting reproaches.

It was a twelve month afterwards before the money could be deposited in Paris, and the negotiation be actually put into train. In the mean time the general had received information from Algiers of a very considerable change of prices there. Within the last two or three years the Spaniards, the Neapolitans, and the Russians, had redeemed at exorbitant sums. Slaves were become scarce, and would hardly be sold at any price. Still he entered on the business with an assurance of doing the best in his power; and he was authorized to offer as far as three thousand livres, or five hundred and fifty-five dollars a man. He wrote immediately to consult a confidential agent at Marseilles, on the best mode of carrying this business into effect; from whom he received the answer No. 2, hereto annexed.

Nothing further was known of his progress or prospects, when the House of Representatives were pleased, at their last session, to refer the petition of our captives at Algiers to the Secretary of State. The preceding narrative shows that no report could have then been made without risking the object, of which some hopes were still entertained. Later advices, however, from the chargé des affaires of the United States, at Paris, informs us, that these measures, though not yet desperate, are not to be counted on. Besides the exorbitance of price, before feared, the late transfer of the lands and revenues of the clergy in France to the public, by withdrawing the means, seems to have suspended the proceedings of the Mathurins in the purposes of their institution.

It is time, therefore, to look about for something more promising, without relinquishing, in the mean while, the chance of success through them. Endeavors to collect information, which have been continued a considerable time, as to the ransoms which would probably be demanded from us, and those actually paid by other nations, enable the Secretary of State to lay before the President the following short view, collected from original papers now in his possession, or from information delivered to him personally. Passing over the ransoms of the Mathurins, which are kept far below the common level by special circumstances:

In 1786, the dey of Algiers demanded from our agent 59,496 dollars for 21 captives, which was 2,833 dollars a man. The agent flattered himself they could be ransomed for 1,200 dollars apiece. His secretary informed us, at the same time, that Spain had paid 1,600 dollars.

In 1787, the Russians redeemed at 1,546 dollars a man.

In 1788, a well informed inhabitant of Algiers assured the minister plenipotentiary of the United States at Paris, that no nation had redeemed, since the Spanish treaty, at less than from 250 to 500 pounds sterling, the medium of which is 1,237 dollars. Captain O'Brien, at the same date, thinks we must pay 1,800 dollars, and mentions a Savoy captain, just redeemed at 4,074 dollars.

In 1789, Mr. Logie, the English consul at Algiers, informed a person who wished to ransom one of our common sailors, that he would cost from 450 to 500 pounds sterling, the mean of which is 2,137 dollars. In December of the same year, captain O'Brien thinks our men will now cost 2,920 dollars each, though a Jew merchant believes he could get them for 2,264 dollars.

In 1790, July 9th, a Mr Simpson, of Gibraltar, who, at some particular request, had taken pains to find for what sum our captives could be redeemed, finds that the fourteen will cost 34,792.28 dollars, which is 2,485 dollars a man. At the same date, one of them, a Scotch boy, a common mariner, was actually redeemed at 8,000 livres, equal to 1,481 dollars, which is within 19 dollars of the price Simpson states for common men: and the chargé des affaires of the United States at Paris is informed that the whole may be redeemed at that rate, adding fifty per cent. on the captains, which would bring it to 1,371 dollars a man.

It is found then that the prices are 1,200, 1,237, 1,481, 1,546, 1,571, 1,600, 1,800, 2,137, 2,264, 2,485, 2,833, and 2,920 dollars a man, not noticing that of 4,074 dollars, because it was for a captain.

In 1786, there were 2,200 captives in Algiers, which, in 1789, had been reduced by death or ransom to 655. Of ours six have died, and one has been ransomed by his friends.

From these facts and opinions, some conjecture may be formed of the terms on which the liberty of our citizens may be obtained.

But should it be thought better to repress force by force, another expedient for their liberation may perhaps offer. Captures made on the enemy may perhaps put us into possession of some of their mariners, and exchange be substituted for ransom. It is not indeed a fixed usage with them to exchange prisoners. It is rather their custom to refuse it. However, such exchanges are sometimes effected, by allowing them more or less of advantage. They have sometimes accepted of two Moors for a Christian, at others they have refused five or six for one. Perhaps Turkish captives may be objects of greater partiality with them, as their government is entirely in the hands of Turks, who are treated in every instance as a superior order of beings. Exchange, too, will be more practicable in our case, as our captives have not been sold to private individuals, but are retained in the hands of the Government.

The liberation of our citizens has an intimate connexion with the liberation of our commerce in the Mediterranean, now under the consideration of Congress. The distresses of both proceed from the same cause, and the measures which shall be adopted for the relief of the one, may, very probably, involve the relief of the other.

TH: JEFFERSON. *Secretary of State.*

Dec. 28, 1790.

No. 1.

Extract of a Letter from Mr John Lamb, dated May 20, 1786.

"I here give your excellency an account of the prices of our unfortunate people, and it is as follows, viz.

3 Captains,	- - -	6,000 dolls. each per head,	- - -	\$18,000
2 Mates,	- - -	4,000 do. - do.	- - -	8,000
2 Passengers,	- - -	4,000 do. - do.	- - -	8,000
14 Sailors,	- - -	1,400 do. - do.	- - -	19,600

21 amounts to the enormous sum of	- - -	53,600
Eleven per cent. to be added, according to custom,	- - -	5,896

Is Spanish milled dollars	- - -	59,496
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So that your excellency sees how far beyond your expectation the sum amounts, which renders me incapable of acting until further orders. The price the Spaniards are giving for their people is little short of what is charged us; and they have eleven hundred men and some upwards in Algiers. It will cost Spain more than one million and one half of dollars for their slaves only. The peace of Spain, and their slaves will amount to more than three millions of dollars."

No. 2.

Answer of the Agent of the Mathurins to his General.

Aix, Aug. 19, 1789,

MY LORD: Being at Aix for some time in order to make use of the baths, I there received the letter which you did me the honor to write me. I find some great difficulties in the way of executing the redemption about which you speak. It does not appear to me possible to give such color to our proceedings with the Algerines, as to make them believe that the United States take no part in the negotiation, while their subjects only should be redeemed. As to the price of 2,500 livres per head, it will not suffice for the voracity of these covetous people, either because they have more need of slaves than money, since the general redemption of the French and Spanish captives, or that, having humiliated Spain, and fearing little from France, they have arbitrarily raised the rate of the slaves; and notwithstanding the tenor of the treaties with France, the office at Marseilles was, the last year, obliged to pay for one slave 4,000 livres. It is true that the number redeemed by France in 1785 did not amount to 100 louis per head, but the king made the agreement in his own name, and in a favorable moment he obtained a piece of politeness from the dey; a politeness which we cannot flatter ourselves with seeing again renewed, especially at a time when the regency carries its pretensions so highly against France, as to lead us to fear lest some rupture should follow, which can perhaps be avoided only by new sacrifices. Supposing these difficulties removed, you cannot take upon yourselves the said redemption without a permission from the court, especially if you wish to appear as acting by virtue of the order for the redemption. I am persuaded that the ministry being first informed, will not refuse you the said permission.

It will then be necessary to have a confidential person on the spot to act secretly, so as not to irritate the French slaves, who might rise against the nation, and sound the intentions of the regency with respect to the price. The *Père Terillo* governor of the hospital is a Spaniard, and unfit for this negotiation. M. Paret, the only French merchant and manager of the house of Messrs. Gimen, at Algiers, might execute the commission, but this house will always create a suspicion, that the United States are about agreeing for the redemption.

I hardly venture to propose an idea which strikes me, but it is the best I have. Could you not send a religious person, not as a redemptioner, but only as chaplain of the hospital of slaves, for which he might perform the necessary functions? M. Gache appears to me the most proper and best calculated to conduct an affair, the success of which I so much desire, as well on account of the interest you take in it as for the satisfaction of Mr. Jefferson. I would not wish to put myself in the way, on account of my age, though I speak Italian and Spanish, which is used at Algiers, and especially in the hospital. However, if you should not find a better person, I shall still undertake this voyage in order to give you some marks of my submission, and the desire which I have to concur in your zeal for the love of redemption and good of humanity.

The voyage of a religious person would occasion some expense, but it cannot be considerable, because he might lodge in the hospital, and there would be no commission fees to pay in case of success. Not being near enough to confer with M. Gache, I address the present to him, that he may transmit it to you with the observations he may make upon it.

PERRIN, *Deputy General.*

No. 3.

Extract from a letter of June 4, 1790, from William Short, Esq. Chargé des Affaires for the United States at the Court of France, to the Secretary of State.

"The affair of our captives, I fear will never be arranged in the present channel. Immediately on the receipt of your letter I wrote to the general of the Mathurins to let him know how much you had this affair at heart, and to beg he would inform me how it stood at present. He was gone into the country, but I suppose I shall hear from him in a few days."

Extract of a letter from the same to the same, dated June 25, 1790.

"Since my last I have seen the general of the Mathurins, who gives little hopes of any thing being done for our captives through his channel, although he continues assurances of his zeal in case of any opportunity presenting itself; and I am persuaded he may be counted on as to these assurances. He had begun by transmitting a small sum of money to a person of confidence at Algiers, to relieve the more pressing necessities of the captives. The person who was charged with this commission, found, on inquiry, that the captives received a daily allowance, which rendered this relief unnecessary, and therefore returned the money. He found, also, that the opinion at Algiers was, that the allowance of the prisoners was made by the United States; an opinion which would necessarily augment the difficulty of their redemption. The general added, that the critical situation in which the religious orders had been for some time, had rendered it impossible for him to take any step in this business; that he hoped, however, some arrangement would be soon made which would enable him to resume those pious occupations; and that he should be always ready to offer his ministry in behalf of the American captives. The supplies which they have received came certainly from the Spanish consul. I transmitted some time ago to Mr. Jay an account of them, which was sent me by one of the captives."

"The general of the Mathurins considered those supplies too considerable, as they would necessarily excite at the same time the suspicions and the avarice of the Algerines. It would have the appearance of cruelty to forbid further supplies from any person whatsoever, and to let the prisoners depend as it were on the charity of the Mathurins, who might be furnished with small sums from time to time for that purpose; but it is perhaps the only means of shortening their captivity. Whoever remains here should be authorized fully to act according to circumstances with respect to the captives."

Extract of a letter from the same to the same, dated July 7, 1790.

"My last letters will have informed you of the present situation of the business, relative to the American captives at Algiers. You will have seen that nothing has been done, or possible to be done, for their redemption; still I will leave nothing untried, and will write you regularly, as you desire, respecting it."

"I omitted mentioning above that the number of our prisoners at Algiers is now reduced to fourteen, a Scotch boy, who was among them, having been redeemed by the intervention of the English consul. The price was somewhat more than seven thousand livres; but additional and unavoidable expenses raised it, on the whole, to about eight thousand livres. The person, of whom I spoke in the beginning of this letter, told me that he thought the remaining captives might be redeemed at the same price for the common sailors, and about twelve thousand livres for each of the captains. He added, that the Spanish consul was at present in the greatest favor with the regency, and would be

the most proper person for being charged with such a commission. The same person told me that he had understood the present emperor of Morocco had begun his reign by showing dispositions to observe the treaties made by his predecessor. He thought it probable that ours would be continued. In general, however, I have understood that we should be obliged to renew it. This is the opinion also of Mr. Carmichael."

No. 4.

Extract of a letter from Mr. John Lamb to the Honorable Thomas Jefferson, dated Algiers, March 29, 1786.

"I am sure, by the best information, the sum will by no means answer our object if the amount is not greatly augmented. It is my duty to advise to abandon the undertaking, as it will be entirely in vain to persevere. It is lost money, the expenses that arise on the attempt. The last amount that I can give, please to let me know. I shall wait at Carthage for the same. The people will cost for their redemption at least twelve hundred hard dollars per head. The number is twenty-one. Your excellency sees how feeble we are."

No. 5.

Extract of a letter from Mr. Paul Randal to the Honorable Thomas Jefferson, dated Alicaut, April 2, 1786.

"As the money is paid according to the treaty, the Dey has set the sum of 3,600 dollars on every Spanish captain; 3,000 for each mate or pilot, and 1,200 for the private seamen and soldiers."

No. 6.

Extract of a letter from Richard O'Brien to the Honorable Thomas Jefferson, dated Algiers, June 2, 1788.

"If any one is redeemed, it is at a very exorbitant price. A few days ago an old Savoy captain of a merchant vessel, was redeemed for the sum of 2,150 Algerine chequins, which is equal to £967 10s. sterling, and even with that price it was with much time the Dey was prevailed on to let him be redeemed; and I think that sailors will be as high as £400 sterling, as they are very scarce here at present, and much wanted to do the duty for the public."

No. 7.

Extract of a letter from Richard O'Brien to the Honorable Thomas Jefferson, dated Algiers, Dec. 12, 1789.

In December, 1789, there are in Algiers 2 masters, at the Dey's price,	-	-	-	\$12,000
2 mates, at 4,000 dollars each,	-	-	-	8,000
11 mariners, at 1,500 dollars each,	-	-	-	16,500
				<hr/> \$36,500
20 per cent. duty on slaves,	-	-	-	1,825

Agreeable to the Dey's price in 1786, the whole cost is - - - \$38,325

"A Mr. Joseph Cowen Bockerie, the principal Jew merchant of Algiers, assures me that he will engage, and well knows that he could obtain the Americans' release from slavery on the following terms, viz:

For 2 masters, at 2,000 sequins each,	-	-	-	\$8,000
2 mates at 3,000 dollars each	-	-	-	6,000
11 mariners, at 1,300 dollars each,	-	-	-	14,300

First cost, - - - \$38,300

Fees and duties to the regency, amounting to 20 per cent. - - - 1,415

Spanish dollars, - - - \$29,715

"Mr. Bockerie says that, at the very *furthest*, he would procure us at 2,000 dollars each, which would be in all 30,000 dollars, or 6,750 pounds sterling; and the Dutch and Spanish consuls are of the same opinion."

No. 8.

Extract of a letter from James Simpson, dated Gibraltar, August 25, 1790.

"Having lately been desired to inquire, by means of my correspondents at Algiers, how many Americans remained there, and the sum [that] would be demanded for their ransom, I take the liberty of enclosing for your information copy of the return made me, and to say, that, as the gentleman encharged me to make this inquiry, wrote in a style as if the generous and humane idea of ransom flowed from a private source, I much fear, as the sum demanded is considerable, I shall not have the happiness of being encharged by them with directions for carrying it into execution."

List of American Prisoners at Algiers, July 9, 1790, with the sums demanded by the Regency for their ransom.

Crew of the ship Dolphin, captured July 30, 1785.

Richard O'Brien, captain—ransom demanded,	-	-	-	2,000
Andrew Montgomery, mate,	-	-	-	1,500
Jacob Tessianor, French passenger,	-	-	-	2,000
William Paterson, seaman (keeps a tavern)	-	-	-	1,500
Philip Sloan,	-	-	-	725
Peleg Lorin,	-	-	-	725
John Robertson,	-	-	-	725
James Hall,	-	-	-	725

Crew of the schooner *Mary*, taken July 25, 1785.

Isaac Stephens, captain,	-	-	-	-	-	2,000
Alexander Forsyth, mate,	-	-	-	-	-	1,500
James Cathcart, seaman (keeps a tavern)	-	-	-	-	-	900
George Smith (in the king's house)	-	-	-	-	-	725
John Gregory,	-	-	-	-	-	725
James Hermet,	-	-	-	-	-	725
Algerine zequins,						16,475
Duty on the above sum, 10 per cent.						1,647½
Sundry gratifications to officers of the Dey's household and regency, equal to 17 1-6 zs. each person,						240½
34,792 28-38 Mexican dollars, at 38 mozunas each, are, zequins, -						18,862½

1st CONGRESS.]

No. 44.

[3d SESSION.]

MEDITERRANEAN TRADE.

Report of the Secretary of State relative to the Mediterranean Trade. Communicated to the House of Representatives, December 30, 1790, and to the Senate, January 3, 1791.

The Secretary of State, to whom was referred by the House of Representatives so much of the speech of the President of the United States to both Houses of Congress, as relates to the trade of the United States in the Mediterranean, with instructions to report thereupon to the House, has had the same under consideration, and thereupon makes the following report:

The loss of the records of the custom houses in several of the States, which took place about the commencement and during the course of the late war, has deprived us of official information as to the extent of our commerce and navigation in the Mediterranean sea. According to the best which may be obtained from other sources meriting respect, it may be concluded, that about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean ports; that these articles constituted the principal part of what we sent into that sea; that, that commerce loaded outwards, from eighty to one hundred ships, annually, of twenty thousand tons, navigated by about twelve hundred seamen. It was abandoned early in the war. And after the peace which ensued, it was obvious to our merchants, that their adventures into that sea would be exposed to the depredations of the piratical States on the coast of Barbary. Congress, too, was very early attentive to this danger, and by a commission of the 12th of May, 1784, authorized certain persons, named ministers plenipotentiary for that purpose, to conclude treaties of peace and amity with the Barbary Powers. And it being afterwards found more expedient that the negotiations should be carried on at the residences of those Powers, Congress, by a further commission, bearing date the 11th of March, 1785, empowered the same ministers plenipotentiary to appoint agents, to repair to the said Powers at their proper residences, and there to negotiate such treaties. The whole expenses were limited to eighty thousand dollars. Agents were accordingly sent to Morocco and Algiers.

Before the appointment of the one to Morocco, it was known that a cruiser of that State had taken a vessel of the United States; and that the Emperor, on the friendly interposition of the court of Madrid, had liberated the crew, and made restitution of the vessel and cargo, as far as their condition admitted. This was a happy presage of the liberal treaty he afterwards concluded with our agent, still under the friendly mediation of Spain, and at an expense of between nine and ten thousand dollars only. On his death, which has taken place not long since, it becomes necessary, according to their usage, to obtain immediately a recognition of the treaty by his successor, and consequently, to make provision for the expenses which may attend it. The amount of the former furnishes one ground of estimate; but the character and dispositions of the successor, which are unknown here, may influence it materially. The friendship of this Power is important, because our Atlantic as well as Mediterranean trade is open to his annoyance, and because we carry on a useful commerce with his nation.

The Algerines had also taken two vessels of the United States, with twenty-one persons on board, whom they retained as slaves. On the arrival of the agent sent to that regency, the Dey refused utterly to treat of peace on any terms, and demanded 59,496 dollars for the ransom of our captives. This mission therefore proved ineffectual.

While these negotiations were on foot at Morocco and Algiers, an ambassador from Tripoli arrived in London. The ministers plenipotentiary of the United States met him in person. He demanded for the peace of that State thirty thousand guineas; and undertook to engage that of Tunis for a like sum. These demands were beyond the limits of Congress and of reason, and nothing was done. Nor was it of importance, as, Algiers remaining hostile, the peace of Tunis and Tripoli was of no value; and when that of the former should be obtained, theirs would soon follow.

Our navigation, then, into the Mediterranean, has not been resumed at all since the peace. The sole obstacle has been the unprovoked war of Algiers; and the sole remedy must be to bring that war to an end, or to palliate its effects. Its effects may, perhaps, be palliated by ensuring our ships and cargoes destined for that sea, and by forming a convention with the regency, for the ransom of our seamen, according to a fixed tariff. That tariff will, probably, be high, and the rate of insurance so settled, in the long run, as to pay for the vessels and cargoes captured, and something more. What proportion will be captured, nothing but experience can determine. Our commerce differs from that of most of the nations with whom the predatory States are in habits of war. Theirs is spread all over the face of the Mediterranean, and therefore must be sought for all over its face. Ours must all enter at a strait only five leagues wide; so that their cruisers, taking a safe and commanding position near the strait's mouth, may very effectually inspect whatever enters it. So safe a station, with a certainty of receiving for their prisoners a good and stated price, may tempt their cupidity to seek our vessels particularly. Nor is it certain that our seamen could be induced to engage in that navigation, though with the security of Algerine faith that they would be liberated on the payment of a fixed sum. The temporary deprivation of liberty, perhaps chains, the danger of the pest, the perils of the engagement preceding their surrender, and possible delays of the ransom, might turn elsewhere the choice of men, to whom all the rest of the world is open. In every case, these would be embarrassments which would enter into the merchant's estimate, and endanger his preference of foreign bottoms not exposed to them. And upon the whole, this expedient does not fulfil our wish of a complete re-establishment of our commerce in that sea.

A second plan might be, to obtain peace by purchasing it. For this we have the example of rich and powerful nations, in this instance counting their interest more than their honor. If, conforming to their example, we determine to purchase a peace, it is proper to inquire what that peace may cost. This being merely a matter of conjecture, we can only compare together such opinions as have been obtained, and from them form one for ourselves.

Mr. Wolf, a respectable Irishman, who had resided very long at Algiers, thought a peace might be obtained from that regency, and the redemption of our captives included, for sixty or seventy thousand pounds sterling. His character and opinion both, merited respect. Yet his estimate being the lowest of all who have hazarded an opinion on this subject, one is apt to fear his judgment might have been biased by the hope he entertained that the United States would charge him with this negotiation.

Captain O'Brien, one of our captives, who had been in Algiers four years and a half at the date of his last letter, a very sensible man, and to whom we are indebted for very minute information, supposes that peace alone might be bought for that sum, that is to say, for three hundred and twenty-two thousand dollars.

The Tripoline ambassador, before mentioned, thought that peace could be made with the three smaller Powers for ninety thousand pounds sterling, to which were to be added the expenses of the mission and other incidental expenses. But he could not answer for Algiers: they would demand more. The ministers plenipotentiary who conferred with him, had judged that as much must be paid to Algiers as to the other three Powers together; and consequently, that, according to this measure, the peace of Algiers would cost from an hundred to an hundred and twenty-five thousand pounds sterling; or from four hundred and sixty to five hundred and seventy-five thousand dollars.

The latter sum seemed to meet the ideas of the Count de Vergennes, who, from a very long residence at Constantinople, was a good judge of whatever related to the Porte, or its dependencies.

A person whose name is not free to be mentioned here, a native of the continent of Europe, who had long lived, and still lives at Algiers, with whom the minister plenipotentiary of the United States at Paris had many and long conversations, and found his information full, clear, and consistent, was of opinion the peace of Algiers could not be bought by the United States for less than a million of dollars. And when that is paid, all is not done. On the death of a Dey (and the present one is between seventy and eighty years of age) respectable presents must be made to the successor, that he may recognise the treaty; and very often he takes the liberty of altering it. When a consul is sent or changed, new presents must be made. If these events leave a considerable interval, occasion must be made of renewing presents. And with all this they must see that we are in condition to chastise an infraction of the treaty; consequently, some marine force must be exhibited in their harbor from time to time.

The late peace of Spain with Algiers is said to have cost from three to five millions of dollars. Having received the money, they take the vessels of that nation on the most groundless pretexes; counting, that the same force, which bowed Spain to so hard a treaty, may break it with impunity.

Their treaty with France, which had expired, was about two years ago renewed for fifty years. The sum given at the time of renewal is not known. But presents are to be repeated every ten years, and a tribute of one hundred thousand dollars to be annually paid. Yet perceiving that France, embarrassed at home with her domestic affairs, was less capable of acting abroad, they took six vessels of that nation in the course of the last year, and retain the captives, forty-four in number, in slavery.

It is the opinion of Captain O'Brien, that those nations are best treated who pay a smaller sum in the beginning, and an annual tribute afterwards. In this way he informs us that the Dutch, Danes, Swedes, and Venetians pay to Algiers from twenty-four to thirty thousand dollars a year, each; the two first in naval stores, the two last chiefly in money. It is supposed that the peace of the Barbary States costs Great Britain about sixty thousand guineas, or two hundred and eighty thousand dollars a year. But it must be noted that these facts cannot be authentically advanced; as, from a principle of self condemnation, the governments keep them from the public eye as much as possible.

Nor must we omit finally to recollect, that the Algerines, attentive to reserve always a sufficient alimient for their piracies, will never extend their peace beyond certain limits, and consequently that we may find ourselves in the case of those nations to whom they refuse peace at any price.

The third expedient is to repel force by force. Several statements are hereto annexed of the naval force of Algiers, taken in 1785, 1786, 1787, 1788, and 1789, differing in small degrees, but concurring in the main. From these it results, that they have usually had about nine chebecks of from ten to thirty-six guns, and four galleys, which have been reduced by losses to six chebecks and four galleys. They have a forty gun frigate on the stocks, and expect two cruisers from the Grand Seigneur. The character of their vessels is, that they are sharp built and swift, but so light as not to stand the broadside of a good frigate. Their guns are of different calibres, unskillfully pointed and worked. The vessels illy manœuvred, but crowded with men—one third Turks, the rest Moors, of determined bravery, and resting their sole hopes on boarding. But two of these vessels belong to the government, the rest being private property. If they come out of harbor together, they separate immediately in quest of prey; and it is said they were never known to act together in any instance. Nor do they come out at all, when they know there are vessels cruising for them. They perform three cruises a year, between the middle of April and November, when they unrig and lay up for the winter. When not confined within the straits, they rove northwardly to the channel, and westwardly to the Western Islands.

They are in peace at present with France, Spain, England, Venice, the United Netherlands, Sweden, and Denmark; and at war with Russia, Austria, Portugal, Naples, Sardinia, Genoa, and Malta.

Should the United States propose to vindicate their commerce by arms, they would, perhaps, think it prudent to possess a force equal to the whole of that which may be opposed to them. What that equal force would be, will belong to another department to say.

At the same time it might never be necessary to draw out the whole at once, nor perhaps any proportion of it, but for a small part of the year; as it is reasonable to presume that a concert of operation might be arranged among the powers at war with the Barbary States, so as that, each performing a tour of a given duration, and in given order, a constant cruise during the eight temperate months of every year, may be kept up before the harbor of Algiers, till the object of such operations be completely obtained. Portugal has singly, for several years past, kept up such a cruise before the straits of Gibraltar, and by that means has confined the Algerines closely within. But two of their vessels have been out of the straits in the last five years. Should Portugal effect a peace with them, as has been apprehended for some time, the Atlantic will immediately become the principal scene of their piracies; their peace with Spain having reduced the profits of their Mediterranean cruises below the expenses of equipment.

Upon the whole, it rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce. If war, they will consider how far our own resources shall be called forth, and how far they will enable the Executive to engage, in the forms of the constitution, the co-operation of other Powers. If tribute or ransom, it will rest with them to limit and provide the amount; and with the Executive, observing the same constitutional forms, to make arrangements for employing it to the best advantage.

TH: JEFFERSON,
Secretary of State.

December 28, 1790.

No. 1.

Extract of a letter from Richard O'Brien, one of the American captives at Algiers, to Congress, dated Algiers, December 26, 1789.

"It was the opinion of Mr. John Wolf, who resided many years in this city, that the United States of America may obtain a peace for one hundred years with this regency, for the sum of sixty or seventy thousand pounds sterling, and the redemption of fifteen Americans included. Mr. Wolf was the British chargé des affaires in Algiers, and was much the friend of America, but he is no more.

"I have now been four years and a half in captivity, and I have much reason to think that America may obtain a peace with Algiers for the sum of sixty-five or seventy thousand pounds, considering the present state of Algiers. That this regency would find it their interest to take two or three American cruisers in part payment for making a peace; and also would take masts, yards, plank, scantling, tar, pitch, and turpentine, and Philadelphia iron, as a part payment; all to be regulated at a certain fixed price by treaty."

No. 2.

Extract of a letter from the Honorable John Adams, Minister Plenipotentiary for the United States at London, to the Honorable John Jay, Secretary for Foreign Affairs, dated London, February 22, 1786.

"On Monday evening another conference was held with the Tripolitan ambassador. When he began to explain himself concerning his demands, he said they would be different, according to the duration of the treaty. If that were perpetual, they would be greater; if for a term of years, less; his advice was, that it should be perpetual. Once signed by the Bashaw, Dey, and other officers, it would be indissoluble and binding for ever upon all their successors. But if a temporary treaty were made, it might be difficult and expensive to revive it. For a perpetual treaty, such as they had now with Spain, a sum of thirty thousand guineas must be paid upon the delivery of the articles signed by the Dey and other officers. If it were agreed to, he would send his secretary by land to Marseilles, and from thence by water to Tripoli, who should bring it back by the same route, signed by the Dey, &c. He had proposed so small a sum in consideration of the circumstances, but declared it was not half of what had been lately paid them by Spain. If we chose to treat upon a different plan, he would make a treaty perpetual, upon the payment of twelve thousand five hundred guineas for the first year, and three thousand guineas annually, until the thirty thousand guineas were paid. It was observed that these were large sums, and vastly beyond expectation; but his excellency answered, that they never made a treaty for less. Upon the arrival of a prize, the Dey and the other officers are entitled, by their laws, to large shares, by which they might make greater profits than these sums amounted to, and they never would give up this advantage for less.

"He was told, that although there was a full power to treat, the American ministers were limited to a much smaller sum; so that it would be impossible to do any thing, until we could write to Congress and know their pleasure. Colonel Smith was present at this, as he had been at the last conference, and agreed to go to Paris to communicate all to Mr. Jefferson, and persuade him to come here, that we may join in further conferences, and transmit the result to Congress.

"The ambassador believed that Tunis and Morocco would treat upon the same terms, but could not answer for Algiers. They would demand more. When Mr. Jefferson arrives we shall insist upon knowing the ultimatum, and transmit it to Congress.

"Congress will perceive that one hundred and twenty thousand guineas will be indispensable to conclude with the four Powers at this rate, besides a present to the ambassadors, and their incidental charges. Besides this, a present of five hundred guineas is made, upon the arrival of a consul in each State. No man wishes more fervently that the expense could be less, but the fact cannot be altered, and the truth ought not to be concealed.

"It may be reasonably concluded that this great affair cannot be finished for much less than two hundred thousand pounds sterling."

No. 3.

Extract of a letter from the Honorable Thomas Jefferson, Minister Plenipotentiary for the United States at Paris, to the Honorable John Jay, Secretary for Foreign Affairs, dated Paris, May 23, 1786.

"Letters received both from Madrid and Algiers, while I was in London, having suggested that treaties with the States of Barbary would be much facilitated by a previous one with the Ottoman Porte, it was agreed between Mr. Adams and myself, that, on my return I should consult, on this subject, the Count De Vergennes, whose long residence at Constantinople rendered him the best judge of its expediency. Various circumstances have put it out of my power to consult him till to-day. I stated to him the difficulties we were likely to meet with at Algiers, and asked his opinion, what would be the probable expense of a diplomatic mission to Constantinople, and what its effects at Algiers. He said that the expense would be very great: for that presents must be made at that court, and every one would be gaping after them; and that it would not procure us a peace at Algiers one penny the cheaper. He observed that the Barbary States acknowledge a sort of vassalage to the Porte, and availed themselves of that relation when any thing was to be gained by it; but that, whenever it subjected them to a demand from the Porte, they totally disregarded it: that money was the sole agent at Algiers, except so far as fear could be induced also. He cited the present example of Spain, which, though having a treaty with the Porte, would probably be obliged to buy a peace at Algiers, at the expense of upwards of six millions of livres. I told him we had calculated, from the demands and information of the Tripoline ambassador at London, that to make peace with the four Barbary States would cost us between two and three hundred thousand guineas, if bought with money.

"The sum did not seem to exceed his expectations. I mentioned to him, that, considering the uncertainty of a peace, when bought, perhaps Congress might think it more eligible to establish a cruise of frigates in the Mediterranean, and even to blockade Algiers. He supposed it would require ten vessels, great and small. I observed to him that M. De Massiac had formerly done it with five: he said it was true, but that vessels of relief would be necessary. I hinted to him that I thought the English capable of administering aid to the Algerines. He seemed to think it impossible, on account of the scandal it would bring on them. I asked him what had occasioned the blockade by M. De Massiac; he said an infraction of their treaty by the Algerines."

No. 4.

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson, dated Algiers, April 28, 1787.

"It seems the Neapolitan ambassador had obtained a truce with this regency for three months, and the ambassador wrote his Court of his success; but about the 1st of April, when the cruisers were fitting out, the ambassador went to the Dey, and hoped the Dey would give the necessary orders to the captains of his cruisers not to take the Neapolitan vessels. The Dey said the meaning of the truce was not to take the Neapolitan cruisers, but if his chebecks should meet the Neapolitan merchantmen, to take them and send them for Algiers. The ambassador said, the Neapolitan cruisers would not want a pass on those terms. The Dey said, if his chebecks should meet either men of war or merchant vessels, to take them; so gave orders accordingly. The Algerines sailed the 9th instant, and are gone, I believe, off the coast of Italy. This shows there is very little confidence to be put in the royal word. No principle of national honor will bind those people; and I believe not much confidence to be put in them in treaties. The Algerines are not inclinable to a peace with the Neapolitans. I hear of no negotiation. When the two frigates arrive with the money for the ransom of the slaves, I believe they are done with the Neapolitans."

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson, dated Algiers, June 13, 1789.

"The cruisers had orders to take the Danes; but I believe Denmark, suspecting that, on account of their alliance with Russia, the Grand Seignior would order the regency of Algiers to make war against the Danes; accordingly the Danes have evacuated the Mediterranean seas, until the affairs of Europe are more settled. The Danish ship with the tribute is shortly expected. She is worth fifty thousand dollars; so that the Algerines will not make known publicly their intention of breaking with Denmark, until this ship arrives with the tribute. I am very sure that Mr. Robindar is very sensible of the intention of those sea-robbers, the terror and scourge of the Christians. The reason the Algerines have not committed any depredations on the English, is, that the cruisers have not met with any of them richly loaded: for if they had met with a rich ship from London for Livorna, they would certainly have brought her into port, and would have said that said ship was loaded for the enemy of Algiers at Livorna; but if that was not a sufficient excuse, hove overboard or clipt the pass.

"Consul Logie has been treated with much contempt by the Algerine ministry; and you may depend, that when the Dey goes to his long home, that his successor will not renew the peace with Great Britain, without a large sum of money is paid, and very valuable presents. This I well know; the whole ministry say, that the peace with the English is very old, and the English must conform to the custom of other nations, in giving the government here money and presents. In fact, the Algerines are trying their endeavors to find some nation to break the peace with them. I think, if they had treated the English in such a manner as they have the French, that the English would resent it."

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson, dated Algiers, June 13, 1789.

"What dependence or faith could be given to a peace with the Algerines, considering their present haughtiness, and with what contempt and derision do they treat all nations; so that, in my opinion, until the Algerines more strictly adhere to the treaties they have already made, it would be impolitic in any nation to try to make a peace here: for I see they take more from the nations they are at peace with, than they do from those they are at declared war with. The Portuguese, I hope, will keep the Algerines inside the straits: for only consider the bad consequence of the Algerines going into the Mar Grande. Should the Portuguese make a sudden peace with this regency, the Algerines would immediately go out of the straits, and, of course, take many an American."

No. 5.

Extract of a letter from the Honorable John Adams, Esq. Minister Plenipotentiary of the United States at the Court of Great Britain, to the Hon. John Jay, Secretary for Foreign Affairs, dated February 16, 1786.

"The American commerce can be protected from these Africans only by negotiation, or by war. If presents should be exacted from us, as ample as those which are given by England, the expense may amount to sixty thousand pounds sterling a year—an enormous sum to be sure, but infinitely less than the expense of fighting. Two frigates of 30 guns each, would cost as much to fit them for the sea, besides the accumulating charges of stores, provisions, pay, and clothing. The Powers of Europe generally send a squadron of men of war with their ministers, and offer battle at the same time that they propose treaties and promise presents."

No. 6.

Several statements of the Marine Force of Algiers—public and private.

1786, May 20. Mr. Lamb says it consists of

9 Chebecks	}	from 36 to 8 guns; manned, the largest with 400 men, and so in proportion.
10 Row Gallies		

1786, May 27. Mr. Randall furnishes two statements, viz.

A more general one—	1 Setye of	34 guns
	2 ditto	32
	1 ditto	26
	1 ditto	24
	1 Chebeck	20
	1 ditto	18
	1 ditto	10

8

4 half galleys, carrying from 120 to 130 Moors.

3 galiots of 70, 60, and 50 Moors.

A more particular one as follows:

1 of 32 guns, viz.	2 eighteens,	24	nines,	6	fours,	and	450	men.
1 of 28	viz.	2	twelves,	24	nines,	2	sixes,	and 400 men.
1 of 24	viz.			20	fours,			and 350 men.
1 of 20	viz.			20	sixes,			and 300 men.
2 of 18	viz.			18	sixes,			and 260 men.
1 of 16	viz.			16	sixes,			and 250 men.
2 small craft.								

9

55 gun-boats, carrying 1 twelve pounder each, for defence of the harbor.

1786, June 8. A letter from the three American Captains, O'Brien, Coffin, and Stephens, states them

as	1 of 32
	1 of 30
	3 of 24
	3 of 18
	1 of 12

9 and 55 gun boats.

1787, September 25. Captain O'Brien furnishes the following statement:

1	of 30 guns,	400 men,	106 feet length, straight keel.
1	26	320	96
2	22	240	80
1	22	240	75
1	22	240	70
1	18	200	70
1	16	180	64
1	12	150	50
<hr/>			
9			
Galleys, 1	4	70	40
2	2	46	32
1	2	40	32

1788, February 5. Statement by the inhabitant of Algiers, spoken of in the report.

9 vessels from 36 down to 20 guns.
4 or 5 smaller.

About this date the Algerines lost 2 or 3 vessels, stranded or taken.

1789, December. Captain O'Brien furnishes the latest statement.

1 ship of 24 guns, received lately from France.
5 large cruisers.

6 3 galleys and 60 gun-boats.

In the fall of 1789, they laid the keel of a 40 gun frigate, and they expect two cruisers from the Grand Seigneur.

No. 7.

Translation of a letter from Count D'Estaing to the Hon. Thomas Jefferson, Esq.

PARIS, May 17, 1786.

SIR:

In giving you an account of an opinion of Mr. Massiac, and which absolutely corresponds with my own, I cannot too much observe how great a difference may take place, in the course of forty years, between the means which he required and those which political circumstances, that I cannot ascertain, may exact.

This Secretary of State, afterwards vice admiral, had the modesty, when a captain, to propose a means for the reduction of Algiers, less brilliant to himself, but more sure and economical than the one government was about to adopt. They wanted him to undertake a bombardment; he proposed a simple blockade. All the force he required was a single man of war, two strong frigates, and two sloops of war.

I am convinced, that, by blocking up Algiers by cross-anchoring, and with a long tow, that is to say, with several cables spliced to each other, and with iron chains, one might, if necessary, always remain there, and there is no barbarian power thus confined, which would not soon sue for peace.

During the war before last, the English remained, even in winter, at anchor before Morbion, on the coast of Brittany, which is a much more dangerous coast. Expeditious preparation for sailing of the vessels which form the blockade, which should be of a sufficient number to prevent any thing from entering or going out, while the rest remain at their stations, the choice of these stations, skilful manœuvres, strict watch during the night, every precaution against the element which a seaman ought to be acquainted with; also against the enemy, to prevent the sudden attack of boats, and to repel them in case they should make an attack by prepared for the purpose, frequent refreshments for the crews, relieving the men, an unshaken constancy and exactness in the service, are the means which, in my opinion, would render the event indubitable. Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced the desired effect against the barbarians. Even an imperfect blockade, were one to have the patience and courage to persist therein, would occasion a perpetual evil; it would be insupportable in the long run. To obtain the end proposed, no advantage ought to be lost. If several Powers would come to a good understanding, and pursue a plan formed on the principles of humanity; if they were not counteracted by others, it would require but a few years to compel the barbarians to cease being pirates; they would become merchants in spite of themselves. It is needless to observe, that the unsuccessful attempts of Spain, and those under which the republic of Venice, perhaps, hides other views, have increased the strength as well as the self-love of all the barbarians. We are assured that the Algerines have fitted out merchantmen with heavy cannon. This would render it necessary to block the place with two ships, so that one of the two might remain moored near the bar, while the other might prepare to support such of the frigates as should give chase. But their chebecks, even their frigates, and all their vessels, although overcharged with men, are moreover so badly armed and manœuvred that assistance from without would be most to be feared.

Your excellency has told me the only true means of bringing to terms the only people who can take a pleasure in disturbing our commerce. You see, I speak as an American citizen; this title, dear to my heart, the value of which I fully prize, affords me the happy opportunity of offering, still more particularly, the homage, the sincere attachment, and respect, with which I have the honor to be, &c.

ESTAING.

1st CONGRESS.]

No. 45.

[3d Session.

MEDITERRANEAN TRADE.

Report of a Committee on the Trade of the Mediterranean, made to the Senate, January 6, 1791.

The committee to whom was referred that part of the President's speech which relates to the trade of the Mediterranean, also the President's message of the 30th December, with the papers accompanying the same, are of opinion that the trade of the United States to the Mediterranean, cannot be protected but by a naval force; and that it will be proper to resort to the same as soon as the state of the public finances will admit.

1st CONGRESS.]

No. 46.

[3d Session.

FRANCE.

Message from the President of the United States, transmitting a letter from the King of France, communicated to the Senate.

UNITED STATES, January 17, 1791.

Gentlemen of the Senate:

I lay before you a letter from His Most Christian Majesty, addressed to the President, and members of Congress of the United States of America.

GEO. WASHINGTON.

Très-chers grands Amis et Alliés:

Nous avons reçu la lettre par laquelle vous nous avez informés de la nouvelle marque de confiance que vous avez donnée au Sieur Jefferson, et qui met fin aux fonctions de la place de votre ministre plenipotentiaire auprès de nous. La manière dont il s'est conduit pendant tout le tems qu'il a résidé à notre cour, lui a mérité notre estime et une entière approbation de notre part. C'est avec plaisir que nous lui rendons ce témoignage. Nous en avons un bien sincère à profiter de cette occasion pour vous renouveler ces assurances de l'affection et de l'amitié que nous portons aux Etats Unis en general et a chacun d'eux en particulier. Sur ce nous prions Dieu qu'il vous ait, très chers grands amis et alliés, en sa sainte et digne garde. Fait à Paris, ce 11 Septembre, 1790.

Votre bon ami et allié,

LOUIS.

MONTMORIN. [SEAL.]

Aux Etats Unis de l'Amerique Septentrionale.

[TRANSLATION.]

Very dear great Friends and Allies:

We have received the letter by which you inform us of the new mark of confidence that you have shown to Mr. Jefferson, and which puts a period to his appointment of minister plenipotentiary at our court.

The manner in which he conducted during his residence with us has merited our esteem and entire approbation, and it is with pleasure that we now give him this testimony of it.

It is with the most sincere pleasure that we embrace this opportunity of renewing these assurances of regard and friendship which we feel for the United States in general, and for each of them in particular; under their influence we pray God that he will keep you, very dear friends and allies, under his holy and beneficent protection.

Done at Paris, this 11th September, 1790.

Your good friend and ally,

LOUIS.

MONTMORIN. [SEAL.]

The United States of North America.

1st CONGRESS.]

No. 47.

[3d Session.

FRANCE.

Message from the President of the United States, relative to the extra tonnage paid by French vessels in the ports of the United States, communicated to the Senate.

UNITED STATES, January 19, 1791.

Gentlemen of the Senate:

I lay before you a representation of the chargé des affaires of France, made by order of his court, on the acts of Congress of the 20th of July, 1789 and 1790, imposing an extra tonnage on foreign vessels, not excepting those of that country; together with the report of the Secretary of State thereon; and I recommend the same to your consideration, that I may be enabled to give to it such answer as may best comport with the justice and the interests of the United States.

GEO. WASHINGTON.

The Secretary of State having received from the chargé des affaires of France a note on the tonnage payable by French vessels in the ports of the United States, has had the same under his consideration, and thereupon makes the following report to the President of the United States:

The chargé des affaires of France, by a note of the 13th of December, represents, by order of his court, that they consider so much of the acts of Congress of July 20, 1789 and 1790, as imposes an extraordinary tonnage on foreign vessels, without excepting those of France, to be in contravention of the fifth article of the treaty of amity and commerce between the two nations; that this would have authorized, on their part, a proportional modification in the favors granted to the American navigation, but that his sovereign had thought it more conformable to his principles of friendship and attachment to the United States, to order him to make representations thereon, and to ask, in favor of French vessels, a modification of the acts which impose an extraordinary tonnage on foreign vessels.

The Secretary of State, in giving in this paper to the President of the United States, thinks it his duty to accompany it with the following observations:

The third and fourth articles of the treaty of amity and commerce between France and the United States subject the vessels of each nation to pay, in the ports of the other, only such duties as are paid by the most favored nation; and give them reciprocally all the privileges and exemptions in navigation and commerce, which are given by either to the most favored nations. Had the contracting parties stopped here, they would have been free to raise or lower their tonnage as they should find it expedient, only taking care to keep the other on the footing of the most favored nation. The question then is, whether the fifth article cited in the note is any thing more than an application of the principle comprised in the third and fourth to a particular object; or whether it is an additional stipulation of something not so comprised?

I. That [it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article, to wit: "*Dans l'exemption ci dessus nommément compris,*" &c., "*in the above exemption is particularly comprised the imposition of one hundred sols per ton established in France on foreign vessels.*" Here,

then, is at once an express declaration, that the exemption from the duty of one hundred sols is *comprised* in the third and fourth articles; that is to say, it was one of the exemptions enjoyed by the most favored nations, and, as such, extended to us by those articles. If the exemption spoken of in this first member of the fifth article was *comprised* in the third and fourth articles, as is expressly declared, then the reservation by France out of that exemption (which makes the second member of the same article) *was also comprised*; that is to say, if *the whole* was comprised, *the part* was comprised. And if this reservation of France in the second member was comprised in the third and fourth articles, then the counter reservation by the United States (which constitutes the third and last member of the same article) was also comprised; because it is but a corresponding portion of a similar whole on our part, which had been comprised by the same terms with theirs.

In short, the whole article relates to a particular duty of one hundred sols, laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favored, and consequently to us. It is not a new and additional stipulation, then, but a declared application of the stipulations comprised in the preceding articles to a particular case, by way of greater caution.

The doctrine laid down generally in the third and fourth articles, and exemplified specially in the fifth, amounts to this: "The vessels of the most favored nations, coming from foreign ports, are exempted from the duty of one hundred sols; therefore you are exempted from it by the third and fourth articles. The vessels of the most favored nations coming coastwise pay that duty; therefore you are to pay it by the third and fourth articles. We shall not think it unfriendly in you to lay a like duty on coasters, because it will be no more than we have done ourselves. You are free, also, to lay that or any other duty on vessels coming from foreign ports, provided they apply to all other nations, even the most favored. We are free to do the same under the same restriction. Our exempting you from a duty which the most favored nations do not pay, does not exempt you from one which they do pay."

In this view, it is evident that the fifth article neither enlarges nor abridges the stipulations of the third and fourth. The effect of the treaty would have been precisely the same had it been omitted altogether; consequently, it may be truly said, that the reservation by the United States in this article is completely useless. And it may be added, with equal truth, that the equivalent reservation by France is completely useless, as well as her previous abandonment of the same duty; and, in short, the whole article. Each party then remains free to raise or lower its tonnage, provided the change operates on all nations, even the most favored.

Without undertaking to affirm, we may obviously conjecture, that this article has been inserted on the part of the United States from an over caution to guard, "*nommément*," by name, against a particular aggravance which they thought they could never be too well secured against; and that has happened, which generally happens; doubts have been produced by the too great number of words used to prevent doubt.

II. The court of France, however, understands this article as intended to introduce something to which the preceding articles had not reached, and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule, in the construction of instruments, to leave no words merely useless for which any rational meaning can be found. They say that the reservation by the United States, of a right to lay a duty equivalent to that of the one hundred sols reserved by France, would have been completely useless, if they were left free, by the preceding articles, to lay a tonnage to any extent whatever; consequently, that the reservation of a part proves a relinquishment of the residue.

If some meaning, and such a one, is to be given to the last member of the article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States, of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France of a right to continue the specified duty to which it is an equivalent, must imply a relinquishment of the right, on her part, to lay or continue any other. Equivalent reservations by both, must imply equivalent restrictions on both. The exact reciprocity stipulated in the preceding articles, and which pervades every part of the treaty, ensures a counter right to each party for every right ceded to the other.

Let it be further considered, that the duty called *tonnage* in the United States, is in lieu of the duties for anchorage, for the support of buoys, beacons, and light houses, to guide the mariner into harbor, and along the coast, which are provided and supported at the expense of the United States; and for fees to measurers, weighers, gaugers, &c. who are paid by the United States; for which articles, among many others, (light house money excepted) duties are paid by us in the ports of France under their specific names. That government has hitherto thought these duties consistent with the treaty, and, consequently, the same duties under a general, instead of specific names with us, must be equally consistent with it; it is not the name, but the thing, which is essential. If we have renounced the right to lay any port duties, they must be understood to have equally renounced that of either laying new or continuing the old. If we ought to refund the port duties received from their vessels, since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the treaty: for nothing short of this is the reciprocity of the treaty.

If this construction be adopted, then, each party has forever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than 100 sols on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, the United States would be the gainers: for it is well known that a much greater* number of American than of French vessels are employed in the commerce between the two countries; but the exemption, once conceded by the one nation to the other, becomes immediately the property of all others, who are on the footing of the most favored nations. It is true that those others would be obliged to yield the same compensation, that is to say, to receive our vessels duty free. Whether we should gain or lose in the exchange of the measures with them, is not easy to say.

Another consequence of this construction will be, that the vessels of the most favored nations, paying no duties, will be on a better footing than those of natives, which pay a moderate duty; consequently, either the duty on these also must be given up, or they will be supplanted by foreign vessels in our own ports.

The resource, then, of duty on vessels for the purposes either of revenue or regulation, will be forever lost to both. It is hardly conceivable that either party, looking forward to all these consequences, would see their interest in them.

III. But, if France persists in claiming this exemption, what is to be done? The claim indeed is couched in mild and friendly terms; but the idea leaks out, that a refusal would authorize them to modify proportionally the favors granted by the same article to our navigation. Perhaps they may do what we should feel much more severely: they may turn their eyes to the favors granted us by their arrêtés of December 29, 1787, and December 7, 1788, which hang on their will alone, unconnected with the treaty. Those arrêtés, among other advantages, admit our whale oils to the exclusion of that of all other foreigners. And this monopoly procures a vent for seven-twelfths of the produce of that fishery, which experience has taught us could find no other market. Near two-thirds of the produce of our cod fisheries, too, have lately found a free vent in the colonies of France.† This indeed has been an irregularity growing out of the anarchy reigning in those colonies. Yet the demands of the colonists, even of the government party among them, (if an auxiliary disposition can be excited by some marks of friendship and distinction on our part) may perhaps produce a constitutional concession to them to procure their provisions at the cheapest market: that is to say, at ours.

* By an official paper from the bureau of the balance of commerce of France, we find that, of the ships which entered the ports of France from the United States in the year 1789, only 13, amounting to 2,105 tons, were French, and 163, making 24,173 tons, were American.

† Abstract of the produce of the fisheries exported from the United States, from August 20, 1789, to August 14, 1790, in which is omitted one quarter's exportations from Boston, Plymouth, Dighton, Penobscot, Frenchman's Bay, Machias, and New York, of which the returns are not received.

	Cod Fishery.		Whale Fishery.		Both Fisheries.
France and the French West Indies,	\$ 586,167	-	\$ 131,906	-	\$ 718,073
The rest of the world,	307,097	-	101,306	-	408,403
Whole produce,	893,264	-	233,212	-	1,126,476

Considering the value of the interests we have at stake, and considering the smallness of difference between foreign and native tonnage, on French vessels alone, it might, perhaps, be thought advisable to make the sacrifice asked; and especially if it can be so done as to give no title to other the most favored nations to claim it. If the act should put French vessels on the footing of those of natives, and declare it to be in consideration of the favors granted us by the arrêts of December 29, 1787, and December 7, 1788, (and perhaps this would satisfy them) no nation could then demand the same favor without offering an equivalent compensation. It might strengthen, too, the tenure by which those arrêts are held, which must be precarious so long as they are gratuitous.

It is desirable in many instances to exchange mutual advantages by legislative acts rather than by treaty; because the former, though understood to be in consideration of each other, and, therefore, greatly respected, yet, when they become too inconvenient, can be dropped at the will of either party: whereas stipulations by treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burdensome.

On the whole, if it be the opinion, that the first construction is to be insisted on, as ours, in opposition to the second, urged by the court of France, and that no relaxation is to be admitted, an answer shall be given to that court defending that construction, and explaining, in as friendly terms as possible, the difficulties opposed to the exemption they claim.

2. If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal and perpetual exemption from tonnage, a repeal of so much of the tonnage law will be the answer.

3. If it be thought better to waive rigorous and nice discussions of right, and to make the modification an act of friendship and of compensation for favors received, the passage of such a bill will then be the answer.

TH: JEFFERSON.

January 18, 1791.

A PHILADELPHIE, le 13 Dec. 1790.

MONSIEUR:

Pendant le long séjour que vous avez fait en France, vous avez eu lieu de vous convaincre des dispositions favorables de sa Majesté pour rendre permanens les liens qui unissent les deux Nations, et pour donner de la stabilité aux traités d'alliance et de commerce, qui forment la base de cette union. Ces traités ont été si bien maintenus par le Congrès formé sous l'ancienne confédération, qu'il a cru devoir interposer son autorité toutes les fois que des loix faites par des états individuels paroissent en enfreindre les dispositions, et particulièrement lorsqu' en 1785, les états du New-Hampshire, et du Massachusetts, avoient imposé des droits de tonnage extraordinaires sur les bâtimens étrangers sans en exempter ceux de la nation Française. Les réflexions, que j'ai l'honneur de vous adresser dans la note ci-jointe étant fondées sur les memes principes, j'ose croire qu'elles mériteront de la part du gouvernement des États Unis l'attention la plus sérieuse.

Je suis avec respect, Monsieur,

Votre très humble et très obéissant serviteur.

L. G. OTTO.

MONS. JEFFERSON,

Secrétaire d'Etat, et des Affaires Etrangères.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

PHILADELPHIA, December 13, 1790.

SIR:

During the long stay you made in France, you had opportunities of being satisfied of the favorable dispositions of his Majesty to render permanent the ties that united the two nations, and to give stability to the treaties of alliance and of commerce, which form the basis of this union. These treaties were so well maintained by the Congress formed under the ancient confederation, that they thought it their duty to interpose their authority whenever any laws made by individual States appeared to infringe their stipulations, and particularly in 1785, when the States of New Hampshire and of Massachusetts had imposed an extraordinary tonnage on foreign vessels, without exempting those of the French nation. The reflections that I have the honor to address to you in the subjoined note, being founded on the same principles, I flatter myself that they will merit on the part of the Government of the United States the most serious attention.

I am, with respect, &c.

L. G. OTTO.

NOTE.

Le soussigné Chargé des Affaires de France a reçu l'ordre exprès de sa cour de représenter aux États Unis, que l'acte passé par le Congrès, le 20^e Juillet, 1789, et renouvelé le 20^e Juillet de l'année courante, qui impose un droit de tonnage extraordinaire sur les bâtimens étrangers, sans en excepter les navires François, est directement contraire à l'esprit et au but du traité de commerce, qui lie les deux nations, et dont Sa Majesté a non seulement scrupuleusement observé la teneur, mais dont elle a étendu les avantages par plusieurs réglemens très favorables au commerce et à la navigation des États Unis.

Par l'article 5^e de ce traité les citoyens de ces États, sont déclarés exempts du droit de tonnage imposé en France sur les bâtimens étrangers, et ils ne sont assujettis à ce droit que pour le petit cabotage; on a réservé au Congrès la faculté d'établir un droit équivalent à ce dernier; stipulation fondée sur l'état où étoient les choses en Amérique lors de la signature du traité; il n'existoit à cette époque aucun droit de tonnage dans les États Unis.

Il est évident que c'est la non-existence de ce droit et le motif d'une parfaite réciprocité stipulée dans le préambule du traité, qui ont déterminé le Roi à accorder l'exemption contenue dans l'article 5^e et une preuve que le Congrès n'avoit point l'intention de porter atteinte à cette réciprocité, c'est qu'il s'est borné à se réserver la faculté d'établir sur le petit cabotage un droit équivalent à celui qui se perçoit en France. Cette réserve auroit été complètement inutile, si aux termes du traité le Congrès s'étoit cru en liberté de mettre un droit de tonnage quelconque sur les bâtimens François.

Le soussigné a l'honneur d'observer que cette atteinte portée à l'article 5^e du traité de commerce auroit pu autoriser Sa Majesté à modifier proportionnellement les faveurs accordées par le même article à la navigation Américaine, mais le Roi toujours fidèle à ses principes d'amitié et d'attachement pour les États Unis, et voulant confirmer de plus en plus les liaisons qui subsistent si heureusement entre la nation Française et ces États a trouvé plus conforme à ces vues d'ordonner au soussigné de faire des représentations à ce sujet, et de demander en faveur des navires François une modification de l'acte qui impose un droit de tonnage extraordinaire sur les bâtimens étrangers. Sa Majesté ne doute pas, que les États Unis ne reconnaissent la justice de cette réclamation et ne soient disposés à remettre les choses sur le pied, où elles étoient lors de la signature du traité du 6^e Fevr. 1778.

A PHILADELPHIE, le 13^e Decembre, 1790.

L. G. OTTO.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NOTE.—The underwritten chargé des affaires of France has received the express order of his court to represent to the United States, that the act passed by Congress the 20th July, 1789, and renewed the 20th July of the present year, which imposes an extraordinary tonnage on foreign vessels, without excepting French vessels, is directly contrary to the spirit and to the object of the treaty of commerce which unites the two nations, and of which his Majesty has not only scrupulously observed the tenor, but of which he has extended the advantages by many regulations very favorable to the commerce and navigation of the United States.

By the 5th article of this treaty the citizens of these States are declared exempt from the tonnage duty imposed in France on foreign vessels; and they are not subject to that duty but in the coasting business. Congress has reserved the privilege of establishing a duty equivalent to this last, a stipulation founded on the state in which matters were in America at the time of the signature of the treaty. There did not exist at that epoch any duty on tonnage in the United States.

It is evident that it was the non-existence of this duty, and the motive of a perfect reciprocity stipulated in the preamble of the treaty, that had determined the King to grant the exemption contained in the article 5th; and a proof that Congress had no intention to contravene this reciprocity is, that it only reserves a privilege of establishing on the coasting business, a duty equivalent to that which is levied in France. This reservation would have been completely useless, if, by the words of the treaty, Congress thought themselves at liberty to lay any tonnage they should think proper, on French vessels.

The undersigned has the honor to observe that this contravention of the 5th article of the treaty of commerce might have authorized his Majesty to modify proportionally the favors granted by the same article to the American navigation; but the King, always faithful to the principles of friendship and attachment to the United States, and desirous of strengthening more and more the ties which subsist so happily between the French nation and these States, thinks it more conformable to these views to order the undersigned to make representations on this subject, and to ask in favor of French vessels a modification of the act which imposes an extraordinary tonnage on foreign vessels. His Majesty does not doubt but that the United States will acknowledge the justice of this claim, and will be disposed to restore things to the footing on which they were at the signature of the treaty of the 6th February, 1778.

L. G. OTTO.

PHILADELPHIA, December 13, 1790.

A NEW YORK, le 8 Janv. 1791.

MONSIEUR:

J'ai l'honneur de vous adresser ci-jointe une lettre du Roi au Congrès, et une autre que vous écrit M. de Montmorin. Vous y trouverez l'expression sincère des sentimens, que vous avez inspirés à notre Gouvernement et des regrets du ministre de ne plus être immédiatement en relation avec vous. Ces sentimens sont partagés par toutes les personnes qui ont eu l'avantage de vous connoître en France.

Je suis peiné, Monsieur, d'avoir à vous annoncer en même temps que les plaintes de nos négocians au sujet des droits de tonnage se multiplient, et qu'elles ont non seulement fixé l'attention du Roi, mais celle de plusieurs départemens du royaume. J'ai reçu de nouveaux ordres de demander aux Etats Unis une décision à ce sujet, et de solliciter en faveur de négocians lésés la restitution des droits, qui ont déjà été payés. Je vous prie instamment, Monsieur, de ne pas perdre de vue un objet qui, comme j'ai eu l'honneur de vous les dire verbalement est de la plus grande importance pour cimenter les liaisons futures de commerce entre les deux nations.

En examinant plus particulièrement cette question, vous trouverez peut être que les motifs de convenance sont aussi puissans que ceux de justice pour engager les Etats Unis à donner à Sa Majesté la satisfaction qu'elle demande. Il entre dans les ports de France au moins deux fois plus de bâtimens Américains qu'il ne vient de bâtimens François dans les ports Américains. L'exemption du droit de tonnage est donc évidemment moins avantageuse pour les François que pour le navigateurs des Etats Unis. Quoiqu'il en soit, je puis vous assurer, Monsieur, que les délais d'une décision à cet égard ne pourrout que multiplier les difficultés en augmentant les justes plaintes des négocians François. Je vous prie en conséquence de me mettre en état de donner à ma cour une reponse satisfaisante avant l'expédition du paquebot qui partira vers la fin de ce mois.

J'ai l'honneur d'être, avec un respectueux attachement, Monsieur,

Votre très humble et très obéissant serviteur,

L. G. OTTO.

Son Exce. M. JEFFERSON, Secrétaire d'Etat.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NEW YORK, January 8, 1791.

SIR:

I have the honor herewith to send you a letter from the King to Congress, and one which M. de Montmorin has written to yourself. You will find therein the sincere sentiments with which you have inspired our Government, and the regret of the minister in not having a more near relation of correspondence with you. In these, every person who has had the advantage of knowing you in France participates.

At the same time it gives me pain, sir, to be obliged to announce to you, that the complaints of our merchants on the subject of the tonnage duty increase, and that they have excited not only the attention of the King, but that of several departments of the kingdom. I have received new orders to request of the United States a decision on this matter, and to solicit, in favor of the aggrieved merchants, the restitution of the duties which have already been paid. I earnestly beg of you, sir, not to lose sight of an object which, as I have already had the honor to tell you verbally, is of the greatest importance for cementing the future commercial connexions between the two nations.

In more particularly examining this question, you will, perhaps, find that motives of convenience are as powerful as those of justice, to engage the United States to give to his Majesty the satisfaction which he requires. At least twice as many American vessels enter the ports of France, as do those of France the ports of America. The exemption of the tonnage duty then is evidently less advantageous for the French, than for the navigators of the United States. Be this as it may, I can assure you, sir, that the delay of a decision in this respect, by augmenting the just complaints of the French merchants, will only augment the difficulties. I, therefore, beg of you to enable me, before the sailing of the packet, which will take place towards the last of this month, to give to my court a satisfactory answer.

I have the honor to be, &c.

L. G. OTTO.

His Excellency Mr. JEFFERSON, Secretary of State.

Arrêt du Conseil D'Etat du Roi, pour l'encouragement du commerce de France avec les Etats-Unis de l'Amérique. Du 29 Décembre 1787.

EXTRAIT DES REGISTRES DU CONSEIL D'ETAT.

Le Roi voulant encourager le commerce de ses sujets avec les Etats-Unis de l'Amérique, et faciliter entre les deux nations des relations réciproquement utiles: oui le rapport du sieur Lambert, Conseiller d'Etat, et ordinaire au Conseil Royal des Finances et du Commerce, Contrôleur Général des Finances, sa Majesté étant en son Conseil, a ordonné et ordonne ce qui suit:

ARTICLE PREMIER. Les huiles de baleine, et le spermaceti qui proviendront de la pêche des citoyens et habitants des Etats-Unis de l'Amérique, et seront apportés en France directement sur vaisseaux François ou sur vaisseaux des Etats-Unis, continueront à n'être soumis qu'à un droit de sept livres dix sous par barrique du poids de cinq cens vingt livres, et les fanons de baleine ne le seront qu'à un droit de six livres treize sous quatre deniers par quintal, avec les dix sous pour livre en sus de l'un et l'autre droit, lesquels dix sous pour livre cesseront au dernier Décembre mil sept cent quatre-vingt-dix; se réservant, sa Majesté, d'accorder de plus grandes faveurs aux produits de la pêche de la baleine exercée par les pêcheurs des Etats-Unis de l'Amérique, qui seront apportés en France par vaisseaux François ou des Etats-Unis, dans le cas où d'après les renseignements que sa Majesté fait recueillir, elle le jugeroit convenable aux intérêts des deux nations.

ART. II. Les autres huiles de poisson, et les poissons secs ou salés provenant de même de la pêche des citoyens et habitants des Etats-Unis, et apportés de même directement en France par leurs vaisseaux ou par vaisseaux François, ne payeront autres ni plus forts droits que ceux auxquels sont ou seront soumis, dans le même cas, les huiles et poissons de la même espèce, provenant de la pêche des Villes Anséatiques ou des autres nations les plus favorisées.

ART. III. La fabrication des chandelles ou bougies de spermaceti on blanc de baleine, sera permise en France comme celle des autres chandelles et bougies.

ART. IV. Les grains, fromens, seigle, rix, pois, fèves, lentilles, graines, les farines, les arbres et arbutus, les potasses, connues sous le nom de *potash* et *pearl-ash*, les peaux et poils de castor, les cuirs en poil, les fourrures et pelleteries, et les bois de construction apportés des Etats-Unis directement en France sur vaisseaux François ou des Etats-Unis, ne seront soumis qu'à un droit d'un Huitième pour cent de la valeur.

ART. V. Tout navire qui ayant été construit dans les Etats-Unis, sera ensuite vendu en France, ou acheté par des François, sera exempt de tous droits, à la charge de justifier que ledit navire a été construit dans les Etats-Unis.

ART. VI. Les thérébentines, brais et goudrons, provenant des Etats-Unis de l'Amérique, apportés directement en France par vaisseaux François ou des Etats-Unis, ne payeront qu'un droit de deux et demi pour cent de la valeur, et seront les droits mentionnés, tant au présent article qu'en l'article IV, exempts de toute addition de sous pour livre.

ART. VII. La sortie des armes de toute espèce et de la poudre à tirer pour les Etats-Unis de l'Amérique, sera toujours permise sur vaisseaux François ou des Etats-Unis, en payant, à l'égard des armes, un droit d'un huitième pour cent de la valeur, et la poudre, en ce cas, sera exempte de tous droits, en prenant un acquit à caution.

ART. VIII. Les papiers de toute espèce, même ceux destinés pour teinture et *dominoterie*, les cartons et les livres, seront exempts de tous droits à leur embarquement pour les Etats-Unis, sur vaisseaux François ou des Etats-Unis, et jouiront, en ce cas, de la restitution des droits de fabrication sur les papiers et cartons.

ART. IX. Les droits d'Amirauté sur les vaisseaux des Etats-Unis, entrant ou sortant des ports de France, ne pourront être perçus que conformément à l'édit du mois de juin dernier, pour les cas qui y sont portés, et aux lettres-patentes du 10 Janvier 1770, pour les objets

An Act of the King's Council of State, for the encouragement of the commerce of France with the United States of America. December 29, 1787.

EXTRACT FROM THE RECORDS OF THE COUNCIL OF STATE.

The King, desirous of encouraging the commerce of his subjects with the United States of America, and of facilitating between the two nations connections reciprocally useful: having heard the report of the sieur Lambert, Councillor of State and of the Royal Council of Finance and Commerce, Comptroller General of Finance, his Majesty being in his Council, has ordered, and does ordain, as follows:

ARTICLE FIRST. Whale oils and spermaceti, the produce of the fisheries of the citizens and inhabitants of the United States of America, which shall be brought into France directly in French vessels, or in those of the United States, shall continue to be subjected to a duty only of seven livres ten sols the barrel of five hundred and twenty pounds weight, and whale fins shall be subject to a duty of only six livres thirteen sols four deniers the quintal, with the ten sols per livre on each of the said duties; which ten sols per livre shall cease on the last day of December one thousand seven hundred and ninety; his Majesty reserving to himself to grant further favors to the produce of the whale fisheries carried on by the fishermen of the United States of America, which shall be brought into France in French vessels, or in those of the United States, if, on the information which his Majesty shall cause to be taken thereon, he shall judge it expedient for the interest of the two nations.

ART. II. The other fish oils and dry or salted fish, the produce in like manner of the fisheries of the citizens and inhabitants of the United States, and brought also directly into France, in their, or in French vessels, shall not pay any other nor greater duties than those to which the oils and fish of the same kind, the produce of the fisheries of the Hanseatic towns, or of other the most favored nations, are or shall be subject in the same case.

ART. III. The manufacture of candles and tapers of spermaceti shall be permitted in France, as that of other candles and tapers.

ART. IV. Corn, wheat, rye, rice, peas, beans, lentils, flax seed and other seeds, flour, trees and shrubs, potash and pearlsh, skins and fur of beaver, raw hides, furs and peltry, and timber, brought from the United States directly into France, in French vessels, or in those of the United States, shall not be subject but to a duty of one eighth per cent. on their value.

ART. V. Vessels built in the United States and sold in France, or purchased by Frenchmen, shall be exempt from all duties, on proof that they were built in the United States.

ART. VI. Turpentine, tar, and pitch, the produce of the United States of America, and brought directly into France in French vessels, or in those of the United States, shall pay only a duty of two and a half per cent. on their value, and as well the duties mentioned in this as in the fourth article, shall be exempt from all addition of sous per livre.

ART. VII. The exportation of arms of all sorts, and of gun powder, for the United States of America, shall be always permitted in French vessels or in those of the United States, paying for the arms a duty of one eighth per cent. on their value: and gun powder in that case shall be exempt from all duty on giving a cautionary bond.

ART. VIII. Papers of all sorts, even paper hangings and colored papers, pasteboard, and books, shall be exempt from all duties on their embarkation for the United States of America, in French vessels, or in those of the United States, and shall be entitled, in that case, to a restitution of the fabrication duties on paper and pasteboard.

ART. IX. The Admiralty duties on the vessels of the United States entering into, or going out of, the ports of France, shall not be levied but conformably with the edict of the month of June last, in the cases therein provided for, and with the letters patent of the tenth of Jan-

auxquels il n'auroit pas été pourvu par ledit édit; se réservant au surplus Sa Majesté, de faire connoître ses intentions sur la manière dont les dits droits seront perçus, soit à raison du tonnage des vaisseaux ou autrement; comme aussi de simplifier lesdits droits d'Amirauté, et de les régler autant qu'il sera possible sur le principe de la réciprocité, aussitôt que les travaux ordonnés par sa Majesté, aux termes de l'article XXVI dudit édit du mois de juin dernier, seront achevés.

ART. X. L'entrepôt de toutes les productions et marchandises des Etats-Unis, sera permis pour six mois dans tous les ports de France ouverts au commerce des Colonies; et ne sera ledit entrepôt soumis qu'à un droit d'un huitième pour cent.

ART. XI. Pour favoriser l'exportation des armes, des quincailleries, des bijouteries, des bonneteries, de laine et de coton, des gros lainages, des petites draperies et des étoffes de coton de toute espèce, et autres marchandises de fabrique Française, qui seront envoyées aux Etats-Unis de l'Amérique sur vaisseaux Français ou des Etats-Unis, sa Majesté se réserve d'accorder des encouragements, qui seront incessamment réglés en son Conseil, selon la nature de chacune desdites marchandises.

ART. XII. Quant aux autres marchandises non dénommées au présent arrêt, apportées directement en France des Etats-Unis, sur leurs vaisseaux ou sur vaisseaux Français, ou portées de France aux dits Etats-Unis, et à l'égard de toutes conventions de commerce quelconques, veut et ordonne sa Majesté, que les citoyens des Etats-Unis jouissent en France des mêmes droits, privilèges et exemptions que les sujets de sa Majesté, sauf l'exécution des dispositions portées par l'article IX ci-dessus.

ART. XIII. Sa Majesté accorde aux citoyens et habitants des Etats-Unis, tous les avantages dont jouissent ou pourront jouir à l'avenir les nations étrangères les plus favorisées dans ses Colonies de l'Amérique, et de plus sa Majesté assure aux dits citoyens et habitants des Etats-Unis, tous les privilèges et avantages dont ses propres sujets de France jouissent ou pourront jouir en Asie et dans les Echelles qui y conduisent, pourvu toutefois que leurs bâtimens aient été armés et expédiés dans un des ports des Etats-Unis.

Mande et ordonne sa Majesté à Mons. le Duc de Penthièvre, Amiral de France, aux sieurs intendans et commissaires départis dans les provinces, au commissaires départis pour l'observation des ordonnances dans les amirautés, aux officiers des amirautés, maîtres des ports, juges des traités, et tous autres qu'il appartiendra, de tenir la main à l'exécution du présent règlement, lequel sera enregistré aux greffes des dites Amirautés, lu, publié et affiché par-tout ou besoin sera.

Fait au Conseil d'Etat du Roi, sa Majesté y étant, tenu à Versailles le vingt-neuf Décembre mil sept cent quatre-vingt-sept.

Le Cte. DE LA LUZERNE.

uary, one thousand seven hundred and seventy, for the objects for which no provision shall have been made by the said edict, his Majesty reserving to himself moreover: to make known his intentions as to the manner in which the said duties shall be levied, whether in proportion to the tonnage of the vessels or otherwise, as also to simplify the said duties of the Admiralty, and to regulate them as far as shall be possible on the principle of reciprocity, as soon as the orders shall be completed, which were given by his Majesty according to the twenty-sixth article of the said edict of the month of June last.

ART. X. The entrepôt (or storing) of all the productions and merchandise of the United States, shall be permitted for six months, in all the ports of France open to the commerce of her colonies; and the said entrepôt shall be subject only to a duty of one eighth per cent.

ART. XI. To favor the exportation of arms, hardware, jewelry, bonnetery,* of wool and of cotton, coarse woollens, small draperies and stuffs of cotton of all sorts, and other merchandises of French fabric, which shall be sent to the United States of America, in French vessels, or in those of the United States, his Majesty reserves to himself to grant encouragements, which shall be immediately regulated in his council, according to the nature of each of the said merchandises.

ART. XII. As to other merchandises not mentioned in this act, brought directly into France from the United States, in their or in French vessels, or carried from France to the said United States, in French vessels, or in those of the United States, and with respect to all commercial conventions whatsoever, his Majesty wills and ordains that the citizens of the United States enjoy in France the same rights, privileges, and exemptions, with the subjects of his Majesty; saving the execution of what is provided in the ninth article hereof.

ART. XIII. His Majesty grants to the citizens and inhabitants of the United States all the advantages which are enjoyed, or which may be hereafter enjoyed, by the most favored nations in his colonies of America; and, moreover, his Majesty assures to the said citizens and inhabitants of the United States, all the privileges and advantages which his own subjects of France enjoy, or shall enjoy, in Asia, and in the scales leading thereto: provided, always, that their vessels shall have been fitted out and despatched in some port of the United States.

His Majesty commands and orders M. le duc de Penthièvre, Admiral of France, the intendants and commissaires de parti in the provinces, the commissaires de parti for the observation of the ordinances in the Admiralties, the officers of the Admiralties, masters of the ports, judges des traités, and all others to whom it shall belong, to be aiding in the execution of the present regulation, which shall be registered in the offices of the said Admiralties, read, published, and posted, wherever shall be necessary.

Done in the King's Council of State, his Majesty present, held at Versailles, the twenty-ninth of December, one thousand seven hundred and eighty-seven.

Le Cte. DE LA LUZERNE.

Lettre de M. Lambert, Conseiller d'Etat et au Conseil royal de Finance et de Commerce, Contrôleur général des finances, à M. Jefferson, Ministre plénipotentiaire des Etats-Unis de l'Amérique près de Sa Majesté Très-Chrétienne.

VERSAILLES, 29 Decembre, 1787.

J'ai l'honneur, monsieur, de vous envoyer une copie de l'Arrêt qui vient d'être rendu au Conseil pour l'encouragement du Commerce des Etats-Unis de l'Amérique en France. Je vous en ferai passer un certain nombre d'exemplaires, aussitôt qu'il sera imprimé.

Vous y verrez que plusieurs faveurs considérables qui n'avoient point encore été promises au commerce Américain, ont été ajoutées à celle que le Roi vous avoit fait annoncer par la lettre qui vous a été écrite le 22 Octobre de l'année dernière.

Si dans l'intervalle, quelques droits ont été perçus contre les dispositions de cette lettre, ils seront restitués sur la représentation des acquits.

J'ai donné ordre aussi que l'on vérifiât les faits au sujet desquels on vous a rapporté que la décision du 24 Mai, 1786, relativement au commerce du tabac, n'avoit pas eu une entière exécution. Vous pouvez être assuré que, s'il est prouvé qu'on se soit écarté des engagements pris avec la sanction du Roi, il sera scrupuleusement pourvu à y satisfaire.

Vous apprendrez encore avec plaisir que les mesures qui j'ai prises pour prévenir l'interruption du commerce des tabacs ont eu un plein succès.

Cette marchandise ne sera point exceptée de celles auxquelles l'entrepôt est accordé. La Ferme générale ne jouira d'aucune préférence pour l'achat & les propriétaires seront complètement les maîtres de leurs spéculations, & d'envoyer leurs tabacs par mer à l'étranger.

* This term includes bonnets, stockings, socks, underwaistcoats, drawers, gloves, and mittens, as sold by the bonnetiers.

Il sera seulement pris des mesures pour prévenir les fraudes auxquelles l'entrepôt pourroit servir de prétexte, & les chambres du commerce des ports seront consultées pour que les précautions nécessaires ne soient pas incompatibles avec la liberté dont le commerce doit jouir dans ses opérations.

Quoique l'approvisionnement actuel de la ferme générale se monte à environ trois années de sa consommation, j'ai engagé cette compagnie à continuer d'acheter par année, à compter du 1 Janvier, 1788, jusqu'à la fin de son bail, quatorze mille boucauds de tabac directement apportés dans les ports de France sur bâtimens François ou Américains, et de justifier tous les quatre mois que cet achat sera monté au moins à quatre mille six cents soixante et six boucauds.

Quant aux prix, vous avez senti vous-même la nécessité de les laisser libres; et cette liberté des prix a été le premier objet des demandes faites par les négocians Américains et François, lors des réclamations qui se sont élevées contre le traité de M. Morris.

La résolution prise alors de forcer les approvisionnemens, quoiqu'à prix onéreux, au point qu'il en résulte que la ferme générale est maintenant approvisionnée pour trois années, montre combien l'intérêt des planteurs et négocians des Etats-Unis de l'Amérique a toujours été précieux au Roi.

L'arrêt du conseil joint à cette lettre et les autres dispositions dont j'ai l'honneur de vous faire part, confirment de plus en plus une vérité si propre à resserrer tous les liens qui unissent les deux nations.

J'ai l'honneur d'être,

Avec un très-sincère et inviolable attachement, monsieur,

Votre très-humble et très-obéissant serviteur,

LAMBERT.

[TRANSLATION.]

Letter from M. Lambert, Councillor of State and of the Council Royal of Finance and Commerce, Comptroller General of Finance, to M. Jefferson, Minister Plenipotentiary for the United States of America at the Court of Versailles.

VERSAILLES, December 29, 1787.

I have the honor, sir, to send you a copy of an arrêt passed in council, for encouraging the commerce of the United States of America in France. I shall furnish you with a number of others as soon as they shall be printed.

You will therein see that several considerable favors, not before promised to the American commerce, have been added to those which the King announced to you, in the letter addressed to you on the 22d of October of the last year.

If, in the mean time, any duties have been levied, contrary to the intentions of that letter, they shall be repaid on sight of the vouchers.

I have also ordered a verification of the facts whereon it was represented to you, that the decision of the 24th of May, 1786, relative to the commerce of tobacco, had not been fully executed. Be assured that, if it shall appear that engagements have been evaded, which were taken under the sanction of the King, effectual provision shall be made for their scrupulous fulfilment.

You will learn also with pleasure that the measures I have taken to prevent the interruption of the commerce of tobacco have had full success.

This commodity shall not be excepted from among those to which the right of entrepôt is given. The farmers general shall have no preference in the purchases, the proprietors shall be perfectly masters of their speculations, and free to export their tobaccos by sea to foreign countries.

Measures only must be taken to prevent those frauds to which the entrepôt might serve as a pretext; and the chambers of commerce for the ports shall be consulted, in order that the precautions necessary for this purpose may not be in a form incompatible with that liberty which commerce ought to enjoy in its operations.

Although the present stock of the farmers general amounts to about three years' consumption, I have engaged that company to continue to purchase yearly, from the 1st day of January, 1788, to the end of their lease, fourteen thousand hogsheads of tobacco, brought directly into the ports of France, in French or American bottoms, and to shew, at the end of every four months, that their purchases amount to four thousand six hundred and sixty-six hogsheads.

As to the prices, you have been sensible yourself of the necessity of leaving them free; and this freedom of price was the principal object of the applications of the American and French merchants when they complained of the contract of M. Morris.

The determination then taken to force the purchases of tobacco, though at high prices, insomuch that the farmers general now find themselves possessed of three years' provision, shows that the interests of the planters and merchants of the United States of America have ever been precious to the King.

The arrêt of council herein enclosed, and the other regulations which I have the honor of communicating to you, are a further confirmation of a truth tending so much to strengthen the bands which unite the two nations.

I have the honor to be,

With a very sincere and inviolable attachment, sir,

Your most humble and most obedient servant,

LAMBERT.

Arrêt du Conseil d'Etat du Roi, qui excepte de la prohibition portée par l'arrêt du 28 Septembre dernier, les huiles de baleine et d'autres poissons, ainsi que les fanons de baleine, provenant de la pêche des Etats Unis de l'Amérique. Du 7 Décembre, 1788.

EXTRAIT DES REGISTRES DU CONSEIL D'ETAT.

Le Roi s'étant fait représenter l'arrêt rendu en son Conseil, le 28 Septembre dernier, portant prohibition à l'entrée dans le Royaume, des huiles de baleine et de spermaceti, provenant de pêche étrangère, sa Majesté auroit reconnu que les huiles de veau marin, et celles provenant de poissons et autres animaux vivans dans la mer, n'étant pas comprises dans ledit arrêt, il en pourroit résulter sous le nom desdites huiles, une introduction frauduleuse d'huiles de baleine, et que d'un autre côté, on pourroit induire des dispositions dudit arrêt, une prohibition des huiles provenant de la pêche des Etats Unis de l'Amérique; et sa Majesté voulant faire cesser toute incertitude à cet égard. A quoi voulant pourvoir: Qui le rapport du sieur Laubert, Conseiller d'Etat ordinaire et au Conseil des Dépêches, et au Conseil royal des Finances et du Commerce; le Roi étant en son Conseil, a ordonné et ordonne, qu'à compter du 1.^{er} Avril prochain, les huiles de veau marin, et celles de poissons et autres animaux vivans dans la mer, provenant de pêche étrangère, ainsi que les fanons de baleine, provenant également de ladite pêche étrangère, seront prohibées à l'entrée dans le royaume, sans toute-fois que ladite prohibition puisse s'étendre, tant aux dites huiles qu'à celles de baleines et de spermaceti, ainsi qu'aux fanons de baleine, provenant de la pêche des Etats Unis de l'Amérique, et apportés directement en France, sur des bâtimens François, ou appartenant aux sujets desdits Etats Unis, lesquelles continueront provisoirement d'être admises conformément aux articles I. et III. de l'arrêt du 29 Décembre dernier; et à la charge en outre par les capitaines des navires des Etats Unis, de rapporter des certificats des Consuls de France, résidans dans les ports desdits Etats Unis; et à leur défaut, des magistrats des lieux où le feront les embarquemens des dites huiles, à l'effet de constater que la cargaison desdits navires provient de pêche faite par les citoyens des Etats Unis; lesquels certificats seront représentés aux officiers des armatures, ensemble aux préposés des fermes, dans les ports de France ou se fera le débarquement, pour en être fait mention dans

les déclarations d'arrivée. Mande et ordonne sa Majesté à Mons. le Duc de Penthièvre, Amiral de France, aux sieurs Intendants et Commissaires départis dans les Provinces, au Commissaire départi pour l'observation des Ordonnances dans les Amirautés, aux Officiers des Amirautés, Maîtres des Ports, Juges des Traités, et à tous autres qu'il appartiendra, de tenir la main à l'exécution du présent arrêt, lequel sera enregistré aux Greffes des dites Amirautés, lu, publié et affiché par tout où besoin sera.

Fait au Conseil d'Etat du Roi, sa Majesté y étant, tenu à Versailles le sept Décembre mil sept cent quatre-vingt-huit.

LA LUZERNE.

Le Duc de Penthièvre, Amiral de France.

Vu l'arrêt du Conseil d'Etat du Roi ci-dessus et des autres parts, à nous adressé: Mandons à tous ceux sur qui notre pouvoir s'étend, de l'exécuter et faire exécuter, chacun en droit soi, suivant sa forme et teneur: ordonnons aux officiers des Amirautés de le faire enregistrer au greffe de leurs sièges, lire, publier et afficher par-tout où besoin sera.

Fait à Vernon le vingt Décembre mil sept cent quatre-vingt-huit.

L. J. M. DE BOURBON.

Et plus bas, par son Altesse Sérénissime:

PERIER.

[TRANSLATION.]

Arrêt of the King's Council of State, excepting whale and other fish oil, and also whale bone, the product of the fisheries of the United States of America, from the prohibition contained in the arrêt of the 28th September last.—7th December, 1788.

EXTRACT FROM THE REGISTERS OF THE COUNCIL OF STATE.

The King taking into consideration the arrêt pronounced in his council the 28th December last, prohibiting the importation of whale oil and spermaceti, the product of foreign fisheries, into the kingdom, observing that oil made from sea calves, and other fish and sea animals, not being comprehended in said arrêt, a fraudulent importation of whale oil might take place under the name of the aforesaid oils, and that, on the other hand, it might be inferred from the tenor of the said arrêt, that oils, the produce of the fisheries of the United States, were prohibited; and his Majesty wishing to remove every doubt on this head: To provide, therefore, for the same, having heard the report of the Sieur Lambert, Councillor of State in ordinary, and of the Council of Despatches, and Royal Council of Finances and Commerce, the King being present in his council, has ordained, and does ordain, that, reckoning from the first day of April next, oil made from sea calves, and from fish and other sea animals, produced from foreign fisheries, as well as whale bone, produced in like manner from the said foreign fisheries, shall be prohibited from importation into the kingdom, without permitting the said prohibition, nevertheless, to extend either to the said kinds of oils, or to the said whale oils and spermaceti, or the whale bone, produced from the fisheries of the United States of America, and imported directly into France in French vessels, or those belonging to the subjects of the said United States, which shall continue to be provisionally admitted, agreeable to the 1st and 3d articles of the arrêt of the 29th of December last, on condition, however, that the captains of the said vessels belonging to the United States bring with them certificates from the Consuls of France residing in the ports of the said United States, or, where these cannot be obtained, from the magistrates of the places where the embarkation of the said oil shall be made, for the purpose of proving that the cargo of the said vessels is the produce of the fisheries carried on by the citizens of the United States, which certificates shall be presented to the officers of the Admiralty, also to the Commissioners of the Farms in the ports of France where it shall be landed, to be mentioned in the report of their arrival. His Majesty commands and orders the Duke de Penthièvre, Admiral of France, the Intendants and Commissaries throughout the provinces, the Commissioners appointed to observe the Ordinances of the Admiralty, the Officers of the Admiralty, Masters of Ports, Judges of Treaties, and all others whom it may concern, to assist in the execution of the present arrêt, which shall be registered in the offices of the said admiralties, read, published, and posted wherever it may appear necessary.

Done in the King's Council of State, his Majesty being present, held at Versailles, the 7th of December, 1788.

LA LUZERNE.

The Duke de Penthièvre, Admiral of France.

Having seen the above arrêt of the King's Council of State and the other parts addressed to us: We command all those over whom our power extends, to execute and cause it to be executed, each as his duty is, agreeable to its form and tenor. We order the officers of the admiralties to register it in the office of their jurisdictions, to read, publish, and post it wherever it may be necessary.

Done at Vernon, the 20th of December, 1788.

L. J. M. DE BOURBON.

And beneath, by his Serene Highness:

PERIER.

1st CONGRESS.]

No. 48.

[3d Session.]

PRISONERS AT ALGIERS.

Letter in relation to the Prisoners at Algiers, communicated to the Senate, 21st January, 1791, by the Secretary of State.

PHILADELPHIA, January 20. 1791.

SIR:

I have the honor to enclose you a letter from one of our captive citizens of Algiers, if I may judge from the superscription, and from the letters from the same quarter which I have received myself. As these relate to a matter before your House, and contain some information we have not before had, I take the liberty of enclosing you copies of them.

I have the honor to be,

With sentiments of the most profound respect and attachment,

Sir, your most obedient and most humble servant,

The President of the Senate.

TH: JEFFERSON.

CITY OF ALGIERS, May 17, 1790.

ESTEEMED SIR:

I had the honor of writing you a letter dated the 11th instant, and as time permits I shall mention other particulars. The Vickelhedge being further sounded relative to a peace with America, says, that if the Americans wish to make a peace with this regency, why do they not send an ambassador, or empower some person to act for them? and I cannot help repeating to you that the foundation of all treaties in this regency should be laid by some person in Algiers, and I am convinced that no person is more capable than Monsieur Faure. Depend, sir, you may confide in him; and by empowering Monsieur Faure, the affair would be done with that secrecy which is requisite, considering that America has three powerful enemies in Algiers, viz: French and Spaniards, and the most inveterate is the English. But as British affairs are very unsettled at present, British influence cannot be very great. And the French have just emerged from having very nearly lost their peace, and the present situation of France is such, that I believe they cannot afford to give money to this regency, to corrupt the Algerines to the prejudice of America.

When the English consul signified to the Dey and regency, that Spain was arming to support the Grand Duke of Tuscany, the Vickelhedge said that any nation that took the part of the Russians or Imperialists, that nation had no longer a peace with this regency; so that I assure you, that if the Spaniards arm in favor of the Grand Duke, they are no longer at peace with Algiers. The Spanish consul said that Spain had armed a small fleet, as customary, to exercise the officers of their marine, and if the armament was any way extra, it was perhaps on account of some disturbance in Spanish America. The Vickelhedge said—*miramus*. So that considering the present situation of the three enemies of America in this quarter, and this regency in want of cruisers, I cannot perceive that ever a more favorable opportunity offered for America to make peace than the present; and I must observe, that those nations, the Dutch, Danes, Swedes, and Venetians, have their peace on a more solid basis than the Spanish peace: for the annual tribute those nations pay is the bait that keeps their peace, and not any sentiment of national honor, or regard to treaties, but the view of the tribute annually, and for their own convenience, in being supplied annually with naval and military stores.

Spain made a very dishonorable and impolitic peace. What makes the Algerines adhere to it, is owing to the vast sums of money and presents given, which are sufficient to almost tempt these people to adore Lucifer; and depend, that when the Dey goes to his long home, it will be difficult for the Spaniards to keep their peace, &c. as they gave a great sum of money for their peace, and a second great sum not to be tributary. These people say at present, that they have got all from Spain that they can get, and that it is prejudicial to this regency to keep the peace with Spain, but it would be too barefaced for the present Dey and ministry to break the peace or treaty, inasmuch as they themselves made it, or agreed thereto.

Indeed America should always be ready to embrace every opportunity of trying for a peace; and even if refused a second time, notwithstanding good policy requires that always some person should be empowered: for depend, it is very prejudicial to America in not having a peace with the Barbary States: and I compute that the ensurance, paid on American bottoms and merchandise, amounts annually to upwards of one million sterling, which sum the British nation gets by ensuring American property, on account of our not being at peace with the Barbary States.

You will observe, that the Spaniards gave the former Vickelhedge thirty-two thousand dollars for bringing the subject of the Spanish peace before the Dey and Divan, and they gave very valuable presents; so that, considering from the 1st of June 1785 to May 1790, it is generally said here, that the Spanish peace and ryalas, or presents and redemptions, have cost Spain full four and a half millions of dollars. And as I often wrote you, that there is no doing business with these people without first giving presents, it being the custom of this country, therefore I think that the Vickelhedge's demand, of an American schooner of twelve guns, was by no means high: for, as you will observe, he would promise and engage to be the friend and advocate; so that, if the Americans did not succeed, the Vickelhedge of course would not expect to get the schooner: but still, it would be requisite to reward him for his trouble and good intentions, so as to keep him the friend of America on another occasion. But all, in a great measure, depends upon the Vickelhedge: the Dey is led by him in every respect; and, by liberally rewarding him, the terms of the peace would not be very high: for all depends on his representations to the Dey, and no one dare oppose him.

But, to keep the peace hereafter, much attention should be paid to the prime minister. Indeed, no one can say, with any degree of certainty, who may be the Dey's successor; and a peace, made by one party in opposition to the other, cannot be said to be on a firm basis, or lasting: for, if the party in opposition once gets the helm of state, they will not consider themselves bound to keep the peace made by the other party; and there is a great party that disapproved of making a peace with Spain. Many respectable Turks here say, that it was nothing but bribery, or a torrent of corruption, which the Algerine ministry could not resist, that obtained Spain a peace. Indeed it was by no means the voice of the people.

Fine.—N. B. These are the copies of the letters I wrote to Mr. Carmichael; which you will please to signify to him, if he is in Europe.

Esteemed Sir, &c.

RICHARD O'BRIEN.

TO WILLIAM CARMICHAEL, Esq.

CITY OF ALGIERS, June the 24th, 1790.

ESTEEMED SIR:

I have the honor of informing you, that good fortune and favorable opportunities offering, the following particulars were communicated to his excellency the Effendi Vickelhedge, General of the Marine and Minister for Foreign Affairs for this regency, by two of my brother sufferers in the Dey's palace, viz: George Smith and Philip Sloan. The first is chamberlain to the Vickelhedge, the second is captain aproa of the Dey's palace:

"That the United States of America abounds in masts, yards, spars of all sizes fit for vessels, and plank and scantling, tar, pitch, and turpentine, and iron: that these articles are cheaper in America than they are in any part of Europe.

"That there is no nation in the world that builds such fine and fast sailing cruisers as the Americans; that the Americans never did the Algerines any injury; that they never fitted out cruisers against them, and always wished to make an honorable peace with this Regency, as the Americans considered the Algerines to be a brave people like themselves.

"That the Americans have but little money, and that the currency of the country is paper money, but that America abounds in maritime stores; that if the Algerines would make a peace with America, they may be supplied with American cruisers at a very cheap rate, and also with all the productions of America which this Regency may want for their marine; and as the Americans have no money to give for a peace, they would give masts, yards, spars, plank, scantling, tar, pitch, turpentine, and Philadelphia iron; and, by being at peace with America, the Algerines would be supplied with cruisers and stores, and need not be at the trouble and expense of building cruisers in Algiers; and of course would take many prizes, and could pay all their attention to their marine, in constructing gun boats to protect the city.

"That these propositions were partly the instructions of the American ambassador, who came here in 1786, and intended only to ascertain our ransom, and try to make a peace on honorable terms with this regency, and to see if this regency would not take for our ransom, and for the peace, in lieu of money, American masts, yards, plank, and scantling, tar, pitch, and turpentine; all to be agreed on at a certain fixed price, by treaty; but that Mr. Lamb could speak nothing but English, and the French consul, and Conde d'Espilly, the Spanish ambassador, would not take the trouble to explain Mr. Lamb's propositions, as the terms of the peace would be advantageous to the Alge-

rines; and that the French and Spaniards advised Mr. Lamb to return to America; that the Algerines would not make a peace with the United States of America.

"That America is one thousand leagues distant from Algiers; that the commerce of America is chiefly to the West India Islands, and from one State to another; that our chief commerce is our coasting trade, and that we have but little trade to Europe, particularly to the Mediterranean and ports adjacent; that the American cargoes are of but little value, and consist of wheat, flour, salt, pork, and fish, and a few cargoes of naval stores; that these vessels are manned with fewer sailors than those of any other nation; that they sail faster, and consequently are less liable to be captured; and of course little profit the Algerines can derive by being at war with the Americans, who wish to make an honorable peace with this regency; and that in case the Algerines should be at war with the northern nations of Europe, the Algerines may be supplied with maritime stores by the Americans; and that, if the regency would not find it to their advantage to sell the Americans passports for the Mediterranean and ports adjacent, or elsewhere, at a certain reasonable price, and on conditions to be fixed by treaty, which conditions would exclude and prevent any pretext of quarrels or embroyas, as it would be the interest of America to encourage her trade in the Mediterranean, so on the increase of America more passports would be required, and the greater the advantage would be to the Algerines. This would open a channel for this Regency, having a resource for supplying their marine, in case they should be at war with the Dutch, Danes, or Swedes, the nations that supply the Algerines at present; and that the Americans will as liberally reward any person that is their friend and advocate, in making the peace, as their circumstances will admit."

These propositions were explained to his excellency the Minister for Foreign Affairs, at sundry times, from the 7th to the 13th of May, 1790.

The Vickelhage asked how these propositions of the American ambassador were known to us. He was answered that Captain O'Brien read Mr. Lamb's instructions several times, and he explained them to us. His excellency the Vickelhage said, that when Mr. Lamb was in Algiers, in 1786, that at that period this regency was settling the Spanish peace, and that the American ambassador was by no means a suitable person, as he spoke nothing but English, and they knew nothing of his propositions. That after the Americans had freed themselves from the British, that the British nation had demanded as a favor of this regency, not to make a peace with the Americans, and that, some time before the American ambassador came, the French and Conde d'Espilly tried all their influence against the Americans' obtaining a peace. That these three nations were and are the enemies of America, and that he would explain all more particularly to the American ambassador, if he came to make a peace; but that those nations had no influence over the Algerines, and that nothing should prejudice this regency against the Americans, if they came to make a peace.

The Vickelhage said he believed this regency would make a peace with America on as easy terms as possible, considering the present times, and as the Americans had no money to give for a peace, we must give the productions of America, viz. tar, pitch, turpentine, masts, yards, spars, plank, and scantling, and cruisers American built.

The Vickelhage said, as he intended to be the friend and advocate of America in making a peace with this regency, he would expect for his weight, trouble, and influence, an American built schooner of twelve guns, which of course would not cost much; that he would pave the way with the Dey and Divan, so that America would succeed, and that he would recommend it strongly to the Dey to make a peace with America, and that he knew the former Vickelhage was promised by and through Mr. Lamb and Mr. Wolf, more than the amount of a schooner; but that he would esteem and do more for getting an American schooner, than he would for sacks of money; that he or this regency did not want money, they only wanted American cruisers and naval stores for their marine.

The Vickelhage said that he wished much to know about getting the schooner. To this question I returned for answer, that it was impossible for us to say positively, but that we would write to the American Divan, or to Congress, and to the American ambassador at Madrid. He asked when the American Divan met to do business, and respecting our form of government, and was answered that last March Congress met, and that our government is founded on liberty and justice. The Vickelhage said that a few months ago the Portuguese asked for a peace, and that it was refused them. He said he hoped, if the Americans sent an ambassador to Algiers to make the peace, that they would send a man that could speak the Spanish or Italian language. He ridiculed much the sending a man to make the peace, that no one could understand what he had to say, and said that the Conde d'Espilly was a bad and false man.

Indeed, I hope Congress will appoint a proper person to negotiate the peace, and I should certainly recommend Mr. Faure as a good assistant; I think you may confide in him. But all I now mention is entirely unknown to any person in this country, excepting the Vickelhage and I, and my two brother-sufferers in the Dey's palace, and I hope all will be managed with that good policy and secrecy that such important business requires, as no person here has any idea that the Americans are thinking of a peace.

It will be very requisite for you to give an answer as soon as possible, and as fully as your situation will admit of, writing by two conveyances, and what you would wish to communicate or say, in answer to the Vickelhage, write it separate from other particulars, which you would think proper to communicate to me, as I would wish (if you think proper) to communicate your answer through the same channel to the Vickelhage, directing to me under cover to the care of Monsieur Faure, to avoid any suspicions.

I hope Congress will give the ambassador they send to Algiers as extensive powers as possible, and should the terms of the peace be too great, that his instructions will admit him to see on what terms he could procure one hundred and fifty passports of Algiers: for, as you will conceive, until you give some answer, and empower some person to act, it is impossible to know exactly on what terms America may obtain peace, or what the heads of the treaty may be. I think all wears a favorable aspect.

I have stated the particulars communicated to the Vickelhage, and his answers, and submit all with much respect to your consideration. Indeed, it would have been impossible to have brought the affair to its present meridian in any other manner: for depend, the Vickelhage would not have listened to propositions different from what have been communicated, and I have the pleasure to add, that, about a month ago, the Noznagee asked the Captain Aproa, one of my crew, why the Americans did not try for a peace.

I hope no American vessel will be captured: for depend it would be very prejudicial towards obtaining a peace. It would occasion the terms to be greater than they would be if none were captured, and would be a clew for the enemies of America to persuade the Algerines that much was to be got by being at war with the United States of America.

And I take the liberty of mentioning, that a few lines from you to the Spanish ambassador, would be requisite, as he thinks you are displeased with him respecting the affair of our disbursements, so as not to have any enemies to America in this quarter. This, in a great measure, would lull him and Consul Logie asleep.

You will recollect, sir, that I wrote you that all nations pay one-third or one-fourth more than they used to pay, or is agreed on by treaty, owing to the Spanish peace, which has hurt all nations here except the British. And some hints from you to Congress would be requisite on this subject.

I am sorry to hear that you have taken a tour to France: for you will not receive this letter as soon as I could wish. I write, under cover, to Messrs. Etienne Drouilhout and Company, banquiers at Madrid, and as the port is to be embargoed in a few days, and the vessel a Danish ship, bound to Spain, time will not permit me to write more particularly, or correctly, and I hope you will receive this letter, as I believe it will be some time before I shall have another opportunity of writing to you.

You will observe that the Vickelhage sways the whole regency as he thinks proper, and that his influence is very great: for, by his recommendations to the Bey of Tunis, the present Vickelhage of Tunis was appointed to that office; and the Vickelhage of Algiers has a brother, at present a great man at Constantinople. Great care should be taken not to lose the friendship of the present Noznagee, (the prime minister) the head of opposition: for, by making these two great men the friends of America, any thing can be done in this regency. The plain question is, will America give cruisers and maritime stores to this regency to make a peace? otherwise, the Algerines can get cruisers (to take Americans) from other nations. They have money sufficient to build a large fleet, but, at present, all their cruisers are gone up the Levant, except two, and three galleys, so that this regency are much

in want of cruisers, and, I dare say, never a more favorable opportunity offered, or will offer for America, than the present, which bids fair to open an extensive field of commerce and wealth to America.

I would have wrote you concerning the Morocco affairs, but I suppose you have heard all, some time past. I hope we shall keep our peace with Morocco: for, the situation of West Barbary is such as to be very detrimental to American commerce, if we, unfortunately, should lose the peace with the new Emperor. I need not mention to you the distressed and suffering situation of my brother sufferers in the marine.

Esteemed Sir,

Your most obedient, most humble servant,

RICHARD O'BRIEN.

To WILLIAM CARMICHAEL, Esq.

American Ambassador at Madrid.

N. B. The copy of this letter I sent to Mr. Carmichael; it was dated May 15th, 1790; and not being certain where he was, I thought it of sufficient importance to write to you, so that, should Mr. Carmichael be in France, as report says, you will give him these letters to read, keeping the same time copies, and transmit such parts thereof to Congress as you think requisite, or to Mr. Jefferson. The same time acknowledge the receipt of these letters as soon as possible, so that I may know you have received them.

CITY OF ALGIERS, *July 12th, 1790.*

ESTEEMED SIR:

We, the fourteen unfortunate Americans in Algiers, were informed by Mr. Abraham Bushara, and Dininio, capital Jew merchants of this city, that they had received orders from America, by way of London and Lisbon, to make application to this regency, to ascertain and fix the ransom of the American captives. After their surmounting many difficulties, at last, on the 7th instant, prevailed on the Dey and ministry to agree and fix the price of the said fourteen Americans at seventeen thousand two hundred and twenty-five Algerine sequins. I have often explained relative to the purport of Mr. Lamb's audiences when in Algiers; at present I shall only mention to you that Mr. Lamb had five audiences with the Dey and ministry, and he agreed for the ransom or release of the American captives agreeable to the price then asked. The ransom of the fourteen Americans at present in Algiers, amounted to 17,500 Algerine sequins.

At that period there were nearly 3,000 slaves in Algiers, but the Spaniards, Neapolitans, and other nations, redeeming their people, and the pest in 1787-88, carrying off 780 slaves (among this number were six Americans) the number of slaves is reduced to 700. The major part of these are deserters from the Spanish garrison of Oran. Since that period the Dey has raised the price on slaves, and is but little inclinable to admit of slaves being redeemed, they being much wanted to do the public work, which, be assured, sir, is very laborious. The price asked for the Americans is by no means exorbitant, considering the present want of slaves, and the terms of release of captives of other nations.

Mr. Bushard and Dininio, having a great knowledge of these people, were thereby very fortunate in prevailing on the Dey and ministry to fix the release of the Americans at 17,225 sequins. Our greatest fears were, that the Dey would not permit us to be redeemed on any terms. The Dey asked 27,000 sequins, but was prevailed on by the prime minister to let our ransom be on the terms mentioned.

The Dey and ministry signified that the ransom of the Americans was fixed and agreed on with Mr. Lamb, the American ambassador, in 1786, and that he promised to return with the money in four months, but that he broke his word and agreement. The ministry observed, that, if the Americans did not keep their word on so small an affair as the sum asked for our release, there was no dependence to be put in them in affairs of more importance. Indeed, sir, I hope, for the honor and interests of the United States of America, that the price now fixed for our release will be immediately agreed to; and, be assured, sir, if this opportunity in our behalf is not embraced, that we shall be the most miserable slaves in the world, for we shall be doomed to perpetual slavery.

After the price was fixed, the prime minister observed, that he could not conceive what ideas the Americans had of the Algerines, by first sending an ambassador, who, making a regular bargain or agreement for our release, and promising to return in four months, had not kept his word. We said, that at that time our country was forming a government, and that we did not suppose the ambassador had informed Congress of the agreement he made. The prime minister said the ambassador did not act right. We answered, that, perhaps he did not understand that he made a regular bargain, or that all was badly interpreted. Much passed on this subject. The present caudential, or lord chamberlain to the Dey, said he was present when Mr. Lamb agreed for our release.

On the 8th instant, the prime minister sent privately to me, and desired that, when I wrote, to mention all he said, and make it known to my country. Indeed we are much indebted to the prime minister: for, depend, sir, he is a friend to America. He was so when Mr. Lamb was in Algiers; and, even at that period, had matters been well managed, the foundation of a peace might have been laid.

Should any change happen in this government, we apprehend it would be very prejudicial to our release; or, should the Portuguese, Neapolitans, or Genoese, redeem their people on higher terms than is at present asked for the Americans, depend upon it, sir, that, to get us clear, would be attended with much difficulty.

You will please to consider, sir, what our sufferings must have been in this country, during the trying period of five years captivity, twice surrounded with the pest and other contagious distempers, far distant from our country, families, friends, and connexions.

Depend upon it, sir, that it is prejudicial to any nation that leaves its subjects in slavery: for, in no respect can it answer any public benefit, or be any advantage to the country they belong to. The longer the time they are in slavery, the greater difficulty is there in releasing them; and it is well known that the price of the slaves is rising on every application, owing to the decrease of slaves, as the Algerines find they cannot carry on the public work without slaves.

Since our redemption has been ascertained and fixed, several applications have been made to the Dey and ministry to permit captives of other nations to be redeemed on the same terms as fixed on for the Americans; but the Dey answered that he wanted slaves. These applications were for certain persons, but not for any general or national redemption.

On the 7th of April, 1786, Mr. Lamb agreed with the Dey on these terms, for the release of the Americans:

For each master, 3,000 sequins;

For each mariner, 750 sequins;

For each mate, 2,000 sequins;

At present there are in Algiers, at the Dey's price, with Mr. Lamb.

2 masters, at 3,000 sequins each, is	-	-	-	-	6,000
2 mates, at 2,000 sequins each, is	-	-	-	-	4,000
10 mariners, at 750 sequins each, is	-	-	-	-	7,500

Sequins, - 17,500

Duties and fees on the ransom of slaves, amounting to 15 or 18 per cent.

On the 17th July, 1790, our ransom was ascertained and fixed by Bushara and Dininio with the Dey and ministry at, viz:

2 masters, O'Brien and Stephens, at 2,000 sequins each, is	-	-	-	-	4,000
2 mates, Alexander Forsyth and Andrew Montgomery, at 1,500 sequins each, is	-	-	-	-	3,000
Jacobus Jysanier, a young lad aged 22 years, and page to the Dey,	-	-	-	-	2,000
William Patterson, a smart seaman, at	-	-	-	-	1,500

James Cathcart, a young lad understanding navigation,	-	-	-	-	-	1,500
George Smith, a young lad, and page to the Dey,	-	-	-	-	-	900
Philip Sloan, at	-	-	-	-	-	700
John Robertson, at	-	-	-	-	-	700
Peleg Loring, at	-	-	-	-	-	700
James Harnet, at	-	-	-	-	-	700
James Hull, at	-	-	-	-	-	700
John Gregory Billings, at	-	-	-	-	-	700

First cost,	-	-	17,100
Extra fees,	-	-	125

N. B. A sequin is equal to 8s. sterling.

Sequins,	-	-	17,225
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A duty of 15 or 18 per cent. to be added, being fees on the redemption of slaves.

Indeed sir, there is no alternative. We are at the lowest price that any public slaves will be redeemed whilst the present government stands; and I am sure our country will see, by our ransom, the fatal and bad consequence of being at war with the Barbary States, particularly so commercial a nation as the American is. All other commercial nations have experienced the bad policy of a war with the Barbary States.

Who could have thought that the haughty Spanish nation would have given such vast sums for making and keeping peace with the Barbary States, and changed their national flag? But the Spaniards saw they were made a sort of political tool by all the other commercial nations.

The regency, some time past, wanted three of the young Americans to embrace the Mahometan religion, but they would not. This I suppose may account for the motives of their price being something extra.

Two months past one of my crew, Charles Colvill, was redeemed by charitable contributions raised by his friends. His ransom cost 1,700 dollars. I believe he returns to America. He is capable of giving much information on Barbary affairs.

Three Algerine galleys have taken a polacre with sixteen Greeks, with a pass from the deceased Grand Seigneur. They are enslaved by the Algerines by their having been under Jerusalem colors. They also took a Neapolitan brig, the crew of which escaped, and a Genoese vessel, but an armed Tartan of Genoa retook this vessel with 20 Moors and Turks on board. The Algerine galley took another Neapolitan vessel near Toulon. The Neapolitan seamen in that port manned their boats, and went out of Toulon and retook the vessel. This is likely to be a serious affair. Depend upon it, sir, that the Chamber of Commerce of Marseilles must pay all damages.

I have now the pleasure of informing you, that the court of Portugal has dropped their idea of making a peace with this regency. I believe all their propositions were rejected by the Algerines. Indeed, sir, this is very fortunate for the Americans; for, if the Algerines were at peace with Portugal, the cruisers of this regency would meet with no obstruction in their cruising in the Atlantic, which of course would be very prejudicial to the commerce of America.

The minister for foreign affairs being further sounded relative to a peace with America, asked if we had wrote to our country the purport of what he said on the subject. He was answered, that I had wrote on the subject to the American ambassadors in Europe.

He answered and said that he would do all he had promised, and not deviate or withdraw his word. This answer was about the 4th of June. Indeed, as the present minister for foreign affairs has expressed himself so friendly in behalf of America, I hope there will be a lasting friendship between them and him, who, you may depend, sir, is well inclined to serve the Americans.

My brother sufferers and I, sir, return you our sincere thanks for befriending us so much in the cause of liberty, being convinced that you have done all in your power with the Congress, to redeem this unfortunate and faithful remnant of Americans; and we make not the least doubt, that our country will immediately see the necessity of agreeing to pay the sum for our release, as has been ascertained. Our dependence is on a generous and humane country, whom, that God may prosper, is the sincere wish of,

Esteemed sir,

Your most obedient most humble servant,

RICHARD O'BRIEN,

In behalf of myself and brother captives.

To THOMAS JEFFERSON, Esq.

P. S. We are much indebted to the Spanish consul and other gentlemen, for many favors rendered in times of impending danger.

1st CONGRESS.]

No. 49.

[3d Session.]

FRANCE.

Letter from the Secretary of State, enclosing extracts from a letter from William Short, Esq.

PHILADELPHIA, February 2, 1791.

SIR:

As the information contained in the enclosed extracts from a letter of Mr. Short, lately received, has some relation to a subject now before the Senate, I have thought it my duty to communicate them; and have the honor to be, with sentiments of the most profound respect and attachment,

Sir, your most obedient,

And most humble servant,

TH: JEFFERSON.

The President of the Senate.

Extract of a letter from William Short, Esq. Chargé des Affaires of the United States at the Court of France, to the Secretary of State, dated Paris, October 21st, 1790.

"It cannot be dissembled that the national assembly consider their commerce with the United States of much less importance now, than they will do in a short time hence. Some suppose us so much attached to England, and to English manufactures, that every sacrifice which France could make to encourage commercial connexions with us

would be lost. They say that the experience of seven years has sufficed to shew this. Others suppose that the commerce with the United States is a losing commerce. They are supported in this opinion by many of their merchants, who tell them there is no instance of a French house having undertaken that commerce, without losing by it. It is easy to answer these arguments so as to satisfy individuals, and a short time will satisfy all; still, at present, an unfavorable impression remains with many. When they are told that the Americans have continued to trade with England since the peace, because their articles of exportation were either subjected to a monopoly, or to such shackles in France, as prevented their coming here; that losses have been sustained in the American commerce, by the failures which the peace brought on, and by the improper credit given to those who did not deserve it, by agents ill-chosen, or by goods ill-assorted; when they are told that the exportations from America to Europe, are annually upwards of ninety millions, and, of course, that they are able to pay for that amount of European manufactures and productions, and that France can furnish the greater part of them, on better or equal terms with England; that the United States furnish raw materials, and receive in return only those which are manufactured; that the transportation of these articles has hitherto benefitted the English, and might now benefit the French marine; they view the subject in a different light, and suppose it well worth attending to: They then come immediately to the necessity of a treaty of commerce, as being the only means of securing the advantages to be expected from these connections; they urge that laws, which may be repealed from day to day, cannot be depended on, besides, that there is no reciprocity in them; they quote the *Arrêt du Conseil* for the encouragement of American commerce, and our act of Congress on impost and tonnage; they complain bitterly on being placed on the same footing with the English, at the first session of the new Congress; the proceedings of the second are not yet known.

"The desire of some of the members of the committee of commerce was to subject our articles imported into France, and our ships, to the same duties and tonnage that we subjected theirs. A desire, however, not to discourage our commerce entirely; a hope that our system, with respect to them, would be changed; and a wish to have their tariff of duties on importation and exportation, uniform for all, induced them to reject the idea. The report of the committee of commerce has been read in the assembly, and ordered to be printed. You will receive it enclosed. The tariff is under press, and shall be sent also, as soon as it appears. How far it will be adopted I cannot say; but as the assembly feel the necessity of one being immediately established on the abolition of the internal barriers, it is much more than probable they will adopt it in the lump, to save time, although the members of the committee themselves agree that it is very imperfect. They say time and experience alone can shew what alterations should be made. Sacrifices have been mutually made by the different members of the committee to each other. In what regards us, those who are graziers, and those who are interested with the Nantucket fishermen, settled in France, (of which there are both in the committee) insist on heavy duties being laid on salted meats, and the productions of fisheries. They have succeeded in the committee, and will probably succeed, for the reasons mentioned above, in the assembly. The low price of our salted meats alarmed them; they were deaf to the advantages of procuring subsistence, on the best terms possible, to the poorer classes; and the preference which should be given to the cultivation of corn above grazing, on account of population. There is little doubt, therefore, that the regulations made by the present assembly respecting our commerce will not be such as we could wish."

"The proceedings of a large and tumultuous assembly are so irregular, that one is obliged to be on a constant watch, to prevent the individual members, who are interested, from passing into a decree, such things as the House do not consider of very great moment; or where there is no other individual particularly interested in its opposition. The importation of salted provisions and whale oil are in this class. You will see by the tariff enclosed, that the committee proposes heavy duties on the former, and a prohibition of the latter, without any regard to the laws formerly made for the encouragement of our commerce. The Marquis de la Fayette will do whatever he can, to prevent these things passing, and I hope he will succeed. I have spoken to several members on this subject: they all agree on the necessity of putting the American commerce on a different footing; they talk of the propriety of reciprocity ensured by a treaty, and plead that favors hitherto granted to our commerce in France, did not create similar dispositions in America; they say the Nantucket fishermen at L'Orient and Dunkirk, have large quantities of oil on hand unsold, which proves they are competent to the supplies of the kingdom, and are buoyed up with the hopes that they will be joined by many others, who will come to settle in France rather than go to the English possessions."

1st CONGRESS.]

No. 50.

[3d Session.

GREAT BRITAIN.

Message of the President of the United States, relative to a Commercial Treaty with Great Britain, &c.

Gentlemen of the Senate
and of the House of Representatives:

UNITED STATES, February 14, 1791.

Soon after I was called to the administration of the Government, I found it important to come to an understanding with the court of London, on several points interesting to the United States, and particularly to know whether they were disposed to enter into arrangements, by mutual consent, which might fix the commerce between the two nations on principles of reciprocal advantage. For this purpose I authorized informal conferences with their ministers; and from these I do not infer any disposition, on their part, to enter into any arrangements merely commercial. I have thought it proper to give you this information, as it might at some time have influence on matters under your consideration.

Gentlemen of the Senate:

Conceiving that, in the possible event of a refusal of justice, on the part of Great Britain, we should stand less committed should it be made to a private rather than to a public person, I employed Mr. Gouverneur Morris, who was on the spot, and without giving him any definite character, to enter informally into the conferences before mentioned. For your more particular information, I lay before you the instructions I gave him, and those parts of his communications wherein the British ministers appear, either in conversation or by letter. These are two letters from the Duke of Leeds to Mr. Morris, and three letters of Mr. Morris, giving an account of two conferences with the Duke of Leeds, and one with him and Mr. Pitt. The sum of these is, that they declare without scruple they do not mean to fulfil what remains of the treaty of peace to be fulfilled on their part (by which we are to understand the delivery of the posts and payment for property carried off) till performance on our part, and compensation where the delay has rendered the performance now impracticable; that, on the subject of a treaty of commerce, they avoided direct answers, so as to satisfy Mr. Morris they did not mean to enter into one, unless it could be extended to a treaty of alliance offensive and defensive, or unless in the event of a rupture with Spain.

As to the sending a minister here, they made excuses at the first conference, seem disposed to it in the second, and in the last express an intention of so doing.

Their views being thus sufficiently ascertained, I have directed Mr. Morris to discontinue his communications with them.

GEO. WASHINGTON.

NEW YORK, October 13, 1789.

SIR:

It being important to both countries, that the treaty of peace between Great Britain and the United States should be observed and performed with perfect and mutual good faith, and that a treaty of commerce should be concluded by them, on principles of reciprocal advantage to both, I wish to be ascertained of the sentiments and intentions of the court of London on these interesting subjects.

It appears to me most expedient to have these inquiries made informally, by a private agent; and understanding that you will soon be in London, I desire you, in that capacity, and on the authority and credit of this letter, to converse with his Britannic Majesty's ministers on these points, viz: Whether there be any, and what, objections to now performing those articles in the treaty which remain to be performed on his part; and whether they incline to a treaty of commerce with the United States, on any, and what, terms.

This communication ought regularly to be made to you by the Secretary of State; but that office not being at present filled, my desire of avoiding delays induces me to make it under my own hand. It is my wish to promote harmony and mutual satisfaction between the two countries; and it would give me great pleasure to find that the result of your agency, in the business now committed to you, will conduce to that end.

I am, &c.

GEO. WASHINGTON.

GOVERNEUR MORRIS, Esq.

NEW YORK, October 13, 1789.

SIR:

My letter to you, herewith enclosed, will give you the credence necessary to enable you to do the business which it commits to your management, and which I am persuaded you will readily undertake.

Your inquiries will commence by observing, that, as the present constitution of government, and the courts established in pursuance of it, remove the objections heretofore made to putting the United States in possession of their frontier posts, it is natural to expect, from the assurances of his Majesty and the national good faith, that no unnecessary delays will take place. Proceed then to press a speedy performance of the treaty respecting that object.

Remind them of the article by which it was agreed, that negroes belonging to our citizens should not be carried away; and of the reasonableness of making compensation for them. Learn with precision, if possible, what they mean to do on this head.

The commerce between the two countries you well understand. You are apprised of the sentiments and feelings of the United States on the present state of it; and you doubtless have heard, that, in the late session of Congress, a very respectable number of both Houses were inclined to a discrimination of duties unfavorable to Britain; and that it would have taken place but for conciliatory considerations, and the probability that the late change in our government and circumstances would lead to more satisfactory arrangements.

Request to be informed, therefore, whether they contemplate a treaty of commerce with the United States, and on what principles or terms in general. In treating this subject let it be strongly impressed on your mind, that the privilege of carrying our productions in our vessels to their islands, and bringing in return the productions of those islands to our own ports and markets, is regarded here as of the highest importance; and you will be careful not to countenance any idea of our dispensing with it in a treaty. Ascertain, if possible, their views on this point: for it would not be expedient to commence negotiations without previously having good reasons to expect a satisfactory termination of them.

It may also be well for you to take a proper occasion of remarking, that their omitting to send a minister here, when the United States sent one to London, did not make an agreeable impression on this country; and request to know what would be their future conduct on similar occasions.

It is, in my opinion, very important that we avoid errors in our system of policy respecting Great Britain; and this can only be done by forming a right judgment of their disposition and views. Hence you will perceive how interesting it is that you obtain the information in question, and that the business be so managed, as that it may receive every advantage which abilities, address, and delicacy, can promise and afford.

I am, &c.

GEO. WASHINGTON.

GOVERNEUR MORRIS, Esq.

LONDON, April 7, 1790.

SIR:

I arrived in this city on Saturday evening the 28th of March, and called the next morning on the Duke of Leeds, minister for foreign affairs. He was not at home. I therefore wrote him a note, copy whereof is enclosed, as also of his answer, received that evening. On Monday the 29th, I waited upon him at Whitehall, and after the usual compliments, presented your letter, telling him that it would explain the nature of my business. Having read it he said, with much warmth and gladness in his appearance, "I am very happy, Mr. Morris, to see this letter, and under the President's own hand. I assure you it is very much my wish to cultivate a friendly and commercial intercourse between the two countries, *and more*, and I can answer for the rest of his Majesty's servants, that they are of the same opinion." "I am happy, my lord, to find that such sentiments prevail: for we are too near neighbors not to be either good friends or dangerous enemies." "You are perfectly right, sir; and certainly it is to be desired, as well for our mutual interests, as for the peace and happiness of mankind, that we should be upon the *best footing*." I assured him of our sincere disposition to be upon good terms; and then proceeded to mention those points in the treaty of peace which remained to be performed; and first, I observed, that, by the constitution of the United States, which he had certainly read, all obstacles to the recovery of British debts are removed, and that, if any doubts could have remained, they are now done away by the organization of a federal court, which has cognizance of causes arising under the treaty. He said he was happy to receive this information; that he had been of opinion, and had written so to Mr. Adams, that the articles ought to be performed, in the order in which they stood in the treaty. Not choosing to enter into any discussion of his conduct in relation to Mr. Adams, I told his grace that I had but one rule or principle both for public and private life, in conformity to which I had always entertained the idea, that it would consist most with the dignity of the United States, first, to perform *all* their stipulations, and then to require such performance from others; and that, (in effect) if each party were, on mutual covenants, to suspend his compliance, expecting that of the other, all treaties would be illusory. He agreed in this sentiment, upon which I added, that the United States had now placed themselves in the situation just mentioned. And here I took occasion to observe, that the Southern States, who had been much blamed in this country for obstructing the recovery of British debts, were not liable to all the severity of censure which had been thrown upon them; that their negroes having been taken or seduced away, and the payment for those negroes having been stipulated by treaty, they had formed a reliance on such payment for discharge of debts contracted with British merchants, both previously and subsequently

to the war; that the suspension of this resource had occasioned a deficiency of means, so that their conduct had been dictated by an overruling necessity. Returning, then, to the main business, I observed, that as we had now fully performed our part, it was proper to mention that two articles remained to be fulfilled by them, viz: that which related to the posts, and that regarding a compensation for the negroes; unless, indeed, they had sent out orders respecting the former, subsequent to the writing of your letter; and I took the liberty to consider that as a very probable circumstance. He now became a little embarrassed, and told me that he could not exactly say how that matter stood. That as to the affair of the negroes, he had long wished to have it brought up, and to have something done, but something or other had always interfered. He then changed the conversation, but I brought it back, and he changed it again. Hence, it was apparent, that he could go no farther than general professions and assurances. I then told him, that there was a little circumstance which had operated very disagreeably upon the feelings of America. Here he interrupted me: "I know what you are going to say, our not sending a minister. I wished to send you one; but then I wished to have a man every way equal to the task, a man of abilities, and one agreeable to the people of America; but it was difficult. It is a great way off, and many object on that score." I expressed my persuasion that this country could not want men well qualified for every office; and he again changed the conversation; therefore, as it was not worth while to discuss the winds and the weather, I observed that he might probably choose to consider the matter a little, and to read again the treaty, and compare it with the American constitution. He said that he should, and wished me to leave your letter, which he would have copied, and would return to me. I did so, telling him that I should be very glad to have a speedy answer, and he promised that I should.

Thus, sir, this matter was begun; but nine days have since elapsed, and I have heard nothing farther from the Duke of Leeds. It is true that Easter holidays have intervened, and that public business is in general suspended for that period. I shall give them sufficient time to shew whether they are as well disposed as he has declared, and then give him a hint. Before I saw him, I communicated to the French ambassador, *in confidence*, that you had directed me to call for a performance of the treaty. He told me at once, that they would not give up the posts. Perhaps he may be right. I thought it best to make such communication, because the thing itself cannot remain a secret; and by mentioning it to him, we are enabled to say with truth, that, in every step relating to the treaty of peace, we have acted confidentially in regard to our ally.

With perfect respect, &c.

GOVERNEUR MORRIS.

GEORGE WASHINGTON, Esq.
President of the United States.

WHITEHALL, April 28, 1790.

SIR: I should not have so long delayed returning an answer to the letter you received from General Washington, which you had the goodness to communicate to me last month, had I not heard you were in Holland. I received some time ago a note from you, which I should sooner have acknowledged, but was at first prevented by a multiplicity of engagements, and since by illness.

The two subjects contained in General Washington's letter, are indisputably of the highest importance; and I can safely assure you, that it has ever been the sincere and earnest wish of this country, to fulfil her engagements (contracted by the treaty of peace) with the United States in a manner consistent with the most scrupulous fidelity.

We cannot but lament every circumstance which can have delayed the accomplishment of those engagements (comprised in the treaty) to which those States were in the most solemn manner bound; and should the delay in fulfilling them, have rendered their final completion impracticable, we have no scruple in declaring, our object is to retard the fulfilling such subsequent parts of the treaty as depend entirely upon Great Britain, until redress is granted to our subjects upon the specific points of the treaty itself, or a fair and just compensation obtained for the non-performance of those engagements on the part of the United States.

With respect to a commercial treaty between the two countries, I can only say, that it is the sincere wish of the British Government to cultivate a real and bona fide system of friendly intercourse with the United States; and that every measure which can tend, really and reciprocally, to produce that object, will be adopted with the utmost satisfaction by Great Britain.

GOVERNEUR MORRIS, Esq.

I am, sir, &c.

LEEDS.

LONDON, May 29, 1790.

SIR: I do myself the honor to enclose a copy of my letter of the first instant. On the night of the fourth there was a hot press here, which has continued ever since; and the declared object is to compel Spain to atone for an insult offered to Great Britain by capturing two vessels in Nootka Sound.

Permit me to observe incidentally, that it would not be amiss for the American captain, who was a witness of the whole transaction, to publish a faithful narrative. The general opinion here is, that Spain will submit, and that Spain only is the object of the armament. But I hold a very different faith. If Spain submits, she may as well give up her American dominions: for the position advanced here is, that nations have a right to take possession of any territory unoccupied. Now, without noticing the inconsistency between this assertion and those which preceded the war of 1755, when France built Fort Duquesne upon ground unoccupied by British subjects, it cannot escape the most cursory observation, that the British sitting down in the vicinity of the Spanish settlements will establish such a system of contraband traffic, as must ruin the commerce of Cadiz, and the revenue now derived from it by the Spanish monarch. In former letters I have communicated in some measure my ideas upon the second opinion. I shall not therefore recapitulate them, but only in general notice, that the armament against Spain, should Spain shrink from the contest, will undoubtedly be sent to the Baltic with decisive effect. You will observe, also, that the ministers count upon the nullity of France, of which I shall say a word presently.

In consequence of the orders for impressing of seamen, a number of Americans were taken, and the applications made for their relief were in some instances ineffectual. On the morning of the 12th Mr. Cutting called to inform me that he was appointed agent to several of the American masters of ships. I gave him my advice as to the best mode of proceeding, and particularly urged him to authenticate all the facts by affidavits, assuring him that, if he was unsuccessful, I would endeavor to obtain the assistance of such persons as I might be acquainted with. On the 17th Mr. Payne called to tell me, that he had conversed on the same subject with Mr. Burke, who had asked him if there was any minister, consul, or other agent of the United States, who could properly make application to the Government: to which he had replied in the negative; but said that I was here, who had been a member of Congress, and was therefore the fittest person to step forward. In consequence of what passed thereupon between them, he urged me to take the matter up, which I promised to do. On the 18th I wrote to the Duke of Leeds requesting an interview. He desired me to come at three o'clock of the next day; but his note was delivered after the hour was passed; and very shortly after it, came another note, giving me an appointment for the 20th.

Upon entering his closet, he apologized for not answering my letters. I told him that I had in my turn an apology to make for troubling him with an affair on which I was not authorized to speak. He said I had misunderstood one part of his letter to me: for that he certainly meant to express a willingness to enter into a treaty of commerce. I replied, that, as to my letter, I supposed he would answer it at his leisure, and therefore we would waive the discussion; that my present object was to mention the conduct of their press gangs, who had taken many American seamen,

and had entered American vessels with as little ceremony as those belonging to Britain. "I believe, my Lord, this is the only instance in which we are not treated as aliens." He acknowledged that it was wrong, and would speak to Lord Chatham on the subject. I told him that many disagreeable circumstances had already happened, and that there was reason to expect many more, in a general impress through the British dominions. That masters of vessels, on their return to America, would excite much heat, "and that, my Lord, combined with other circumstances, may perhaps occasion very disagreeable events: for you know that, when a wound is but recently healed, 'tis easy to rub off the skin." He then repeated his assurances of good will, and expressed an anxious wish to prevent all disagreement, observing, at the same time, that there was much difficulty in distinguishing between the seamen of the two countries. I acknowledged the inconveniences to which they might be subjected by the pretence of British seamen to be Americans, and wished therefore that some plan might be adopted, which, founded on good faith, might, at the same time, prevent the concealment of British sailors, and protect the Americans from insult. As a means of accomplishing that end, I suggested the idea of certificates of citizenship to be given by the admiralty courts of America to our seamen. He seemed much pleased, and willing at once to adopt it; but I desired him to consult first the king's servants in that particular department; and having again reminded him that I spoke without authority, took my leave; but at his request, promised to visit him again the next day.

The morning of the 21st I found him sitting with Mr. Pitt, to whom he presented me. The first point we took up was that of the impress. Mr. Pitt expressed his approbation of the plan I had proposed to the Duke, but observed that it was liable to abuse, notwithstanding every precaution which the admiralty offices in America could take. I acknowledged that it was, but observed, that, even setting aside the great political interests of both countries, it was for the commercial interest of Britain rather to wink at such abuse: for that, if they should be involved in a war with the *House of Bourbon*, our commerce with Britain must be in American bottoms, because a war premium of insurance would give a decided preference to the manufactures of other countries in our markets; but that no wages would induce our seamen to come within the British dominions if they were thereby liable to be impressed. Mr. Pitt replied to this, that the degree of risk, and consequently the rate of insurance, must depend upon the *kind of war*. Not taking any direct notice of this expression, I observed, that notwithstanding the wretched state of the *French Government*, there still existed much force in that country, and that the power of commanding human labor must also exist somewhere; so that if the Government could not arm their fleets, there would still be many privateers; and that, in effect, the slenderest naval efforts must involve merchant vessels in considerable danger. Returning then to the consideration of the principal point, we discussed the means of carrying the plan into effect; and for that purpose I recommended, that his Majesty's servants should order all their marine officers to admit as evidence of being an American seaman, the certificate to that effect of the admiralty in America, containing in it a proper description of the person, &c. but without excluding however other evidence; and observed that, in consequence of the communication that such orders were given, the Executive authority in America, without the aid of the Legislature, by directions to the several admiralties, might carry the plan into effect, so far as relates to those seamen who should apply for certificates. I am induced to believe that this measure, if adopted, will not only answer the desired end, but, be productive of other good consequences in America, which I will not now trouble you with the detail of.

This affair being so far adjusted, we proceeded to new matter, and they both assured me that I had misapprehended the Duke's letter in regard to a treaty of commerce. I answered coolly, that it was easy to rectify the mistake; but it appeared idle to form a new treaty, until the parties should be thoroughly satisfied about that already existing. Mr. Pitt then took up the conversation, and said that the delay of compliance on our part had rendered that compliance less effectual, and that cases must certainly exist where great injury had been sustained by the delay. To this I replied, that delay is always a kind of breach, since, as long as it lasts, it is the non-performance of stipulations. I proceeded then to a more exact investigation of the question. And first (as I knew them to be pestered with many applications for redress, by those who had, and those who pretended to have suffered) I attempted to shew what I verily believe to be the fact, viz. that the injury was much smaller than was imagined, because, among the various classes of American debtors, those only should be considered who had the ability, and not the will, to pay at the peace, and were now deprived of the ability. These I supposed to be not numerous; and as to others, I stated interest as the natural compensation for delay of payment; observing that it was impossible to go into an examination of all the incidental evils. In the second place, I desired him to consider that we in turn complained that the British Government had not, as they ought, paid for the slaves which were taken away. That we felt for the situation they were in, of being obliged either to break faith with slaves whom they had seduced by the offer of freedom, or to violate the stipulations they had made with us upon that subject. That we were willing, therefore, to waive our literal claims, but had every right to insist on compensation; and that it would not be difficult for the planters to shew, that they had sustained an annual loss, from the want of men to cultivate their lands, and thereby produce the means of paying their debts.

Mr. Pitt exclaimed at this, as if it were an exaggerated statement. I at once acknowledged my belief, that in this, as in all similar cases, there might be some exaggeration on both sides; "but, sir, what I have said tends to shew that these complaints and inquiries are excellent, if the parties wish to keep asunder; if they wish to come together, all such matters should be kept out of sight, and each side perform now, as well as the actual situation of things will permit." Mr. Pitt then made many professions of an earnest desire to cultivate the best understanding, &c. &c. &c.

On the whole, he thought it might be best to consider the subject generally, and see if, on general ground, some compensation could not be made mutually. I immediately replied, "if I understand you, Mr. Pitt, you wish to make a new treaty instead of complying with the old one." He admitted this to be in some sort his idea. I said that, even on that ground, I did not see what better could be done, than to perform the old one. "As to the compensation for negroes taken away, it is too trifling an object for you to dispute, so that nothing remains but the posts. I suppose, therefore, that you wish to retain those posts." "Why, perhaps we may." "They are not worth the keeping: for it must cost you a great deal of money, and produce no benefit. The only reason you can have to desire them is to secure the fur trade, and that will centre in this country, let who will carry it on in America." I gave him the reasons for this opinion, which I am sure is well founded, but I will not trouble you with them. His answer was well turned. "If you consider these posts as a trivial object, there is the less reason for requiring them." "Pardon me, sir, I only state the retaining them as *useless to you*. But this matter is to be considered in a different point of light. Those who made the peace, acted wisely in separating the possessions of the two countries by so wide a water. It is essential to preserve this boundary if you wish to live in amity with us. Near neighbors are seldom good ones: for the quarrels among borderers frequently bring on wars. It is therefore essential to both parties that you should give them up; but as to us, it is of particular importance, because our national honor is interested. You hold them with the avowed intention of forcing us to comply with such conditions as you may impose." "Why, sir, as to the considerations of national honor, we can retort the observation, and say our honor is concerned in your delay of performance of the treaty." "No, sir, your natural and proper course was to comply fully on your part, and if then we had refused a compliance, you might rightfully have issued letters of marque and reprisal, to such of your subjects as were injured by our refusal. But the conduct you have pursued naturally excites resentment in every American bosom. We do not think it worth while to go to war with you for these posts; *but we know our rights, and will avail ourselves of them when time and circumstances may suit*." Mr. Pitt asked me if I had powers to treat. I told him I had not; and that we could not appoint any person as minister, they had so much neglected the former appointment. He asked me whether we would appoint a minister if they would. I told him I could almost promise that we should, but was not authorized to give any positive assurance. The question then was, how to communicate on this subject. I suggested that since much time might be unnecessarily consumed by reason of the distance and uncertainty of communication, it would perhaps be expedient for them to appoint a minister, and delay his departure until you should have made a similar appointment. Mr. Pitt said they might communicate to you their intention to appoint, &c. I told him that his communication might encounter some little difficulty, because you could not properly hear any thing from the British Consuls, those being characters unacknowledged in America. His pride was a little touched at this. "I should suppose, Mr. Morris, that attention might as well be

paid to what they say, as that the Duke of Leeds and I should hold the present conversation with you." "By no means, sir; I never should have thought of asking a conference with his grace, if I had not possessed a letter from the President of the United States, which you know, my lord, I left with you, and which, I dare say, you have communicated to Mr. Pitt." He had. Mr. Pitt said they could in like manner write a letter to one of their Consuls. "Yes, sir, and the letter will be attended to, but not the Consul, who is in no respect different from any other British subject; and this is the circumstance which I wished you to attend to." He said, in reply to this, that etiquette ought not to be pushed so far as to injure business, and to keep the countries asunder. I assured him that the rulers of America had too much understanding to care for etiquette, but prayed him at the same time to recollect, that they (the British) had hitherto kept us at a distance instead of making advances. That you had gone quite as far as they had any reason to expect, in writing the letter just mentioned; but that, from what had passed in consequence of it, and which (as he might naturally suppose) I had transmitted, we could not but consider them as wishing to avoid an intercourse. He took up this point, and expressed again his hope that I would remove such an idea, assuring me that they were disposed to cultivate a connexion, &c. To this I replied, that any written communication which his grace of Leeds might make, should be duly transmitted; but I did not like to recite mere conversation, because it might be misconceived, and disagreeable questions afterwards arise; whereas, written things remain, and speak for themselves. They agreed to the propriety of this sentiment. I observed further, that our disposition towards a good understanding was evidenced, not only by your letter, but also by the decision of a majority of the House of Representatives against laying extraordinary restrictions on British vessels in our ports. Mr. Pitt said, that, instead of restrictions, we ought to give them particular privileges in return for those which we enjoy here. I assured him that I knew of none except that of being impressed—a privilege which of all others we least wished to partake of. The Duke of Leeds observed, in the same style of jocularly, that we were at least treated in that respect as the most favored nation, seeing that we were treated like themselves. But Mr. Pitt said, seriously, that they had certainly evidenced good will towards us, by what they had done respecting our commerce. I replied, therefore, with like seriousness, that their regulations had been dictated by a view to their own interest, and, therefore, as we felt no favor, we owed no obligation. The subject being now pretty well exhausted, they promised to consult together, and give me the result of their deliberations. This I am yet to receive; but I learn that Mr. Grenville has this day consulted some persons skilled in the fur trade, and that, from his conversation, it seemed probable that they would give up the posts. *My information is good.*

I have already said that the ministers here count upon the nullity of France. They do not, however, expect that she will violate her treaty with Spain, and therefore they are rather, I believe, in hopes, that Spain will submit to such terms as they may impose. How far they may be bound to aid Prussia, seems as yet to be doubtful; but, for my own part, I believe that a war is inevitable, and I act on that ground. If it does not take place, they will, I think, desire such things of us, in a treaty of commerce, as we shall not be disposed to grant; but, if it does happen, then they will give us a good price for our neutrality; and Spain I think will do so too; wherefore this appears to be a favorable moment for treating with that court about the Mississippi.

Before I close this letter, already too long, I must entreat permission to make one or two explanatory observations. It is evident that the conduct of this Government towards us, from the time of my first interview with the Duke of Leeds, has depended on the contingencies of war or peace with the neighboring Powers; and they have kept things in suspense accordingly. When, therefore, they came a little forward, it proved to me their apprehension of a rupture. I have some reason to think that they are in greater danger than they are themselves aware of; and I have much cause to suspect that they meditate a blow in Flanders, in which it is not improbable that they will be foiled and disappointed. Believing, therefore, that I knew their motives, it only remained to square my conduct and conversation accordingly. And here you will consider that the characteristic of this nation is pride; whence it follows, that, if they are brought to sacrifice a little of their self importance, they will readily add some other sacrifices. I kept, therefore, a little aloof, and did not, as I might have done, obtain an assurance that they would appoint a minister if you would. On the contrary, it now stands on such ground that they must write a letter making the first advance, which you of course will be in possession of; and to that effect I warned them against sending a message by one of their consuls.

With perfect respect, &c.

GOUVERNEUR MORRIS.

P. S. *May 30th.* It is utterly impossible for me to copy the letters which I intended to enclose. It is now near one o'clock in the morning, and Mr. Williams sets off at eleven.

To GEORGE WASHINGTON, Esq.

President of the United States.

LONDON, September 10, 1790.

MY LORD:

At the close of a conversation with your grace and the right honorable Mr. Pitt, on the 21st of May last, I was told that you would confer together, and transmit a reply to the letter which I had the honor of addressing to your grace on the 30th of April. In expectation of that reply I have patiently waited in this city to the present hour, though called by many affairs to the continent; but my departure cannot be much longer delayed, and therefore it becomes necessary to intrude once more on your grace's attention.

I was led to believe, my Lord, that a friendly connexion might have taken place between this country and that of which I have the honor to be a citizen. How far it might be useful to Great Britain I presume not to conjecture, being perfectly convinced, from the wisdom and extensive information of his Majesty's ministers, that the best rule for private judgment must be derived from their conduct. But, my Lord, I candidly own, that such connexion appears to be of great consequence to America, and therefore the hope of becoming instrumental to the accomplishment of it was most pleasing; nor am I ashamed to avow my concern at the disappointment.

Your grace will readily recollect the purport of that letter which you did me the honor to write on the 28th of April, and that mine of the 30th entreated a communication of the nature and extent of that redress which his Majesty's ministers expected upon the specific points of the treaty of peace, and the kind and measure of compensation they would require in case (as had been supposed) the specific performance on our part were now impracticable. Months having elapsed in silence, your grace will, I hope, pardon me for observing, that the pointed avowal of a determination to withhold performance, unless upon certain conditions, the communication of which is withheld, might be construed into unconditional refusal. Your personal integrity and honor, my Lord, the acknowledged justice of his Majesty, and the pride of British faith, prohibit me from harboring that idea; but it may perhaps be entertained by my countrymen; and, if it should, it may lead to measures which, in their consequences, shall eventually induce the two nations to seek, rather the means of reciprocal injury, than of mutual advantage. I humbly hope that this may never happen. The sentiment of America has long been conciliatory, and I should feel inexpressible satisfaction if your grace would possess me of the means of restoring activity to her friendly dispositions.

With perfect respect, &c.

GOUVERNEUR MORRIS.

To his grace the DUKE OF LEEDS,

His Majesty's Principal Secretary of State for Foreign Affairs.

WHITEHALL, September 10, 1790.

SIR:

I have just received the honor of your letter of this day's date. I well remember the nature of the conversation you allude to, as well as the particular points upon which the two countries mutually complain of a non-ob-

servance of treaty. Each party may perhaps have reason of complaint. I can assure you, sir, I sincerely lament it. I am not entering into a ministerial discussion upon the subject of our not being already farther advanced in (what we are both interested in) a real bona fide intercourse of friendships; but am only acknowledging, confidentially, my own private opinion, and what it has not been hitherto in my power to remedy.

I shall, I trust, be enabled very soon to address myself upon a new subject to General Washington, and, in the mean time, shall be very happy to see you, sir, before your departure for America.

I have the honor, &c.

LEEDS.

GOUVERNEUR MORRIS, Esq.

LONDON, September 18, 1790.

SIR: I had the honor to address you on the 16th of August, and stated, as nearly as I could, the situation of Russia and Sweden. This situation has produced a very natural effect. Sweden being unsupported by her allies, and Russia having nothing to gain by farther fighting but a part of the Finland deserts, not worth fighting for, they have struck a bargain of peace immediately, without the interference of any one else. This leaves the Russian and Turk to pursue their game single handed. The ministers of Britain are by no means well pleased that they were not consulted by the Swede; and I think it probable that if Russia makes peace with the Turks, it will be without the mediation of Prussia or England: for, as things are situated, it seems impossible for those Powers to do the Emprress any mischief before next spring.

The national assembly of France have also adopted, as a national compact, the old family compact with Spain; and they are arming as fast as their disjointed condition will admit. At the same time, the general opinion of this country seemed to be, that the ministry would obtain very honorable terms from Spain; whereas, the ministers themselves were (as I believe) much embarrassed as to the line of conduct which they should pursue. To support the high tone in which they first opened, would probably bring on a bloody war for an empty sound. To recede, would expose them to severe animadversion at home, and a loss of reputation abroad. These circumstances appearing to me favorable, I wrote the letter of which No. 1 is a copy. It is calculated, first, to operate upon an administration which I believed to be divided in regard to America, and a sovereign who hates the very name, while he prides himself upon his piety and moral fame; secondly, it was intended as a ground of future justification for any measures which Congress might think proper to adopt; and, thirdly, it had, I own, a special view to the nature of this government and people: for, if they do eventually get engaged in war, and feel a little from our coldness, and if, in addition thereto, the commercial men find any ground of complaint, it will make them so eager to rectify their mistake, as to give us considerable advantages. In answer to this letter, I received that of which No. 2 is a copy. This was written in his own hand writing, and as it is said therein to be not ministerial but confidential, we must so consider it. Consequently, it is not a public paper. The inference to be drawn from it is, that the council could not agree, as yet, upon the answer to be given. Hence I concluded, that those who, pursuing the true interests of Great Britain, wish to be on the best terms with America, are outnumbered by those whose sour prejudices and hot resentments render them averse to every intercourse, except that which may immediately subserve a selfish policy. These, then, do not yet know America. Perhaps America does not yet know herself. They believe that British credit is essential to our commerce. Useful it certainly is at present; but let our *public credit* be well established and supported, and in a very few years our commercial resources will astonish the world. We are yet but in the seedling time of national prosperity, and it will be well not to mortgage the crop before it is gathered. Excuse, I pray, sir, this digression. The matter of it is not wholly inapplicable.

A copy of my answer to the Duke, and of his reply, are in the papers No. 3 and 4. In consequence of the latter, I waited upon him on the 15th instant, and I saw at once by his countenance that he felt himself obliged to act an awkward part. I waited therefore for him to begin the conversation, which he did, by saying that he understood I was going to America. I told him that he had mistaken my letter: for that, by the *continent*, I meant the continent of Europe. After some pause, he said that he hoped soon to fix upon a minister to America; that they had a person in contemplation, who was not, however, absolutely agreed on. I did not ask who it was. After a further pause, he said that, *in order to save time*, and obviate difficulties, the intention was to send over a gentleman with a common letter of recommendation, but having letters of credence in his pocket. I expressed my perfect approbation of this expedient. He told me that he was earnestly desirous of a real bona fide connexion, not merely by the words of a treaty, but in reality. I met these by similar professions, but took care to confine them to a commercial intercourse, for mutual benefit, on liberal terms. He told me that, as to the two points of the treaty, there were still difficulties. He wished they could be got out of the way. He then hesitated a little, and dropped the conversation. Having waited some time for him to resume it, and being convinced by his silence, that it was intended to hold a conference and say nothing, I determined to try for information in a different way. I began, therefore, by expressing, with an air of serious concern, my conviction that their detention of the western posts would form an insurmountable barrier against a treaty with us. Knowing so well as he did the nature of popular governments, he would not be surprised that some in America should oppose a treaty with Britain from serious doubts as to the policy of the measure, and others from private reasons; and he must see that holding those posts would form an argument for one, and a pretext for the other. Finding that he felt this, I added that their conduct in this respect, gave serious alarm to reasonable well meaning men. Some believed their design was to deprive us of our share in the fur trade, which they considered as a serious injury; but others were convinced, that holding those posts was attended with great and useless expense to Britain, which the benefits of the fur trade by no means compensated; and even that she would derive those benefits, whether that trade were carried on through the medium of Canada or of the United States: Hence they inferred some other, and consequently some hostile views; so that every murder committed by the Indians was attributed to British intrigues; and although some men of liberal minds might judge differently, their arguments could have little weight with the many who felt themselves aggrieved. He owned that there was force in these reflections. I told him farther, that I did not presume to judge of the great circle of European politics, but, according to my limited comprehension, I was led to suppose that they could not act with the same decisive energy towards their neighbors while they doubted of our conduct. He said I was perfectly right, and he said so in a manner which showed that this had been urged and felt during the late negotiations. I proceeded, therefore, a little farther, (premising that this conversation was merely from one gentleman to another) and prayed him to consider, that in a war between Britain and the house of Bourbon (a thing which must happen at some time or other) we can give the West India islands to whom we please, without engaging in the war ourselves; and our conduct must be governed by our interest. He acknowledged that this was naturally to be expected; and it seemed from his manner, that the same thing had been represented before, but not in such strong colors. I observed that those preferences which we had a right to give in our own ports, and those restrictions which we had a right to impose, would have a most extensive operation; assured him of my sincere belief that their exclusive system, as far as it related to the commerce of their islands, had a tendency to injure that navigation which it was their object to increase; because, if we met them on equal ground of restriction, they would lose more in one way than they gained in another. That they had many large ships employed in carrying the single article of tobacco; and if we should pass a navigation act to meet theirs, they could not bring us a yard of cloth which contained Spanish wool, and so of other things. I thought I could perceive that considerations like these had already given them some alarm; I therefore said that I supposed his people had transmitted information of the attempts made in Congress to adopt such regulations. He said they had. I observed that not having yet received the laws passed by Congress, I could not say exactly what had been done. That I hoped things were yet open for treaty. *That doubtless there were many persons in this country, who, to gratify the resentment occasioned by losses or disappointments in the American war, would be glad to urge on a state of commercial hostility, but this would prove, perhaps, a losing game to both.* He really thought it would. Having gone as far in that line as was useful, I took a short turn in my subject, and said I had waited with great patience, during the negotiations they were carrying on, because I

supposed they would naturally square their conduct towards us by their position in respect to other nations. I made this observation in a careless manner, as a thing of course, but immediately fixing my eye upon him, he showed that it was exactly the circumstance they had wished to conceal. I added that, finding the northern courts were now at peace, and supposing they had come to their final decisions with respect to the house of Bourbon, I thought it probable that they were prepared to speak definitively to us also. Here I waited for his answer, which indeed I did not expect to receive. He was pretty sufficiently embarrassed, and from his look and manner, I collected quite as much as he was willing to communicate. After some little sayings of no consequence, he asked me what the United States would think of the undefined claim of Spain to America. Having no objection to take that information from his questions, which could not be drawn forth in his answers, I told him that it would make no impression on our minds. That the Spaniards being in fact apprehensive of danger from us, were disposed to make sacrifices for our friendship. That the navigation of the Mississippi, hitherto the bone of contention, was, I believed, given up by them already, or would soon be so; and as for their claims, they never could affect us, and therefore we did not care any thing about them. That their reason for withholding that navigation hitherto, was the fear of contraband trade; and for the same reason they must, in my opinion, sacrifice the last man and last shilling upon the question about Nootka Sound. He said he had always thought the danger of contraband ought to be considered in dealing on this subject, for that nations, like individuals, ought to treat with candor and honesty. We had a good deal of conversation on that and other topics, in which America was not directly concerned, and then I told him that, if they came to any determination in regard to us speedily, I should wish to be apprised of it. He assured me that I should, and offered to make his communications to you through me, and for that purpose to address his letters to me in Paris; but for reasons communicated in a former letter, I thought it best to decline this offer, and therefore observed that his own packets would give him a speedier and more certain means of conveyance. I then took my leave.

I have troubled you, sir, with the leading features of this conversation, that you might the better judge of the conclusions I draw from it. I think the cabinet is divided on the question of war or peace. If France appeared strong enough to excuse a *retrograde manœuvre*, I believe they would discover all at once that Spain has better reasons to urge than they had been before apprised of; and therefore, on principles of justice, and having received the strongest assurances of brotherly love from the Catholic King, the Defender of the Faith would disarm. His ministers will not treat with us at present, unless they could see their way to offensive and defensive alliance, which we shall be in no hurry to contract. Should war break out, the anti-American party will, I believe, agree to any terms: for it is more the taste of the medicine which they nauseate, than the size of the dose. Mr. Pitt, I believe, wishes a continuance of peace. Observe that he is rather the Queen's man than the King's, and that, since his Majesty's illness, she has been of great consequence. This depends in part on a medical reason. To prevent the relapse of persons who have been mad, they must be kept in constant awe of somebody, and it is said that the physician of the King gave the matter in charge to his royal consort, who performs that, like every other part of her conjugal duty, with singular zeal and perseverance. He, and all those who are in possession of his entire confidence, wish (it is said) for war, which gives, you know, great patronage, and by the increase of taxes and offices, increases the influence and power of the crown. The King and his friends are also violently indisposed to America.

Things being so situated, and having business on the continent, I shall leave this city in a few days, and shall perhaps write a farther letter of lamentations to the Duke of Leeds before I go. I intend to write such a letter to you, on the whole business, as may, in case of need, be laid before the Legislature, and consequently before the public.

I long since expressed my opinion to you, sir, that the appearances of prosperity here were fallacious. In nothing are they more so than in the affairs of the India company, which are deplorably bad; and they are now engaged in a war with Tippu Saib, which, terminate how it may, must make them worse.

It is time to close this lengthy epistle. Let me, therefore, entreat you to receive the assurances, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, Esq.
President of the United States of America.

1st CONGRESS.]

No. 51.

[3d Session.]

PORTUGAL.

Message from the President of the United States on the appointment of a Minister at the Court of Lisbon.

Gentlemen of the Senate:

The aspect of affairs in Europe during the last summer, and especially between Spain and England, gave reason to expect a favorable occasion for pressing to accommodation the unsettled matters between them and us. Mr. Carmichael, our chargé des affaires at Madrid, having been long absent from his country, great changes having taken place in our circumstances and sentiments during that interval, it was thought expedient to send some person in a private character, fully acquainted with the present state of things here, to be the bearer of written and confidential instructions to him, and, at the same time, to possess him, in full and frequent conversations, of all those details of facts and topics of argument which could not be conveyed in writing, but which would be necessary to enable him to met the reasonings of that court with advantage. Colonel David Humphreys was therefore sent for these purposes.

An additional motive for this confidential mission arose in the same quarter. The court of Lisbon had, on several occasions, made the most amicable advances for cultivating friendship and intercourse with the United States. The exchange of a diplomatic character had been informally, but repeatedly suggested on their part. It was our interest to meet this nation in its friendly dispositions, and to concur in the exchange proposed. But my wish was, at the same time, that the character to be exchanged should be of the lowest and most economical grade. To this, it was known, that certain rules of long standing at that court would produce obstacles. Colonel Humphreys was charged with despatches to the prime minister of Portugal, and with instructions to endeavor to arrange this to our views. It happened, however, that previous to his arrival at Lisbon, the Queen had appointed a minister *resident* to the United States. This embarrassment seems to have rendered the difficulty completely insurmountable. The minister of that court, in his conferences with Colonel Humphreys, professing every wish to accommodate, yet expresses his regrets that circumstances do not permit them to concur in the grade of chargé des affaires—a grade of little privilege or respectability by the rules of their court, and held in so low estimation with them, that no proper character would accept it to go abroad. In a letter to the Secretary of State he expresses the same sentiments, and announces the appointment, on their part, of a minister *resident* to the United States, and the pleasure with which the Queen will receive one from us at her court. A copy of his letter, and also of Colonel Humphreys's, giving the details of this transaction, will be delivered to you.

On consideration of all circumstances, I have determined to accede to the desire of the court of Lisbon, in the article of grade. I am aware that the consequences will not end here, and that this is not the only instance in which

a like change may be pressed. But should it be necessary to yield elsewhere also, I shall think it a less evil than to disgust a government so friendly and so interesting to us, as that of Portugal. I do not mean that the change of grade shall render the mission more expensive.

I have, therefore, nominated David Humphreys minister resident from the United States to her Most Faithful Majesty the Queen of Portugal.

GEO. WASHINGTON.

UNITED STATES, Feb. 18, 1791.

1st CONGRESS.]

No. 52.

[3d Session.

GREAT BRITAIN.

Report of a Committee on the subject of our Commercial Relations with Great Britain, made to the House of Representatives, February 21, 1791.

The committee to whom was referred the message of the President of the United States of the 14th instant, [ante. No. 50] on the subject of our commercial relations with Great Britain, made the following report :

That, after the — day of —, no goods, wares, or merchandise, of foreign growth or manufacture, shall be imported into the United States, except in vessels of the United States, or in such as actually belong to the country or place of which such goods, wares, or merchandise, are, or may be, the growth, product, or manufacture, or in the ships or vessels of such country or place to which the ships or vessels of the United States shall be permitted to carry goods, wares, and merchandise, which are not of the growth, product, or manufacture, of the United States.

And if any goods, wares, or merchandise, of foreign growth or manufacture, more than shall be necessary for sea stores, shall, after the said — day of —, be imported into the United States, in any other manner than is herein before provided, all such goods, wares, and merchandise, and the ships and vessels in which the same shall be imported, together with their tackle and apparel, shall be seized and forfeited to the use of the United States, and shall be recovered and sold, and the proceeds accounted for, and applied in the manner provided for forfeitures, by the act, entitled "An act —."

That there shall be levied, collected, and paid, upon all rum, which, after the — day of —, shall be imported into the United States, (over and above the duties now payable on distilled spirits) a duty of one cent per gallon; and upon all distilled spirits, the produce or manufacture of any country or place at which the ships or vessels of the United States are not permitted to load such distilled spirits, and which shall be imported into the United States after the — day of —, a further additional duty of twelve and a half cents per gallon, on such as shall not be more than ten per cent. below proof, according to Dycas' hydrometer, and in like proportion for all other distilled spirits, whether imported directly from thence, or from any other country or place, in any ship or vessel other than those of the United States; which duties shall be levied, collected, and paid, in like manner, subject to the like regulations and drawbacks, as is provided by the act, entitled "An act —."

And in order to ascertain the country or place at which spirits, imported after the — day of —, shall have been distilled, it shall be the duty of the importer or importers thereof, in other than ships or vessels of the United States, to make proof, to the satisfaction of the officers of the customs with whom entry of any distilled spirits shall be made, that the same were distilled in some country or place at which the ships or vessels of the United States are permitted to load like spirits; in default of which proof, all such spirits shall be liable to the payment of the aforesaid duty of twelve and a half cents per gallon.

1st CONGRESS.]

No. 53.

[3d Session.

ALGIERS AND MOROCCO.

Message of the President of the United States relative to the ransom of Prisoners, &c.

UNITED STATES, February 22d, 1791.

Gentlemen of the Senate:

I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the first instant, so soon as the moneys necessary shall be appropriated by the Legislature, and shall be in readiness.

The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation and provision; the importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention.

GEO. WASHINGTON.

The resolution referred to is as follows:

Resolved. That the Senate advise and consent that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States, now in captivity at Algiers: Provided, the expense shall not exceed forty thousand dollars; and also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco.

2d CONGRESS.]

No. 54.

[1st Session.]

PRISONERS AT ALGIERS.

Letter from the Secretary of State in relation to the Prisoners at Algiers.

PHILADELPHIA, December 9, 1791.

SIR:

The enclosed information, relative to ransom and peace with the Algerines, being newly come to hand, I take the liberty of communicating it to you, and through you to the Senate. It concurs in some facts and opinions with what we had before learnt through other channels, and differs in some others, so as, on the whole, to leave us still in considerable uncertainty as to interesting points.

I have the honor to be, with sentiments of the most perfect respect, sir,

Your most obedient and most humble servant,

TH: JEFFERSON.

The VICE PRESIDENT of the U. S. President of the Senate.

CITY OF ALGIERS, April 28, 1791.

MOST HONORED SIRS:

It affords the Americans in captivity some consolation to hear that his excellency the President has drawn the attention of Congress towards Barbary affairs, and to consider of the decrease of American commerce to the Mediterranean.

One of your most unfortunate subjects takes the liberty of humbly submitting to your consideration the following particulars on Barbary affairs.

In December last, the Philanthropic Society sent orders to Europe to try for a peace with this regency; these orders came to Monsieur Catalan, of Marseilles, who commissioned Monsieur Parnet, a French merchant in Algiers, and agent for the chamber of commerce, Marseilles. Monsieur Parnet, made application to the Dey and ministry on this important subject, but was not enabled to obtain any answer of importance until the 18th of December, when he immediately despatched a vessel for Marseilles. Monsieur Parnet was authorized by his orders to treat for the ransom of the Americans; but as our redemption had been ascertained the 7th of last July, by Abraham Bushara and Dininio, for the sum of 17,225 Algerine sequins, nearly equal to 34,450 Spanish dollars, Monsieur Parnet could only return for answer, that our ransom was finally ascertained, and is so recorded by the regency at the above sum. Monsieur Parnet informed me that his orders relative to the peace did not authorize him to make the ministry any promises for them to use their influence with the Dey: for, if he made any promises, he must fulfil them, and by his not being fully empowered, he could not take the proper channel for laying the foundation of the peace, and that the Dey signified that, when the Americans made good their agreement of the 7th last July, that then he would consider of the peace.

I take the liberty, honored sirs, to observe, that there is no doing any business of importance in this country, without first palming the ministry; and by taking this proper channel, be assured, honored sirs, that there is no great difficulty to carry any point.

I take the liberty of explaining that the Algerines had great reason to think that the Americans considered them in a very singular light, by sending orders, three different times, relative to ascertaining our ransom and affairs that had been fixed on a few months past; then to empower Monsieur Parnet, supposing the Algerines would lower their price, or deviate, in any respect, from the agreement made with Bushara and Dininio.

Be assured, honored sirs, that Monsieur Parnet found this to be a very delicate subject to treat of, and by what I now hint to you, honored sirs, your superior wisdom will perceive the impropriety of any further propositions relative to ascertaining our ransom.

The prime minister sent to me, and desired that, when I wrote my country, to write, that, if the Americans did not keep to their words on affairs so trifling as that of our release, that there was no great dependence to be put in America, in affairs of more importance, alluding to the peace. Be assured, honored sirs, that the prime minister is a friend to America, and was the only one of the Algerine ministry that countenanced Mr. Lamb, in 1786.

Messrs. Bulkeley and company, of Lisbon, through humane motives, wrote to Mr. James Simpson, at Gibraltar, and Mr. Simpson, supposing the orders originated in Congress, wrote to Bushara and Dininio, to have our redemption ascertained with the regency; so that, if ever we are to be redeemed, it must be through the channel of Bushara and Dininio, as the Dey, in his answer to Monsieur Parnet, signified fully as much, and as they are Algerine subjects, the Dey and ministry of course will determine the affair in their favor.

At present there are but 700 Christian slaves in Algiers, and the two-thirds of these are deserters from the Spanish garrison of Oran; and as the captives are much wanted to do the public work, the regency does not seem inclinable to permit slaves to be redeemed on any terms: for without the slaves, those people could not well fit out their cruisers.

In 1786, there were three thousand Christian slaves in Algiers; but the Spaniards, Neapolitans, and other nations redeeming their people, and the pest, that great storm of mortality, which happened in this city in 1787-8, which carried off nine hundred Christian captives—amongst this number were six Americans—our redemption is but trifling higher than the terms on which the Spaniards and other nations redeemed their people; and, since those redemptions and the pest, the price of slaves is continually rising.

Those lads that are pages to the Dey, were solicited to turn Mahometans, but they would not, which makes their prices somewhat exorbitant.

When I consider the fatal consequences that would happen to America, if the Portuguese should make a peace with this regency, it makes the greatest impression on me of any thing whatsoever that can possibly occur to a patriotic mind; and although at present the Portuguese keep up a fleet of cruisers to protect their own commerce, yet experience shews (by Spain) that they may be negotiating a peace underhand.

Since my captivity, the Portuguese have made two attempts to try to obtain a peace, and fortunate (thank God) for America they did not succeed. Should they succeed, America would be put to a vast expense to build and fit out eight or ten cruisers; and to keep this squadron in Europe for a few years, would be attended with a vast expense, which America could not well afford. Should the Portuguese make a peace, and America to abandon the Straits to the Algerines, the alarm would be so great that no American property would be ensured under twenty-five per cent. The first cruise, they would go as far as the Western Islands, and, by being acquainted with the navigation that far, would be induced to go on to the coasts of America; then, honored sirs, what would be the fatal consequences—what would be the alarm! and it is well known that there is nothing to be derived by being at war with the Barbary States; but, by being at peace, many advantages, and extended and beneficial commerce.

It has cost Spain full four and a half millions of dollars to make their peace, and redeem their people, notwithstanding Spain acted something wisely not to be the dupe of all the commercial nations of Europe.

Honored sirs, in my opinion, the United States may obtain a peace with this regency for fifty or sixty thousand pounds sterling, all expenses included; that is, if the affair is well managed; and with Tunis for fifteen thousand pounds sterling. In making a peace with Algiers, there should be a provisional article relative to Tunis, as Tunis is a tributary State to this regency, and under its influence.

Instead of America giving a sum of money for the peace, I believe this regency would find it to their interest to take, in lieu, maritime stores, masts, yards, plank, tar, pitch, turpentine, scantling, for constructing cruisers; and, by giving maritime stores, I believe the peace would not cost America twenty thousand pounds sterling. Or to purchase one hundred and fifty or two hundred passports of the regency, at a certain fixed price, and for these, to pay a certain sum every two years; and those that wanted those passports, that traded to Europe, to purchase them of the Government, so that the passports would defray the expenses incurred in obtaining the peace. I have frequently, these four years, had some hints on these subjects communicated to the Algerine ministry, and had favorable answers, which I wrote to the American ambassadors in Europe.

The present time is favorable for America to try for the peace; and I further take the liberty, honored sirs, to observe, that those nations, the Dutch, Danes, Swedes, and Venetians, that pay a tribute annually, that their peace is on a more solid and lasting basis than those nations that give large sums for making the peace, and not to be tributary: for it is the annual tribute those nations pay the Algerines is the bait that secures their peace, and not any sentiment of national honor or regard to treaties, but for their own interest in being supplied with naval and military stores.

Most honored sirs, we hope you will consider what our sufferings must have been in this country, during that trying period of nearly six years captivity; but we now hope that you will give such powers to your representatives in Europe, so as to finally extricate your fourteen unfortunate subjects from their present state of bondage and adversity.

Honored sirs, your most obed't most humble serv't and petitioner,
The Honorable the Congress of the United States of America.

RICHARD O'BRIEN.

Extract of a Letter from William Short, Chargé des Affaires of the United States at Paris, dated Aug. 24, 1791.

"The report, mentioned in my last, of the death of the Dey of Algiers, was soon after fully confirmed, as well as the peaceable nomination of his successor. I learn by the French consul, that he is the same who, whilst minister, discovered more favorable dispositions than the others to the American prisoners. He thinks this would be a favorable moment for attempting their redemption. He observes, it would have been at all times practicable, by proper measures, viz: by authorizing some consul or commercial house, established at Algiers, to effect it; leaving them at liberty to choose the suitable moment, and fixing the sum beyond which they could not go, authorizing them, at the same time, to draw for it, on the agreement being concluded. He supposes, that for the fourteen captives who remain the sum should be fixed at 200,000 livres tournois, all expenses included; and says it is possible that 150,000 might suffice, the agents employed exerting themselves of course to reduce it as much as possible, for the interest of their employers. He seems to be persuaded there is no other mode of succeeding but this, which he agrees is subject to objections, arising from the great confidence necessary to be placed in the agents employed. He adds, also, that the character and dispositions of the present Dey are much more liberal than those of the last, and of course that this is the favorable moment for the United States to make a permanent arrangement with that regency for the safety of their flag. This negotiation, he thinks, should be carried on in the same manner with the other. He cannot, however, form a conjecture of what that would cost.

"I have had a good deal of accidental conversation also lately with M. Pujet, who has the direction of the consular department in the marine. He is, I believe, known to you, and is a man of a good reputation and understanding, and is particularly acquainted with the relations between this country and the Barbary Powers. He insists that France pays no tribute to the Dey of Algiers, nor England, nor Spain. He agrees that Holland (I think) and some others do; and says that the difference is perfectly understood, at Algiers, between nations that are tributary and those that are not; and also, that all Christian Powers are obliged to make pecuniary sacrifices to secure peace there. Those of France consist, 1st. in the establishment of a consul at Algiers, whose salary and expenses amount to about 25,000 livres tournois per annum; and 2d. in presents which are made from time to time to the officers of government, in order to settle differences which accidentally arise between French vessels or citizens and the cruisers or regency of Algiers. These amount to from 70 to 80,000 livres tournois annually, and are, as he assures me, the only expenses paid regularly. The large sums which I mentioned to you, some time ago, to have been paid by M. de Senneville, for the renewal of the treaty, he denies altogether to have been paid for that purpose, or to have been as considerable as I supposed them. He says they were to satisfy the regency for a vessel they lost on the coast of France, and also for one delivered up to Naples, after having been taken by an Algerine cruiser.

"M. Pujet says, the United States would be wrong to put themselves on the footing of a tributary Power, as it ensures more contempt than safety at Algiers. He supposes their consular establishment, and annual accidental presents, would cost as much as those stated above for France, notwithstanding their commerce is so much more inconsiderable; as this would not be calculated by the officers of the Regency. He does not know to what amount presents would be necessary for securing the peace in the beginning. There are some honorary expenses, to which France and other European Powers are sometimes subjected, from which the United States would be exempted: such as, at present, the furnishing a vessel to carry the new Dey's ambassador to Constantinople to obtain the investiture of his place. This mark of distinction is accorded to France, and is considered as a proof of the Dey's favorable dispositions to this country.

"Should it be possible to obtain a peace of Algiers, it would be of little service without one could be secured also with Tunis and Tripoli, each of which would cost the same to the United States. The establishment at Tunis costs more to France, as there is much more of the parade and luxury of a court there than at Algiers.

"I observed to M. Pujet, that such Powers as were at peace with these piratical States, would probably put as many obstacles as possible in the way of others obtaining it, and that the United States might perhaps meet with some difficulties on that account. He agreed that this policy did prevail. He thought, however, that France would, in the new order of things, abandon it; and would aid the United States in obtaining a peace. He added, that he did not see how our free entrance into the Mediterranean could be against the interests of France, as we were not a carrying Power, and said that, for his part, so far as it depended on him, he would certainly contribute all in his power to serve the interests of the United States in this instance. I have thought it well to communicate these things to you, that you might judge how far they deserve weight in an attempt to redeem our unhappy captives, or to secure a permanent peace."

2d CONGRESS.]

No. 55.

[1st SESSION.]

SPAIN.

Message from the President of the United States nominating Commissioners Plenipotentiary, &c.

UNITED STATES, January 11, 1792.

Gentlemen of the Senate:

I lay before you the following report; which has been made to me by the Secretary of State:

"The Secretary of State reports to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, apprised

of our solicitude to have some arrangements made respecting our free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion, that this overture should be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted; and a commission plenipotentiary made out for the purpose.

That Mr. Carmichael, the present chargé des affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States and foreign nations, will insufficiently furnish the ordinary and regular demands on it, and is consequently inadequate to the mission of an additional commissioner express from hence.

That, therefore, it will be advisable on this account, as well as for the sake of despatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners plenipotentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Majesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port and other circumstances as may render the said navigation practicable, useful, and free from dispute; saving to the President and Senate their respective rights as to the ratification of the same; and that the said negotiation be at Madrid or such other place in Spain as shall be desired by his Catholic Majesty.

TH: JEFFERSON.

DECEMBER 22d, 1791.

Gentlemen of the Senate:

In consequence of the communication from the court of Spain, as stated in the preceding report, I nominate William Carmichael, present chargé des affaires of the United States at Madrid, and William Short, present chargé des affaires of the United States at Paris, to be commissioners plenipotentiary for negotiating and concluding, with any person or persons who shall be duly authorized by his Catholic Majesty, a convention or treaty concerning the navigation of the river Mississippi by the citizens of the United States; saving to the President and Senate their respective rights as to the ratification of the same.

GEO. WASHINGTON.

2d CONGRESS.]

No. 56.

[1st SESSION.]

IMPRESSED AMERICAN SEAMEN.

Message from the President of the United States in relation to the expense of liberating impressed American Seamen.

UNITED STATES, February 8th, 1792.

Gentlemen of the Senate

and of the House of Representatives:

An article of expense having occurred in the department of foreign affairs, for which no provision has been made by law, I lay before you a letter from the Secretary of State, explaining the same, in order that you may do thereon what you shall find to be right.

GEO. WASHINGTON.

PHILADELPHIA, February 7th, 1792.

SIR:

An account presented to me by Mr. John B. Cutting, for expenditures incurred by him in liberating the seamen of the United States in British ports, during the impressments which took place under that Government in the year 1790, obliges me to recall some former transactions to your mind.

You will be pleased to recollect the numerous instances of complaint or information to us, about that time, of the violences committed on our seafaring citizens in British ports by their press gangs and officers; and that, not having even a consul there at that time, it was thought fortunate that a private citizen, who happened to be on the spot, stepped forward for their protection; that it was obvious that these exertions on his part must be attended with expense; and that a particular demand of £50 sterling for this purpose coming incidentally to my knowledge, it was immediately remitted to Mr. Cutting, with a request to account for it in convenient time. He now presents an account of all his expenditures in this business, which I have the honor to communicate herewith. According to this, the oppression extends to a much greater number of our citizens, and their relief is more costly than had been contemplated. It will be necessary to lay the account before the Legislature; because, the expenditures being of a description which had not occurred before, no appropriation heretofore made would authorize payment at the treasury; because, too, the nature of the transactions may in some instances require justly, that the ordinary rules of evidence, which the auditor is bound to apply to ordinary cases, should suffer relaxations, which he probably will not think himself authorized to admit, without the orders of the Legislature.

The practice in Great Britain of impressing seamen whenever war is apprehended, will fall more heavily on ours, than on those of any other foreign nation, on account of the sameness of language. Our minister at that court, therefore, will, on those occasions, be under the necessity of interfering for their protection, in a way which will call for expense. It is desirable that these expenses should be reduced to certain rules, as far as the nature of the case will admit, and the sooner they are so reduced the better. This may be done, however, on surer grounds, after the Government of Great Britain shall have entered with us into those arrangements on this particular subject, which the seriousness of the case calls for on our part, and its difficulty may admit on theirs. This done, it will be desirable that legislative rules be framed, which may equally guide and justify the proceedings of our minister, or other agent, at that court, and at the same time extend to our seafaring citizens the protection of which they have so much need.

Mr. Cutting, being on the spot, will himself furnish the explanations and documents of his case, either to the Legislature, or a committee of it, or to the Auditor, as he shall be required.

I have the honor to be, with sentiments of the most perfect esteem and respect,

Sir, your most obedient

And most humble servant,

The President of the United States.

TH: JEFFERSON.

THE UNITED STATES IN ACCOUNT WITH JOHN BROWN CUTTING.

C.R.

D.R.

		Pennsylvania currency.	Dolls. Cts.	1791.		Pennsylvania currency.	Dolls. Cts.	
1790.	To cash paid for forwarding reports on my memorials, in behalf of impressed American seamen, -	85 0 0	226 67	Feb. 12th.	By cash received of Mr. Jefferson on account, at 50 0 0	85 0 0	226 67	
June 19th.	do.	85 0 0	226 67		do. Exchange a 170 for	4 18 4	13 11	
July 11th.	To cash paid for	85 0 0	226 67		By interest on ditto, from the 12th of February, 1791, to			
July 31st.	To cash paid for written certificates of protection for American seamen, sterling,	85 0 0	226 67		the 30th January, 1792, eleven months eighteen days, at			
	do.	50 0 0			six per cent,			
Aug. 13th.	To do. paid for	35 0 0						
Aug. 17th.	To do. paid for	35 0 0						
"	To do. paid for	100 0 0	453 33					
Sept. 9th.	To do. paid for clothes for	100 0 0	453 33					
"	To do. paid for six cutlasses, for	42 10 0	192 67					
Sept. 10th.	To do. paid for the passenger, subsistence, and other necessities, across the channel, from the English to the French coast, of 947 American seamen, a 20 shillings per man—paid on account,	29 15 0	29 47					
Sept. 29th.	To do. paid on account of	6 10 0						
Oct. 13th.	To do. paid on account of	4 11 0						
Oct. 24d.	To do. paid on account of	230 0 0	1,042 67					
"	To cash paid for 801 pair mens' shoes for American seamen, at 5s. per pair, sterling,	161 0 0	983 73					
	To my time and services, from 4th May, to 23d October, 1790.	368 18 0	1,133 33					
	To interest on \$226 67, from 19th June, 1790, to 30th January, 1792, one year, seven months, eleven days, at six per cent per annum	425 0 0	1,133 33					
	On \$226 67, from 11th July to	175 0 0	457 87					
	On 226 67, from 31st July to	250 0 0						
	On 226 67, from 13th August to	250 0 0						
	On 453 33, from 17th August to	101 0 0						
	On 453 33, from 23d August to	70 14 0						
	On 192 67, from 9th September to							
	On 29 47, from do. to							
	On 1,042 67, from do. to							
	On 983 73, from 29th September to							
	On 1,133 33, from 13th October to							
	1,133 33, } on 1,591 20, from 22d Oct. to do.							
	457 87, }							
		208 8 4	555 78		Balance due John Brown Cutting,			7,402 41
			\$7,642 19					\$7,642 19

2d CONGRESS.]

No. 57.

[1st SESSION.]

PRISONERS AT ALGIERS.

Report of a Committee to the Senate, relative to American Prisoners at Algiers, February 22, 1792.

The committee to whom had been referred the petition of Charles Colvill, late a prisoner in Algiers, praying for the reimbursement of the price of his ransom, and other expenses, and the several communications on file relative to American citizens now in captivity at Algiers, reported the following resolutions:

Resolved by the Senate of the United States, in their capacity as Council of Advice, That, if the President of the United States shall enter into any treaty or convention, for the purpose of establishing and preserving peace with the regency of Algiers and with Tunis and Tripoli, "at an expense not exceeding one hundred thousand dollars annually," for such a term of years shall be stipulated, and for the purpose of ransoming the citizens of the United States in captivity with the Algerines, "at an expense not exceeding forty thousand dollars, for the said ransom," the Senate will advise and consent to the same, and ratify or approve any measures which the President of the United States shall take for accomplishing these objects, to an amount not exceeding five thousand dollars, although such measures should prove unsuccessful.

Resolved, That, if a convention or treaty for the establishment and preservation of peace, cannot be made with the regency of Algiers, the sum of two thousand four hundred dollars, annually, shall be distributed among the said captives or their families, as they may prefer, in such manner, and in such proportions, as the President of the United States shall order and direct, during their captivity.

Resolved, That the President of the United States be authorized and empowered to draw on the treasury of the United States for the sum of one hundred and forty-five thousand dollars.

2d CONGRESS.]

No. 58.

[1st SESSION.]

FRANCE.

Message from the President, communicating to Congress a letter from the King of France, announcing his acceptance of the Constitution of that nation.

UNITED STATES, March 5, 1792.

Gentlemen of the Senate
and of the House of Representatives:

Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a letter which I have received from His Most Christian Majesty, announcing to the United States of America his acceptance of the constitution presented to him in the name of his nation:

GEO. WASHINGTON.

[Translation of a letter from the King of France, of September 19, 1791.]

Very dear great friends and allies:

We make it our duty to inform you that we have accepted the constitution which has been presented to us in the name of the nation, and according to which France will be henceforth governed.

We do not doubt that you take an interest in an event so important to our kingdom and to us; and it is with real pleasure we take this occasion to renew to you assurances of the sincere friendship we bear you. Whereupon we pray God to have you, very dear great friends and allies, in his just and holy keeping.

Written at Paris, the 19th of September, 1791.

Your good friend and ally,

LOUIS.

MONTMORIN.

The UNITED STATES OF NORTH AMERICA.

2d CONGRESS.]

No. 59.

[1st SESSION.]

SPAIN.

Message from the President of the United States to the Senate, relative to negotiations at Madrid.

UNITED STATES, March 7, 1792.

Gentlemen of the Senate:

I submit to your consideration the report of the Secretary of State which accompanies this, stating the reasons for extending the negotiation proposed at Madrid to the subject of commerce, and explaining under the form of instructions to the commissioners lately appointed to that court the principles on which commercial arrangements with Spain might, if desired on her part, be acceded to on ours; and I have to request your decision, whether you will advise and consent to the extension of the powers of the commissioners as proposed, and to the ratification of a treaty which shall conform to those instructions, should they enter into such a one with that court.

GEO. WASHINGTON.

Report of the Secretary of State.

The Secretary of State having understood, from communications with the commissioners of his Catholic Majesty, subsequent to that which he reported to the President on the 22d of December last, that though they considered the navigation of the Mississippi as the principal object of negotiation between the two countries, yet it was expected by their court that the conferences would extend to all the matters which were under negotiation on the former occasion with Mr. Gardouqui, and particularly to some arrangements of commerce, is of opinion, that, to renew the conferences on this subject also, since they desire it, will be but friendly and respectful, and can lead to nothing without our own consent; and that, to refuse it, might obstruct the settlement of the questions of navigation and boundary; and, therefore, reports to the President of the United States, the following observations and instructions to the commissioners of the United States, appointed to negotiate with the court of Spain a treaty or convention relative to the navigation of the Mississippi; which observations and instructions, he is of opinion, should be laid before the Senate of the United States, and their decision be desired, whether they will advise and consent that a treaty be entered into by the commissioners of the United States with Spain conformable thereto.

After stating to our commissioners the foundation of our rights to navigate the Mississippi, and to hold our southern boundary at the 31st degree of latitude, and that each of these is to be a *sine qua non*, it is proposed to add as follows:

On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object then was to obtain our renunciation of the navigation, and to hold out commercial arrangements perhaps as a lure to us. Perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation, or may wish for them to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so, if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: 1st, That of exchanging the privileges of native citizens; or, 2d, Those of the most favored nation.

1st. With the nations holding important possessions in America, we are ready to exchange the rights of native citizens, provided they be extended through the whole possessions of both parties; but the propositions of Spain, made on the former occasion, (a copy of which accompanies this) were, that we should give their merchants, vessels, and productions, the privileges of native merchants, vessels, and productions, through the whole of our possessions; and they give the same to ours only in Spain and the Canaries. This is inadmissible, because unequal; and as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2d. Though treaties which merely exchange the rights of the most favored nations are not without all inconvenience, yet they have their conveniences also. It is an important one that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not; and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model; but it would be useless to propose the Prussian, because we have already supposed that Spain would never consent to those articles which give to each party access to all the dominions of the other; and without this equivalent, we would not agree to tie our own hands so materially in war as would be done by the 23d article, which renounces the right of fitting out privateers, or of capturing merchant vessels. The French treaty, therefore, is proposed as the model. In this, however, the following changes are to be made.

We should be admitted to all the dominions of Spain to which any other foreign nation is or may be admitted.

Article 5, being an exemption from a particular duty in France, will, of course, be omitted, as inapplicable to Spain.

Article 8 to be omitted, as unnecessary with Morocco, and inefficacious and little honorable with any of the Barbary Powers, but it may furnish occasion to sound Spain on the project of a convention of the Powers at war with the Barbary States, to keep up by rotation a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to subsidize us to cruise against them with a given force.

Article 9 and 10, concerning fisheries, to be omitted as inapplicable.

Article 11. The first paragraph of this article, respecting the *droit d'aubaine*, to be omitted, that law being supposed peculiar to France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prize on the subjects of the other of the parties," would forbid us, in case of a war between France and Spain, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter; a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 29. Consuls should be received at all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America. Free ports in the Spanish possessions in America, and particularly at the Havana, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c. admission to those ports during their pleasure. In like manner, if they could be prevailed on to re-establish our right of cutting logwood in the bay of Campeachy, on the footing on which it stood before the treaty of 1763, it would be desirable, and not endanger to us any contest with the English, who, by the Revolution treaty, are restrained to the southeastern parts of Yucatan.

Article 31. The *act of ratification* on our part may require a twelve month from the date of the treaty, as the Senate meets regularly but once a year; and to return it to Madrid for *exchange* may require four months more.

The treaty must not exceed ——— years' duration, except the clauses relating to boundary and the navigation of the Mississippi, which must be perpetual and final. Indeed, these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement, that of making special agreements on every special subject of commerce, and of settling a tariff of duty to be paid, on each side; on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion, and to prepare them for it by information and instruction from hence. Our commerce, too, is as yet rather in a course of experiment, and the channels into which it will ultimately flow are not sufficiently known to enable us to provide for it by special agreement; nor have the exigencies of our new government as yet so far developed themselves, as that we may know to what degree we may or must have recourse to commerce, for the purposes of revenue. No common consideration, therefore, ought to induce us, as yet, to arrangements of this kind. Perhaps nothing should do it, with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished indeed that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained even on our giving reciprocal advantages to some of the commodities of Spain, say her wines and brandies; but—

1st. If we quit the ground of the most *favored nation* as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a *treaty of detail*, for which they will not be prepared.

2d. If we grant favor to the wines and brandies of Spain, then Portugal and France will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France a prohibition on our whale oils, the removal of which will be proposed as an equivalent.

Thus much, however, as to grain and flour, may be attempted. There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that court considers the matter. It is not generally thought right to change the state of things pending a treaty concerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was on opening the conferences with Mr. Gardoqui on the 26th day of July, 1785. If Spain says, "do the same by your tonnage on our vessels," the answer may be, "that our foreign tonnage affects Spain very little, and other nations very much, whereas the duty on flour in Spain affects us very much, and other nations very little; consequently there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would in fact only be aiding the interests of her rival nations, to whom we should be forced to extend the same indulgence." At the time of opening the conferences too, we had as yet not erected any system; our government itself being not yet erected. Innovation, then, was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground, on ground favorable to Spain; but they had a system, and therefore innovation was avoidable on their part.

TH: JEFFERSON.

March 7, 1792.

Articles proposed by Don Diego Gardoqui, to be inserted in the Treaty with the United States.

1st. That all commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish merchants shall enjoy all the commercial privileges of native merchants in the United States; and American merchants shall enjoy all the commercial privileges of native merchants in the kingdom of Spain, and in the Canaries and other islands belonging and adjacent thereto. The same privileges shall extend to their respective vessels, and merchandise consisting of the manufactures and productions of their respective countries.

2d. Each party may establish consuls in the countries of the other, (excepting such provinces in Spain, into which none have heretofore been admitted, viz. Bilboa and Guipusca) with such powers and privileges as shall be ascertained by a particular convention.

3d. That the bona fide manufactures and productions of the United States (tobacco only excepted, which shall continue under its present regulations) may be imported in American or Spanish vessels into any parts of his Majesty's European dominions and islands aforesaid, in like manner as if they were the productions of Spain. And on the other hand, that the bona fide manufactures and productions of his Majesty's dominions, may be imported into the United States in Spanish or American vessels, in like manner as if they were the manufactures and productions of the said States. And further, that all such duties and imposts, as may mutually be thought necessary to lay on them by either party, shall be ascertained and regulated on principles of exact reciprocity, by a tariff to be formed by a convention for that purpose, to be negotiated and made within one year after the exchange of the ratification of this treaty; and in the mean time, that no other duties or imposts shall be exacted from each other's merchants and ships than such as may be payable by natives in like cases.

4th. That inasmuch as the United States, from not having mines of gold and silver, may often want supplies of specie for a circulating medium, his Catholic Majesty, as a proof of his good will, agrees to order the masts and timber which may from time to time be wanted for his royal navy, to be purchased and paid for in specie in the United States. Provided, the said masts and timber shall be of equal quality, and when brought to Spain, shall not cost more than the like may there be had for from other countries.

5th. It is agreed that the articles commonly inserted in other treaties of commerce, for mutual and reciprocal convenience, shall be inserted in this; and that this treaty, and every article and stipulation therein, shall continue in full force for — years, to be computed from the day of the date hereof.

2d CONGRESS.]

No. 60.

[1st SESSION.

GREAT BRITAIN.

Message from the President of the United States, communicating the correspondence between the British Minister Plenipotentiary and the Secretary of State, in relation to the commerce of the two countries.

Gentlemen of the Senate

and House of Representatives:

I have thought it proper to lay before you a communication of the 11th instant, from the Minister Plenipotentiary of Great Britain to the Secretary of State, relative to the commerce of the two countries, together with their explanatory correspondence, and the Secretary of State's letter to me on the subject.

GEO. WASHINGTON.

April 13, 1792.

PHILADELPHIA, April 13, 1792.

SIR:

I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its commerce with this, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the minister, as expressed in the letter and answer herein enclosed; and, on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the islands of Jersey and Guernsey. The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that Government to concur with this in mutual offices of friendship and good will, support his construction. The minister, moreover, assured me verbally, that he would immediately write to his court for an explanation, and in the mean time is of opinion that the usual intercourse of commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be,

With sentiments of the most profound respect and attachment,

Sir, your most obedient and most humble servant,

TH: JEFFERSON.

The PRESIDENT of the United States.

PHILADELPHIA, April 11, 1792.

SIR:

I have received, by a circular despatch from my court, directions to inform this Government that, considerable inconveniences having arisen from the importation of tobacco in foreign vessels into the ports of his Majesty's dominions, contrary to the act of the 12th Charles 2d, chap. 18, sec. 3d, (commonly called the navigation act) it has been determined in future strictly to enforce this clause, of which I take the liberty of enclosing to you a copy.

And I have the honor to be, with perfect esteem and respect, sir,

Your most obedient humble servant,

MR. JEFFERSON.

GEO. HAMMOND.

12 Car. 2, Cap. 18. Sect. 3.

"And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production, or manufacture, of Africa, Asia, or America, or of any part thereof, which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick upon Tweed, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly, and without fraud, belong only to the People of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, or of the lands, islands, plantations, or territories, in Asia, Africa, or America, to his Majesty belonging, as the proprietors and right owners thereof, and whereof the master, and three-fourths at least of the mariners, are English, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety to his Majesty, his heirs and successors, and the other moiety to him or them who shall seize, inform, or sue for the same, in any court of record, by bill, information, plaint, or other action, wherein no essom, protection, or wager of law, shall be allowed."

PHILADELPHIA, April 12, 1792.

SIR:

I am this moment favored with the letter you did me the honor of writing yesterday, covering the extract of British statute, forbidding the admission of foreign vessels into any ports of the British dominions, with goods or commodities of the growth, production, or manufacture, of America. The effect of this appears to me so extensive, as to induce a doubt whether I understand rightly the determination to enforce it, which you notify, and to oblige me to ask of you, whether we are to consider it as so far a revocation of the proclamation of your Government regulating the commerce between the two countries, and that, henceforth, no articles of the growth, production, or manufacture, of the United States, are to be received in the ports of Great Britain or Ireland, in vessels belonging to the citizens of the United States?

I have the honor to be,

With sentiments of the most perfect esteem and respect, sir,

Your most obedient and most humble servant,

TH: JEFFERSON.

The Minister Plenipotentiary of Great Britain.

PHILADELPHIA, April 12, 1792.

SIR:

In answer to your letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication than such as are contained in the circular despatch, of which I stated the purport in my letter dated yesterday. I have, however, no difficulty in assuring you, that the result of my personal conviction is, that the determination of his Majesty's Government to enforce the clause of the act of navigation (a copy of which I transmitted to you) with respect to the importation of commodities in foreign vessels, has originated in consequence of the many frauds that have taken place in the importation of tobacco into his Majesty's dominions, in foreign vessels, and is not intended to militate against the proclamation or order of the King in council, regulating the commercial intercourse between Great Britain and the United States, which, I have every reason to believe, still exists in full force, as I have not had the most distant intimation of its being revoked.

I have the honor to be,

With the most perfect esteem and consideration, sir,

Your most obedient humble servant,

MR. JEFFERSON.

GEO. HAMMOND.

2d CONGRESS.]

No. 61.

[1st Session.]

PRISONERS AT ALGIERS.

Message from the President of the United States, relative to Prisoners at Algiers.

UNITED STATES, May 8, 1792.

Gentlemen of the Senate:

If the President of the United States should conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit, beyond which they would not approve the ransom?

If the President of the United States should conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding twenty-five thousand dollars, paid at the signature, and a like sum to be paid annually afterwards, during the continuance of the treaty, would the Senate approve the same? Or, are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

GEO. WASHINGTON.

This message having been referred, the committee reported the following resolution; which was adopted by the Senate:

Resolved, That, if the President of the United States shall conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding forty thousand dollars, paid at the signature, and a sum not exceeding twenty-five thousand dollars, to be paid annually afterwards, during the continuance of the treaty, the Senate will approve the same. And in case such treaty be concluded, and the President of the United States shall also conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, that the Senate will also approve such convention or treaty.

2d CONGRESS.]

No. 62.

[2d Session.]

EXPENSES OF FOREIGN INTERCOURSE.

Communicated to Congress, November 7, 1792, by Message of the President of the United States, of which the following is an extract:

"In pursuance of law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a letter from the Secretary of State, explaining the same."

PHILADELPHIA, November 3d, 1792.

SIR: In order to enable you to lay before Congress the account required by law of the application of the moneys appropriated to foreign purposes, through the agency of the Department of State, I have now the honor to transmit you the two statements, Nos. 1 and 2, herein enclosed, comprehending the period of two years preceding the 1st day of July last.

The first statement is of the sums paid from the treasury, under the act allowing the annual fund of 40,000 dollars for the purposes of foreign intercourse, as also under the acts of March 3, 1791, c. 16, and May 8, 1792, c. 41, s. 3, allowing other sums for special purposes. By this it will appear, that, except the sum of 500 dollars, paid to Colonel Humphreys on his departure, the rest has been all received in bills of exchange, which identical bills have been immediately remitted to Europe, either to those to whom they were due for services, or to the bankers of the United States in Amsterdam, to be paid out by them to persons performing services abroad. This general view has been given in order to transfer the debit of these sums from the Department of State to those to whom they have been delivered.

But, in order to give to Congress a view of the specific application of these moneys, the particular accounts rendered by those who have received them have been analysed, and the payments made to them have been reduced under general heads, so as to show at one view the amount of the sums which each has received for every distinct species of service or disbursement, as well as their several totals. This is the statement No. 2, and it respects the annual fund of 40,000 dollars only, the special funds of the acts of 1791 and 1792 having been not yet so far administered as to admit of any statement.

I had presented to the auditor the statement No. 1, with the vouchers, and also the special accounts rendered by the several persons who have received these moneys, but, on consideration, he thought himself not authorized by any law, to proceed to their examination. I am, therefore, to hope, sir, that authority may be given to the auditor, or some other person, to examine the general account and vouchers of the Department of State, as well as to raise special accounts against the persons into whose hands the moneys pass, and to settle the same from time to time on behalf of the public.

I have the honor to be,

With sentiments of the most perfect respect and attachment,

Sir, your most obedient and most humble servant,

TH: JEFFERSON.

The PRESIDENT OF THE UNITED STATES.

No. 1.

Dr. *The Department of State in account with the United States.*

1790, Aug. 14	To a warrant from the treasury under the act for foreign intercourse, (1790, July 1,)	\$500
Dec. 20	To the Treasurer's exchange on Will. V. Staphorsts & Hubbard, under do. - - - - -	2,475.0 = \$1,000
	To do. - - - - -	577.10 = 233.33
1791, Mar. 19	To do. - - - - -	99,000 = 40,000
May 7	To do. under act of March 3, 1791, c. 16 - - - - -	32,175 = 13,000
1792, Jan. 27	To do. under act for foreign intercourse - - - - -	95,947.10 = 38,766.67
		99,000 = 40,000
June 30	To do. under the act of 1792, May 8, c. 41, s. 3, - - - - -	123,750 = 50,000
		Dolls. 143,500

The Department of State in account with the United States.

Cr.

1790, Aug. 14	By paid Col. Humphreys on his mission to Madrid, (as by his receipt)	No. 1	\$500
Dec. 17	By remittance to Mr. G. Morris, (as by his letter, Feb. 26, '91) the bill per contra for - - - - -	2	2,475 = \$1,000
	By do. to J. B. Cutting, (as by papers given in to Congress) the bill per contra, for - - - - -	3	577.10 = 233.33
1791, Mar. 19	By do. to Will. V. Staphorsts & Hubbard (as by their acct. June 10, '91) the bill per contra, for - - - - -	4	99,000 = 40,000
May 13	By do. to do. subject to Humphreys & Barclay, (as by letter and receipt) the bill per contra, for - - - - -	5	32,175 = 13,000
1792, Jan. 23	By do. to do. (as by their account April 10, '92,) the bill per contra, for - - - - -	6	95,947 = 38,766.67
			99,000 = 40,000
July 3	By do. to do. subject to T. Pinckney, for purposes of acct. May 8, '92, the bill per contra, for - - - - -	7	123,750 = 50,000
			Dolls. 143,500

No. 2.

Analysis of the Expenses of the United States, for their intercourse with foreign nations, from July 1, 1790, to July 1, 1791, and from July 1, 1791, to July 1, 1792, taken from the accounts of Messrs. Short, Humphreys, Morris, Pinckney, & Willinks, Van Staphorst & Hubbard, given in to the Auditor.

1790, July 1.	1791, July 1.	OUTFIT.	SALARY.	SECRETARY.	POSTAGE.	Contingencies, viz Gazettes, &c. to Depart't of State, printing, poor sea- men, &c.	TOTAL.
Ordinary.	{ Mr. Short, Col. Humphreys Mr. Carmichael Mr. Dumas	- 4,500 - -	4,500 1,602 73 - -	281 74 - - -	72 04 - - -	284 96 - - -	\$ 5,103 01 6,102 73 3,927 94 1,505 44
							16,639 21
Extraordinary	{ Mission to London, Amsterdam, (on the subject of loans) Madrid, Mr. Cutting, special services to American seamen,	- - - -	- - - -	- - - -	- - - -	2,000 986 18 1,195 89 233 33	4,415 04
Total,						Dolls.	21,054 61

1791, July 1.	1792, July 1.	OUTFIT.	SALARY.	SECRETARY.	POSTAGE.	CONTINGEN- CIES.	TOTAL.
Ordinary.	{ Mr. Short Col. Humphreys Mr. Carmichael Mr. Dumas Mr. Morris Mr. Pinckney	4,500 - - 9,000 9,000	4,500 4,500 - 1,500 1,800	- - - - -	68 82 - - - -	- 171 - - -	\$9,068 82 4,671 4,512 02 1,528 32 10,500 10,800
							41,080 34
Extraordinary	{ Mission to Amsterdam on subject of loans, Madrid, Dies for medals, as presents to foreign ministers, taking leave, and medals,	- - -	- - -	- - -	- - -	444 43 320 1,586 32	2,350 75
Total,						Dolls.	43,431 09

TH: JEFFERSON.

2d CONGRESS.]

No. 63.

[2d SESSION.]

SPAIN AND THE INDIANS.

Message from the President of the United States, relative to Spanish interference with the Indians.

Gentlemen of the Senate
and of the House of Representatives:

UNITED STATES, November 7, 1792.

I lay before you copies of certain papers relative to the Spanish interference in the execution of the treaty entered into, in the year 1790, between the United States and the Creek nation of Indians, together with a letter from the Secretary of State to the President of the United States on the same subject.

GEO. WASHINGTON.

PHILADELPHIA, November 2, 1792.

SIR:

The letter of October 29, from Messieurs Viar and Jaudenes, not expressing the principle on which their government interests itself between the United States and the Creeks, I thought it of importance to have it ascertained. I therefore called on those gentlemen, and entered into explanations with them. They assured me, in our conversation, that, supposing all question of boundary to be out of the case, they did not imagine their government would think themselves authorized to take under their protection any nation of Indians, living within limits confessed to be ours; and they presumed that any interference of theirs, with respect to the Creeks, could only arise out of the question of disputed territory, now existing between us; that, on this account, some part of our treaty with the Creeks had given dissatisfaction. They said, however, that they were speaking from their own sentiments only, having no instructions which would authorize them to declare those of their court; but that they expected an answer to their letters covering mine of July 9, (erroneously cited by them as of the 11th) from which they would probably know the sentiments of their court. They accorded entirely in the opinion that it would be better that the two nations should mutually endeavor to preserve each the peace of the other, as well as their own, with the neighboring tribes of Indians.

I shall avail myself of the opportunity, by a vessel which is to sail in a few days, of sending proper information and instructions to our commissioners, on the subject of the late, as well as of future, interferences of the Spanish officers, to our prejudice, with the Indians, and for the establishment of common rules of conduct for the two nations.

I have the honor, &c.

TH. JEFFERSON.

The PRESIDENT OF THE UNITED STATES.

[TRANSLATION.]

SIR:

Though the short time which has past since we had the honor of informing his Majesty of the contents of your letter of the 11th of July, of the present year, does not admit us to have received any acknowledgment whereby we might convince you again of the just conduct of our court, and the good disposition which subsists to preserve friendship and the best correspondence with the United States, nevertheless, as we have received advices from the Governor of Louisiana, which, on one part, confirm the suspicions which we insinuated to you in our answer to the said letter, "That, doubtless the commissioners of the United States insisted on fixing the limits where it is known clearly to be prejudicial to Spain, and opposed to the interests of the Creek Indians," and, on the other part, manifest the efforts which the said Governor has used to restrain the Indians from committing hostilities against the United States, as they had determined, we have now the satisfaction to enclose to you an extract of the advices of the said Governor, concerning this object, as a new confirmation of the assurances of the good disposition and friendship which we have several times had the honor to give to the United States.

We omit commenting on the insinuations from the Governor of Louisiana, because we are persuaded that your own good understanding will easily penetrate to the bottom of them, and that they will have much weight in your reflection.

We are induced equally to make the present communication by the consideration, that we observe from the public papers, and some conversations, that the opinion prevails that Spain encourages the Creeks at this moment to commit hostilities against the United States, and that those who explain themselves in this sense, do not take time to examine into the true causes, and from whence they derive their root; nor do they appear to distinguish between the acts of individuals and those of nations. Moreover, it appears to be our duty to guard our government from all charge and censure for the want of an amicable pre-admonition, whatever disagreeable consequences may probably result, if the United States do not desist from fixing the limits where they propose, or suspend all demarcation until the point is determined between our court and the United States, by means of the negotiation on foot; using, at the same time, the most efficacious means to prevent the exasperation of the minds of the Indians with threats, and all usurpation of their lands.

You will be pleased to inform the President of the United States of what we have here expressed; and we flatter ourselves that the measures which the Government of the United States take will be such as may contribute to preserve the good harmony and friendship which has so happily subsisted hitherto, and which otherwise would be much endangered.

We have the honor, &c.

PHILADELPHIA, October 29, 1792.

[TRANSLATION.]

Extract of a letter from the Governor of Louisiana to the Chargé des Affaires of his Catholic Majesty near the United States, written at New Orleans, Sept. 24, 1792.

"The favorable situation in which (as you inform me) the matters are which are in treaty between our court and the United States of America, has engaged me to restrain the hostilities which the Creek nation had resolved to commence against the State of Georgia, to recover the lands which it has usurped from them since the treaty of limits agreed to by McGillivray, in the year 1790, but null in effect, as having been rejected by the nation from the time it was informed of its contents; as not having been ratified and confirmed by the chiefs which compose their council; and, finally, for as much as that the chiefs having already contracted, in the year 1784, with Spain, they could not conclude with the United States a new treaty of limits without their participation; nor could they stipulate in the said treaty, without an infraction of the friendship which subsists between them and Spain, that the Creek nation acknowledges itself under the protection of the United States of America, and not under the protection of any other sovereign whatever.

"I have engaged the nation to wait in peace the result of the negotiations which are under treaty in Madrid; and I hope that the United States will take the same measure, and will suspend running the line of demarcation in that part, until the conclusion of the negotiation before mentioned; since, on the contrary, and in case that the Americans realize the menaces which they have thrown out against the said Indians, to destroy them in the autumn, it will indispensably kindle a very bloody war."

VIAR.
JAUDENES.

GENTLEMEN:

PHILADELPHIA, November 1, 1792.

I have now to acknowledge the receipt of your favor of October the 29th, which I have duly laid before the President of the United States; and, in answer thereto, I cannot but observe, that some parts of its contents were truly unexpected. On what foundation it can be supposed that we have menaced the Creek nation with destruction during the present autumn, or at any other time, is entirely inconceivable. Our endeavors, on the contrary, to keep them at peace, have been earnest, persevering, and notorious; and no expense has been spared which might attain that object. With the same views to peace, we have suspended, now more than a twelve-month, the marking a boundary between them and us, which had been fairly, freely, and solemnly established with the chiefs whom they had deputed to treat with us on that subject; we have suspended it, I say, on the constant hope, that, taking time to consider it in the councils of their nation, and recognizing the justice and reciprocity of its conditions, they would at length freely concur in carrying it into execution. We agree with you, that the interests which either of us have in the proceedings of the other, with this nation of Indians, is a proper subject of discussion at the negotiation to be opened at Madrid, and shall accordingly give the same in charge to our commissioners there. In the mean time we shall continue sincerely to cultivate the peace and prosperity of all the parties, being constant in the opinion that this conduct, reciprocally observed, will most increase the happiness of all.

I have the honor to be, &c.

Messrs. VIAR and JAUDENES.

TH: JEFFERSON.

3d CONGRESS.]

No. 64.

[1st Session.]

PROCLAMATION OF NEUTRALITY.

Communicated to Congress December 3d, 1793, and referred to in the message of the President of the United States of that date, of which the following is an extract:

"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

"In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties, and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States."

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, of the one part, and France on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent Powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said Powers, or by carrying to any of them those articles which are deemed contraband by the *modern* usage of nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons, who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-second day of April, one thousand seven hundred and ninety-three, and of the Independence of the United States of America the seventeenth.

By the President:

TH: JEFFERSON.

GEO. WASHINGTON.

Instructions to the Collectors of the Customs.

SIR:

PHILADELPHIA, August 4, 1793.

It appearing that repeated contraventions of our neutrality have taken place in the ports of the United States, without having been discovered in time for prevention or remedy, I have it in command from the President to address to the collectors of the respective districts a particular instruction on the subject.

It is expected that the officers of the customs in each district will, in the course of their official functions, have a vigilant eye upon whatever may be passing within the ports, harbors, creeks, inlets, and waters, of such district, of a nature to contravene the laws of neutrality, and, upon discovery of any thing of the kind, will give immediate notice to the Governor of the State, and to the attorney of the judicial district comprehending the district of the customs within which any such contravention may happen.

To assist the judgment of the officers on this head, I transmit herewith a schedule of rules concerning sundry particulars which have been adopted by the President, as deductions from the laws of neutrality, established and received among nations. Whatever shall be contrary to these rules will, of course, be to be notified as above mentioned.

There are some other points which, pursuant to our treaties, and the determination of the Executive, I ought to notice to you.

If any vessel of either of the Powers at war with France should *bring or send* within your district a prize made of the subjects, people, or property of France, it is immediately to be notified to the Governor of the State, in order that measures may be taken, pursuant to the 17th article of our treaty with France, to oblige such vessel and her prize, or such prize, when sent in without the capturing vessel, to depart.

No privateer of any of the Powers at war with France, coming within a district of the United States, can, by the 22d article of our treaty with France, enjoy any other privilege than that of *purchasing such victuals as shall be necessary for her going to the next port of the Prince or State from which she has her commission*. If she should do any thing beside this, it is immediately to be reported to the Governor, and the attorney of the district, who will observe, by the rules transmitted, that the term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us *letters of marque*, nor, of course, to vessels of war in the immediate service of the government of either of the Powers at war.

No armed vessel which has been or shall be *originally fitted out* in any port of the United States, by either of the parties at war, is henceforth to have asylum in any district of the United States. If any such armed vessel shall appear within your district, she is immediately to be notified to the Governor, and attorney of the district, which is also to be done in respect to any prize that such armed vessel shall bring or send in. At foot is a list of such armed vessels of the above description as have hitherto come to the knowledge of the Executive.

The purchasing within, and exporting from the United States, *by way of merchandise*, articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be

interfered with. If our own citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize.

You will be particularly careful to observe, and to notify as directed in other instances, the case of any citizen of the United States who shall be found in the service of either of the parties at war.

In case any vessel shall be found in the act of contravening any of the rules or principles which are the ground of this instruction, she is to be refused a clearance until she shall have complied with what the Governor shall have decided in reference to her. Care, however, is to be taken in this, not unnecessarily or unreasonably to embarrass trade, or to vex any of the parties concerned.

In order that *contraventions* may be the better ascertained, it is desired that the officer who shall first go on board any vessel arriving within your district, shall make an accurate survey of her then condition as to *military equipment*, to be forthwith reported to you; and that, prior to her clearance, a like survey be made, that any transgression of the rules laid down may be ascertained.

But, as the propriety of any such inspection of a *vessel of war in the immediate service of the government* of a foreign nation is not without question in reference to the usage of nations, no attempt is to be made to inspect any such vessel, till further order on the point.

The President desires me to signify to you his most particular expectation, that the instruction contained in this letter will be executed with the greatest vigilance, care, activity, and impartiality. Omissions will tend to expose the Government to injurious imputations and suspicions, and proportionably to commit the good faith and peace of the country—objects of too much importance not to engage every proper exertion of your zeal.

With consideration, I am, sir, &c.

ALEXANDER HAMILTON.

1. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties, for military service, offensive or defensive, is deemed unlawful.

2. Equipments of merchant vessels, by either of the belligerent parties, in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.

3. Equipments in the ports of the United States, of vessels of war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of our treaty of amity and commerce with France:

4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize, &c.

5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful.

6. Equipments of every kind, in the ports of the United States, of privateers of the Powers at war with France, are deemed unlawful.

7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the 18th article of our treaty with France, the 16th of our treaty with the United Netherlands, the 9th of our treaty with Prussia; and, except those mentioned in the 19th article of our treaty with France, the 17th of our treaty with the United Netherlands, the 18th of our treaty with Prussia.

8. Vessels of either of the parties, not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects or citizens, not being inhabitants of the United States; except privateers of the Powers at war with France, and except those vessels which shall have made prize, &c.

3d CONGRESS.]

No. 65.

[1st Session.]

FRANCE AND GREAT BRITAIN.

Message from the President of the United States in relation to the situation of Europe, and communicating certain correspondences on the subject.

UNITED STATES, December 5, 1793.

Gentlemen of the Senate

and of the House of Representatives:

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the Legislature, and may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The representative and executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessel of a friend, contrary to our treaty, though revoked at one time, as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on the subject will be immediately given in charge to our minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you, that the proceedings of the person whom they have unfortunately appointed their minister plenipotentiary here, have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation; from a sense of their friendship to us; from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions; and, I will add, from a reliance on the firmness of my fellow-citizens in their principles of peace and order.

In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense; and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further; rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties, by avowing it to be my opinion, that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliation understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders to the commanders of their armed vessels, to restrain, generally, our commerce in corn and other provisions, to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time, some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special instructions, in time to make it known to the Legislature during their present session.

Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into with that ministry; these are now laid before you for your information.

On the subjects of mutual interests between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature in confidence only, they shall be the subject of a separate and subsequent communication.

GEO. WASHINGTON.

LIQUIDATION OF THE DEBT OF THE UNITED STATES TO FRANCE.—[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States of America.

PHILADELPHIA, May 22, 1793, 2d year of the French republic.

SIR:

The executive council of the French republic has learnt through my predecessor, the citizen Ternant, the readiness with which the Government of the United States of America attended to the facilitation of the purchases which that minister was charged to make in the United States, on account of the French republic; as also the acquittal of the draughts of the colonies for which imperious circumstances obliged it to provide. The executive council, sir, has charged me to express to the American Government, the acknowledgment inspired by all the marks of friendship which it has given on this subject to the French nation; and to prove to it the reciprocity of our sentiments, it has determined to give at once a great movement to the commerce of France with America, in drawing henceforth from the United States the greatest part of the subsistence and stores necessary for the armies, fleets, and colonies, of the French republic.

The executive council has intrusted me with the direction of these great and useful operations, and has given me particular powers comprehended in the reports, and in the resolutions now enclosed, in virtue of which I am authorized by the council and by the national treasury of France, to employ the sums of which the United States can effect the payment, (towards their debt to France) or those which I can procure on my personal draughts, payable by the national treasury, in purchasing provisions, naval stores, and in fulfilling other particular services, conformably to the orders which have been given to me by the ministers of the interior, of war, of the marine, and of foreign affairs.

The Government of the United States is too enlightened, not to perceive the immense advantages which will result from this measure to the people of America, and I cannot doubt that, knowing the difficulties which different circumstances might oppose at this moment to the execution of the pressing commissions which have been given to me, if it should not facilitate to us still the receipt of new sums by anticipation, it will find in its wisdom, and in the reports now enclosed, of the minister of the public contributions of France, measures proper to answer our views, and to satisfy our wants.

It does not belong to me to judge, if the President of the United States is invested with powers sufficient to accede to our request, without the concurrence of the Legislative body; but I will permit myself to observe to you, sir, that the last anticipated payments which took place, prove it, and that this question appears equally decided by the act of Congress, which authorizes the Executive power not to change the order of the reimbursements of the foreign debt of the United States, unless it shall find therein an evident advantage. Now, what advantage more sensible can we offer to you, than that of discharging your debt to us with your own productions, without exporting your cash, without recurring to operations—the burdensome operations of bankers? It is furnishing you, at the same time, with the means of paying your debts, and enriching your citizens; in short, it is to raise the value of your productions, and consequently of your lands, in establishing a necessary competition between us and a nation which has, in a measure, reserved with a great deal of art and of sacrifices, the monopoly of your own productions. It is time, sir, that this commercial revolution, which I consider as the completion of your immortal political Revolution, should accomplish itself in a solid manner; and France appears to me to be the only Power which can operate this incalculable good. She desires it ardently. The wise arrangements, of which I have now given you an account, are the proof of it. It remains then with your Government to second the views which are suggested to us by our constant friendship for our brethren the Americans, and by the desire we have to strengthen the bonds which unite us to them. It will be a pleasing duty to me, sir, to conform myself, in the administration which is confided to me, to these sentiments of the French nation, for all the United States; and in order that every one of them may participate in the extensions of our commercial relations, I will take care to distribute my purchases among the different States of the Union, as much as the natural productions of their soil and the nature of their commerce will permit. I will neglect no means, moreover, in order that the modes of purchase prescribed to me, may enable, not only the American and French merchants, but also the land holders and farmers, to take advantage of the benefits which may result from our purchases.

GENET.

AMERICAN DEBT, FIRST REPORT.—[TRANSLATION.]

Citizen Genet, minister of the French republic to the United States of America, has been charged by the provisory executive council to solicit the American Government for the payment of the sums remaining due to France by the said States, though all the terms stipulated for the reimbursement have not yet expired.

The provisory executive council were led to this resolution,

1. By the extensive wants of the republic, as well in subsistence for interior consumption, as for warlike stores and provisions required for the army by sea and land.
2. From the convenience with which a part of these stores and provisions may be purchased in the different markets of the United States.
3. From the advantage which the republic would find in making these purchases in, and with the moneys arising from, the American debt.
4. In fine, from the consideration that the United States might find it convenient to anticipate the reimbursements of the moneys due to France, when they were to be employed within themselves in purchasing the productions of their soil.

In consequence, the citizen Genet has concerted with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to obtain a statement of the expenses of their several departments. According to this,

the funds to be disposed of by citizen Genet, will amount to about seventeen millions of livres tournois, a sum not equal to the whole of the balance due by the United States to France.

But here two questions arise with citizen Genet—

1st. How to arrange the matter so as that this sum shall be properly accounted for in the national treasury, through which it ought to pass?

And supposing, secondly, That the purchases of warlike stores and provisions are indispensable, and ought to be made and expedited to France with celerity, the minister Genet desires to know how the money can be replaced, in case the American Government should refuse to anticipate the reimbursements?

OBSERVATIONS.

1st. *On the consistency.* Supposing that the United States should consent to anticipate their reimbursements; they may do so in two ways.

By *sonantes*,* or bank notes for the same term;

Or by State securities on interest, and reimbursable on a given term.

The first of these is accompanied with no difficulty. The minister Genet will furnish his assignments or notes on the treasury of the American Government, for the warlike stores and provisions, and other pressing wants, for expenses relative to the support of consuls; for extraordinary and secret purposes of embassy; and for victualling and refitting vessels. These notes will be stamped by the department of the ministry, upon the *compatibility* of whom they will have been furnished; the American treasury will return them into the French treasury, in payment of the debt of the United States, when they will be passed to the credit of the said States; and to the debit of each department of the ministry whence they issued, or whose stamp they bear, as a part of the sums allowed by the National Convention to each for their expenses.

The method, in the second place, should be the same, because the minister Genet will not accept State securities of the American Government, unless he can make use of them as ready money, of which he is to assure himself before the conclusion of any transaction on either side.

Then the receipts which the minister Genet will furnish the American Government, with the stamp of the department for which their values shall have been employed, shall have the same effect with regard to this Government and the French treasury, as if their value had been paid in specie.

It might happen that the State securities which the minister Genet should receive instead of ready money, as above mentioned, may lose something of their value by depreciation, but then this loss is to be carried to the debit side of the account, which the minister Genet will furnish, of the manner in which they shall have been employed, for the departments of the interior, of war, of the marine, and of foreign affairs.

2d. *In case the American Government should not consent to any anticipation in the payment of the debt of the United States to France.*

There are but two methods to provide for this improbable contingency, if we can suppose that the United States have any interest in acknowledging the French republic, and living on friendly terms with her.

Even admitting that we could not reckon on the good will of the United States, the situation of the finances or the excessive dearthness of the metals, in comparison to notes, not permitting us to export a large sum of dollars to America, we should be obliged to make use of draughts on Europe; they must be either on London and Amsterdam, by the help of a credit to be obtained for citizen Genet, and of which he must give information in America, or upon the national treasury of France itself.

The English Government having determined to make war on us, the first method cannot and ought not to be made use of. It would be not only impossible to obtain a credit to the end of our operations, but it would be attended with great expense, from the low state of exchange occasioned by the war. The only resource then remaining, would be to furnish orders on the national treasury; but if these should enjoy the credit which they merit, there is reason to believe, that the Americans would still prefer them for assignments of the debt of the United States. So that it is very probable, that this means of managing the matter in America, the best the republic is at present capable of devising, is that on which the executive council may with greatest safety rely, unless the United States would wish to render themselves hostile towards the republic, which, from every appearance, is unlikely to be the case. But it is proper we should provide for every contingency, the omission of which might cause citizen Genet embarrassment; therefore, the minister of public contributions proposes to the provisory executive council the following

DECISION.

The national treasury will furnish citizen Genet with a declaration in writing, authorizing him to employ, agreeably to the orders of the ministers of the interior, of war, of the marine, and foreign affairs, the sums he shall receive from the Government of the United States, on account of the debt due to France, or the complete balance thereof, as well principal as interest, in conformity to the instructions given to citizen Genet, on that subject.

The national treasury will authorize the citizen Genet to furnish, or cause to be furnished, upon his banker, bills of exchange drawn at two months sight, to the amount of the sums requisite for the payment of subsistence, warlike stores, and other expenses of those ministers. The said bills of exchange should be employed to make up the said payments only in case citizen Genet should not be able to do so, either in whole or in part, with the funds arising from the American debt, which he is charged to negotiate.

And in fine, in order to induce the United States to make this reimbursement, in case they should not be able to effect it, either in whole or in part, with specie, the citizen Genet is authorized to accept it from the American Government in such State notes, bearing interest, as shall be received at par, by the persons to whom citizen Genet may have payments to make on account of the republic. The orders which citizen Genet shall furnish on the treasury of the United States, in exchange for specie or state notes, shall carry in their faces the declaration of the department for which they shall have been employed; the treasurer of the United States, after discharging their amount, shall send them to the French treasury, where they will be received as so much ready money, in discharge of the debt of the United States, and as expenditures in part of the sums allowed by the National Convention to the three departments designated in the orders. The bills of exchange on the national treasury shall, in the same manner, bear the stamp of the ministerial department, for the expense of which they have been furnished, and shall be charged by the national treasury, on account of the sum allowed by the National Convention to the said department.

The citizen Genet shall transmit to each minister proper statements, supported with vouchers, as well of the use made of the funds agreeably to his orders, as of the manner in which he shall have procured them.

In case the citizen Genet shall have received from the American Government bills or State securities in reimbursement of the debt of the United States, which he could not pass without some sacrifice, the loss, in that case, shall be considered as part of the expenses of purchase, transportation, or payments, confided to him.

Should the council approve of this decision, a copy thereof shall be sent to the citizen Genet, certified by the secretary of the council, as well as the ministers of the interior, of war, of the marine, and of foreign affairs.

Paris, the 2d Jan. 1793, the 2d year of the republic.

The present *mémoire* has been read and approved in the provisory executive council, the 4th of Jan. 1793, in the 2d year of the republic.

The Secretary of the Council,

GROUVELLE.

LE BRUN, Minister for Foreign Affairs.

* Bills of exchange.

I hereby certify, that the foregoing is a true copy from the original in my possession.—Philadelphia, 22d May, 1793, in the second year of the republic.

The Minister of the French republic,

GENET.

[TRANSLATION.]

Extract from the Registers of the deliberations of the provisory executive council, of the 4th Jan. 1793, in the 2d year of the republic.

The minister for foreign affairs having informed that the citizen Genet, appointed minister plenipotentiary from the French republic to the Congress of the United States of America, and that it would be necessary for the council to decide definitively on his instructions for the fulfilment of his mission.

The draught of the same was accordingly read; the council, in adopting it, declares that the copy thereof for citizen Genet, shall be signed by the President, and counter-signed by the minister of Foreign Affairs.

After which the executive council, wishing to determine the form in which the full powers given to citizen Genet, shall be exercised relatively to the general direction of consular business, according to the present ideas of the minister of the marine and of foreign affairs, who have observed the necessity of a new organization of the consulates and vice consulates in America, has considered and resolved on the following, which shall serve as instructions to citizen Genet, for whatever may concern this part of his mission, and of which also a copy signed by the president of the council, and counter-signed by the minister of the marine, shall be given him. Here follows the instruction concerning the general affairs of the consulates and vice consulates of North America.*

The executive council then took into consideration the particular mission of citizen Genet, minister plenipotentiary from the republic of France to the Congress of the United States, on the subject of negotiation relative to the reimbursement of the sums due, or that may become due, of the debt due by the United States to the French republic. An account was given of the different dispositions and steps already taken for this purpose. It was observed that, considering the utility of applying the product of the reimbursements which may be effected through Congress, to the purchase of warlike stores and provisions, which it may be convenient to the republic to procure in the different markets of the United States, that the citizen Genet, had concerted on this head with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to determine the mass of the funds, confided to him for these purchases; but that several points occurred, which required to be definitively settled by the council, either as to the forms of *compatibility*, or the supplying of any deficiency in those funds, in case the American Government should not realize its reimbursement in proportion to the purchases made on account of the republic.

Whereupon, the provisory executive council, after having heard and discussed the reports and measures presented by the minister of contributions, agree upon the following:

1st. The citizen Genet shall be authorized to employ, agreeably to the orders of the ministers of the interior, of war, of the marine, and foreign affairs, the sums which may be paid to him on account of the debt due by the United States to France, or the whole reimbursement thereof.

2d. In order to facilitate these reimbursements, the citizen Genet, in case he shall not be able to obtain them in specie, may accept them in such State notes as shall be remitted to him by the American Government, and received as ready money, by the persons to whom citizen Genet may have payments to make on account of the republic.

3d. The orders which the citizen Genet shall furnish upon the treasury of the United States, in exchange for their value, shall indicate the department on account of which they may be drawn. The treasury of the United States, after discharging these orders, shall transmit them to the treasury of the French republic, where they shall be considered as so much money, in discharge of the debt of the United States, and as making a part of the sums placed by the National Convention to the disposition of the ministerial departments designated in the orders.

4th. In case the reimbursements of the United States should not be effected in time, or a sum sufficient obtained, the citizen Genet shall be authorized to furnish on the general banker of the national treasury, bills of exchange, at two months' sight, to the amount of the sums directed to be employed by him in the payment of provisions, warlike stores, and other expenses ordered by the said ministers. These *bills of exchange*, as well as the *orders*, shall be stamped with the name of the ministerial department on account of which they shall have been furnished, in order that the national treasury may debit each with the sum expended on its account.

5th. The citizen Genet shall furnish each minister with a proper statement, accompanied with vouchers in support of it, as well of the application of the funds, conformably to his orders, as of the manner in which he shall have obtained them.

6th. In case the citizen Genet shall have received from the American Government, bills or state securities, (*bons d'état*) in reimbursement of the debt of the United States, which he could not pass without some sacrifice, the loss in that case shall be considered as part of the expenses of purchase, transportation, or payments, confided to him.

7th. A certified extract of this deliberation shall be given to the committee of the national treasury, to enable them to concur in expediting the above mentioned arrangements; and in order thereto, to furnish the citizen Genet with declarations and powers sufficient to ensure the success of the important operations with which he is charged.

Duplicate conformable to the register.

GROUVELLE, *Secretary of the Council.*

I hereby certify that the foregoing is a true copy from the original in my possession.

The minister from the French republic to the United States of America,

GENET.

AMERICAN DEBT, SECOND REPORT.—[TRANSLATION.]

Report of the Minister of Public Contributions, on the liquidation of the American debt.

The approaching departure of the citizen Genet, on his embassy to the United States of America, requires that the provisory executive council should again take up the subject of the debt due by the United States to the republic of France.

I have given information to citizen Genet of the offers made by Colonel Smith of New York, to procure to the republic not only the reimbursement of what remains due from the United States, although not yet payable, but for the application of it, either for supplies for the army, or wheat, flour, and salted provisions, in augmentation of our internal supplies.

Colonel Smith has gone to England, and has left no other accounts relative to the operations he proposed to enter upon; so that all is reduced to the preliminaries of the negotiation.

These preliminaries consist of a letter from the minister of public contributions of the 7th of November last to Colonel Smith, after having been referred to the executive council. It contains,

1st. An extract from the registers of the council, approving the offers of Colonel Smith.

* This instruction is deposited in the office of the minister for foreign affairs, and a certified copy thereof has been delivered to citizen Genet. G.

2d. The account current of the United States with the French republic, and that of the interest to the 1st of January next.

3d. Statement of the loss which the national treasury would sustain on the reimbursements which it has received from the United States of America, if they are not held accountable for the difference between the assignats which it received and the specie.

4th. An approbation of the reduction to sterling money of the sum due to the French republic at the rate of 21s. or one guinea for 25 livres, 10 sous, French money, as Colonel Smith was to obtain it, which sum, consisting of the capital due, of the interest up to the 1st of January next, and the loss on payments already made, was to be paid at London.

5th. The approbation of the price, and conditions on which Colonel Smith offered to furnish firelocks, deliverable at Dunkirk, agreeably to samples to be sent there by him.

I have transmitted a copy of all these papers to citizen Genet, to whom the accounts will prove useful in negotiating the reimbursement of the debt of the United States, and the sums arising from the reimbursement for the necessities of the republic.

The citizen Genet will observe that the amount will have been diminished on his arrival in the United States, if we calculate the advances made by the federal treasury, on the requisition of citizen Ternant, to satisfy the demands of cash and provisions made at Philadelphia, by the administrators of the French part of St. Domingo—advances which the federal treasury will of course count as so much of the balance due by the United States to the republic of France.

The citizen Genet afterwards requested instructions as well with respect to the conditions on which he should accept the reimbursement he hopes to obtain from the American Government, as to the employment of the sums which shall be delivered to him.

OBSERVATIONS.

There can be no doubt but that the American Government will be liberal towards France, and not reap a benefit from acquitting itself with assignats. However, as a part of the debt yet unpaid is not become due, and a law relative to the acquitment of this debt prescribes to the Executive power of America, not to anticipate any payment unless upon *advantageous* terms for the United States, it appears that this ought to be fulfilled previous to the Executive's entering into a negotiation.

This is at least the result of a letter written by Secretary Hamilton on the 7th of March last, to the citizen Ternant. He observes to that ambassador that the sums lent by France, were borrowed in Holland; that six months elapsed between the time of obtaining the money at Amsterdam, and its receipt at the treasury in America; and that the interest paid during that time was a dead loss. But this loss can have no relation to France. The interest is due to her, from the moment of the payment, and payment was made the instant that the money was lodged at Amsterdam to the disposal of the Americans.

This object does not appear then to give rise to any compensation, and without doubt the American treasury will think it proper to hold to the advantage the law requires for authorizing the anticipation of the payments, which the United States are obliged to make to France.

The law does not specify this advantage. What should it be? The employment of the money on account of the French republic within the United States, is a very great advantage for them, and this employment arises from circumstances which probably would no longer exist, if the American treasury should refuse to anticipate reimbursements. The advantage here is real; it consists not only in a considerable exportation of American produce, which will be paid for with those anticipated reimbursements; but also in the arrangements which the American Government may take by means of State notes, negotiable in America itself—arrangements which would relieve her from all financial operations in Europe, for the purpose of acquitting themselves even in France, where the United States are obliged to make payment.

And the employment of those sums in America, due to the French republic, so convenient to the United States in the present circumstances, would suit the convenience of the republic.

The minister for foreign affairs has already ordered a purchase of grain, flour, and salted provisions, to the value of three millions of livres, on account of the American debt, and this purchase could not be paid for more advantageously than in this manner.

It would be convenient to the republic to give further commissions for grain, even to the amount of the balance due by the United States; nor could this be blameable, as every circumstance concurs in inviting the provisory executive council to provide the republic with large supplies of provisions, and promptly, and whether in respect to the market or the payment, nothing could at this moment be more beneficial to America; and no money obtained easier than that with which the United States could pay us.

The sum to be disposed of will not perhaps prove so considerable as were to be wished, considering the wants of the French colonies, which undoubtedly will have occasioned new demands to be made at Philadelphia, since those acquired by the citizen Ternant, of the moneys remitted to him by the federal treasury, as is stated in his letter of the 9th of March.

It remains to speak of the conditions on which the American Government would exonerate itself towards the republic—those proposed by secretary Hamilton, in his letter of the 23d of June, 1792, to the minister plenipotentiary of France.

He reminds us that it has already been agreed, between the French Government and the United States, warlike stores (*munitions*) furnished, and the payments made and to be made in the United States, on account of the debt due to France, should be liquidated agreeably to the intrinsic value of the metals in the two countries.

This agreement is the most equitable that could possibly be entered into, when we consider that France should be paid at her own treasury, agreeably to the above method of calculation, the expense of transportation of the metals from America to France, and the insurance. But by anticipation of reimbursement, this *bonification* would be abandoned.

In consequence of this convention, secretary Hamilton fixed the quantity of pure gold and pure silver contained in a *louis* and French crown: he compares them with the quantity of the same matters contained agreeably to law in a dollar; and concludes (errors in information or calculation excepted) that a French livre is equal to eighteen 15-100 cents of money, equal to the hundredth part of a dollar.

It is upon this principle he proposes to convert our French livres into the dollars which will be delivered in the United States to the French agents authorized to transact this business.

I think this reduction still more advantageous to the republic than the promise made by Colonel Smith, in case we should obtain anticipated reimbursements. Be it as it may, we cannot refuse it; and doubtless secretary Hamilton takes for granted, that all the articles of the account current, between the French republic and the United States, will be turned into dollars agreeably to this standard. This account is in the possession of citizen Genet; it is necessary only to make it out in two columns, on the debit and credit sides, to wit; an inner column for the French livres, and an outer column for the American dollars.

The account of interest should be made *without this*—fixing an epoch posterior to the 1st of January, 1793, for closing the same, after the arrival of citizen Genet, which cannot be so early as that date.

Thus the account current, of which he is the bearer, will serve him only as a note fixing the dates and sums by which another account of capital and interest may be made out, and the conversion of each article therein, into dollars, will do away the necessity of an account of losses by exchange. The reimbursements made, and not comprised in this account, are to be added to it.

This brings me to the observations which I was induced to make in reply to those of citizen Genet, relative to the liquidation and reimbursement of the American debt, and therefore propose to the council, the following

DECISION.

That the citizen Genet, minister plenipotentiary of the republic to the United States of America, be charged by the provisory executive council to solicit from the American Government the reimbursement of the balance remaining due, capital and interest, by the United States to the French republic.

That he assign as a reason for this, the pressing necessities of the republic, occupied in the defence of its liberty and independence, as the United States defended theirs when this sum was lent to them.

That, as a law of the United States authorizes the Federal Government to make these reimbursements by anticipation only, in case of an advantage resulting to the United States, by so doing, the citizen Genet promises to the government, that the whole sum delivered to him shall be employed in the purchase of supplies, the growth of the United States, purchased and paid for within the same.

That, as the United States wish to reimburse what they owe to France, without reaping advantage therefrom in any manner, from the present state of exchange, the citizen Genet be authorized to consent to a conversion of French livres into dollars, upon the rule fixed upon, viz: the quantity of pure gold and pure silver, contained in a louis, and in a French crown, and in the American dollars, agreeably to the laws of both countries, fixing the value of those coins.

That the citizen Genet employ the sums he shall receive from the American Government, agreeably to the dispositions for that purpose made in concert between the ministers of war, of the marine, and of foreign affairs.

And that certified copies of this report, of the observations, and of the decision, shall be transmitted to the citizen Genet, for his instructions.

Read and approved, in the provisory executive council at Paris, the 4th January, 1793, in the second year of the French republic.

MONGE, *President.*

Le BRUN, *Minister for Foreign Affairs.*

NATIONAL TREASURY.—[TRANSLATION.]

Copy of a letter written by the Commissioners of the National Treasury to the President of the Provisory Executive Council.

CITIZEN PRESIDENT:

We have received the extract which the provisory executive council have addressed to us, of their deliberation of the 4th of the present month, by which the citizen Genet, minister from the republic to the United States of America, is authorized to make use of the sums which the Congress may be able to pay of the debt due by the United States to France, or those which he may procure on his own notes, payable by the cashier of the national treasury, in purchasing provisions and warlike stores agreeably to the orders which shall be given him by the ministers of the interior, of war, of the marine, and of foreign affairs.

To concur, as far as is in our power, and according to the intentions of the executive council, in forwarding the measures pointed out in the deliberation, we have the honor to assure you, citizen president, that whatever sum shall be sent to us in the name of Congress, of the *acquittances* or *orders* furnished by the citizen Genet, to the treasurer of the United States, and indicating the department of the French ministry, for which he shall have issued them, we shall immediately advise the executive council thereof, in order that we may be enabled to credit the American Congress, on account of their debt, for their amount.

Should the reimbursements which Congress may make prove insufficient to answer the different purposes required by the ministers of the republic, and citizen Genet, to fulfil his mission, be obliged to recur to his own notes, payable at two months' sight, upon citizen Doyer, general cashier of the national treasury, we shall examine when presented, and immediately refer them to the minister to whose department they shall relate, in order that, in the interval between their examination and time of payment, the ministers may have the proper and regular authorities expedited to authorize the payment.

As our functions are unconnected, in a direct manner, with the ministers sent by the republic to the different governments, we conceive that this letter answers the intentions manifested by the executive council in article 7 of their deliberations, that we should concur in the dispositions contained therein. Authenticated copies of this letter, expedited in the name of the executive council, to the minister Genet, will give him sufficient assurances for his mission, citizen president, of all the facility which can be derived from our concurrence.

We are, with respect, &c.

By the commissioners of the national treasury,

LERMINA,
GAUDIN,
DEVAINE,
DE LA FONTAINE,
SAVELETTE, Sen.
DUTRAMBLAY.

PARIS, 8 January, 1793, 2d year of the French republic.

We, the undersigned, ministers and members of the provisory executive council of the French republic, certify that the above are the signatures of the commissioners of the national treasury of the republic, and that the letter under which they are signed, was written in consequence of the mission given by us to citizen Genet, minister plenipotentiary from the republic to the Congress of the United States, to endeavor the reimbursement of the debt due from the United States to France, and the purchase of provisions in the several markets of North America.

Done in the Provisory Executive Council at Paris, the 17th of January, 1793, in the second year of the French republic.

The members composing the provisory executive council,

CLAVIERE,
LE BRUN,
PACHE,
ROLAND,
MONGE,
GARAT.

I hereby certify, that the foregoing is a true copy from the original in my possession.

The minister plenipotentiary from the French republic to the United States of America,

GENET.

[TRANSLATION.]

The citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State for the United States.

PHILADELPHIA, May 23, 1793—2d year of the republic.

SIR:

Single, against innumerable hordes of tyrants and slaves, who menace her rising liberty, the French nation would have a right to reclaim the obligations imposed on the United States, by the treaties she has contracted with them, and which she has cemented with her blood; but strong in the greatness of her means, and of the power of her principles, not less redoubtable to her enemies than the victorious arm which she opposes to their rage, she comes, in the very time when the emissaries of our common enemies are making useless efforts to neutralize the gratitude—to damp the zeal—to weaken or cloud the view of your fellow-citizens; she comes, I say—that generous nation—that faithful friend—to labor still to increase the prosperity, and add to the happiness which she is pleased to see them enjoy.

The obstacles raised with intentions hostile to liberty, by the perfidious ministers of despotism; the obstacles whose object was to stop the rapid progress of the commerce of the Americans, and the extension of their principles, exist no more. The French republic, seeing in them but brothers, has opened to them, by the decrees now inclosed, all her ports in the two worlds; has granted them all the favors which her own citizens enjoy in her vast possessions; has invited them to participate the benefits of her navigation, in granting to their vessels the same rights as to her own; and has charged me to propose to your government to establish, in a true family compact, that is, in a national compact, the liberal and fraternal basis, on which she wishes to see raised the commercial and political system of two People, all whose interests are confounded.

I am invested, sir, with the powers necessary to undertake this important negotiation, of which the sad annals of humanity offer no example before the brilliant era at length opening upon it.

GENET.

[TRANSLATION.]

Decree of the National Convention, of 19th February, 1793, 2d year of the French republic, relative to produce exported and imported in American vessels, to the Colonies, or to France.

The National Convention, after having heard the report of the committee of general defence, decrees as follows:

ART. I. That all the ports of the French colonies be open to vessels of the United States of America.

ART. II. That all produce exported or imported in American vessels, on going out or entering in the colonies, or in France, pay the same duties as that borne by French vessels.

ART. III. That the executive council be authorized to take proper measures that the States with whom the republic are at war, do not reap any benefit from the advantages granted to friendly Powers.

ART. IV. That the executive power negotiate with the Congress of the United States, to obtain, in favor of the French merchants, a like reduction of the duties granted by the present law to American merchants, and thereby more closely cement the benevolent ties which unite the two nations.

ART. V. That the law of the 20th of August, 1790, be suspended; and that vessels laden with merchandise of the East Indies, may be at liberty to land in any port of the republic, during the war; and that those which shall be laden with the productions of the Isle of France, and of Bourbon, shall henceforward enjoy the same privilege.

The National Convention has suspended the law of the 15th of May, 1791, which inhibited the Americans from introducing, selling, and arming their vessels in France, and from enjoying all the advantages allowed to those built in the ship yards of the republic.

Certified to be conformable to the decree of the National Convention of France.

The minister plenipotentiary of the French Republic,

GENET.

Mr. Jefferson, Secretary of State, to M. Ternant, Minister Plenipotentiary of France.

PHILADELPHIA, May 15, 1793.

SIR:

Having received several memorials from the British minister, on subjects arising out of the present war, I take the liberty of enclosing them to you, and shall add an explanation of the determinations of the Government thereon. These will serve to vindicate the principles on which it is meant to proceed, and which are to be applied with impartiality to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them and for us.

In one of these memorials it is stated, that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export them to France. We have answered, that our citizens have always been free to make, vend, and export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, has not required from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent Powers, on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned, and that the purchases of arms here may work no inequality between the parties at war, the liberty to make them will be enjoyed equally by both.

Another of these memorials complains that the consul of France, at Charleston, has condemned, as legal prize, a British vessel, captured by a French frigate, observing that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. It is true, that it is not so warranted, nor yet by any law of the land, and that therefore it is a mere nullity, can be respected in no court, make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it; that consequently, it ought to give no concern to any person interested in the fate of the vessel. While we have considered this to be the proper answer, as between us and Great Britain, between us and France, it is an act to which we cannot but be attentive. An assumption of jurisdiction by an officer of a foreign Power, in cases which have not been permitted by the nation within whose limits it has been exercised, could not be deemed an act of indifference. We have not full evidence that the case has happened; but on such an hypothesis, while we should be disposed to view it, in this instance, as an error in judgment in the particular officer, we should rely, sir, that you would interpose efficaciously to prevent a repetition of the error by him, or any other of the consuls of your nation.

Our information is not perfect on the subject matter of another of these memorials, which states that a vessel has been fitted out at Charleston, manned there, and partly too with citizens of the United States, received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war; to declare that, if the case has happened, or that should it happen, we will exert all the means with

which the laws and constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprises be attempted against your nation, I am authorized to give you the most unreserved assurances. Our friendship for all the parties at war; our desire to pursue ourselves the path of peace, as the only one leading surely to prosperity; and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, are a security that our proceedings in this respect, will be with good faith, fervor, and vigilance. The arming of men and vessels within our territory, and without consent or consultation on our part, to wage war on nations with which we are at peace, are acts which we will not gratuitously impute to the public authority of France. They are stated, indeed, with positiveness in one of the memorials, but our unwillingness to believe that the French nation could be wanting in respect or friendship to us on any occasion, suspends our assent to, and conclusions upon, these statements, till further evidence. There is still a further point in this memorial, to which no answer has been yet given.

The capture of the British ship Grange, by the French frigate *l'Embuscade*, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the Government deems the capture to have been unquestionably within its jurisdiction; and that, according to the rules of neutrality, and the protection it owes to all persons while within its limits, it is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The attorney-general of the United States has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am, in consequence, charged by the President of the United States to express to you his expectation, and, at the same time, his confidence, that you will be pleased to take immediate and effectual measures for having the ship Grange and her cargo restored to the British owners, and the persons taken on board her set at liberty.

I am persuaded, sir, you will be sensible, on mature consideration, that, in forming these determinations, the Government of the United States has listened to nothing but the dictates of immutable justice: they consider the rigorous exercise of that virtue, as the surest means of preserving perfect harmony between the United States and the Powers at war.

I have the honor to be, &c.

TH: JEFFERSON,

The Attorney General of the United States has the honor of submitting to the Secretary of State his opinion concerning the seizure of the ship Grange.

The essential facts are, That the river Delaware takes its rise within the limits of the United States;

That, in the whole of its descent to the Atlantic ocean, it is covered on each side by the territory of the United States;

That, from tide water, to the distance of about sixty miles from the Atlantic ocean, it is called the *river Delaware*;

That, at this distance from the sea, it widens and assumes the name of the *Bay of Delaware*, which it retains to the mouth;

That its mouth is formed by the capes Henlopen and May; the former belonging to the State of Delaware, in property and jurisdiction, the latter to the State of New Jersey;

That the Delaware does not lead from the sea to the dominions of any foreign nation;

That, from the establishment of the British provinces on the banks of the Delaware to the American Revolution, it was deemed the peculiar navigation of the British empire;

That, by the treaty of Paris, on the third day of September, 1783, his Britannic Majesty relinquished, with the privy of France, the sovereignty of those provinces, as well as of the other provinces and colonies;

And that the Grange was arrested in the Delaware, *within the capes*, before she had reached the sea, after her departure from the port of Philadelphia.

It is a principle, firm in reason, supported by the civilians, and tacitly approved in the document transmitted by the French minister, that, to attack an enemy in a neutral territory, is absolutely unlawful.

Hence the inquiry is reduced to this simple form, whether the place of seizure was in the territory of the United States?

From a question originating under the foregoing circumstances, is obviously and properly excluded every consideration of a dominion over the sea. The solidity of our neutral right does not depend, in this case, on any of the various distances claimed on that element by different nations possessing the neighboring shore; but if it did, the field would probably be found more extensive, and more favorable to our demand, than is supposed by the document above referred to. For the *necessary or natural* law of nations, unchanged as it is, in this instance, by any compact or other obligation of the United States, will, perhaps, when combined with the treaty of Paris in 1783, justify us in attaching to our coasts an extent into the sea beyond the reach of cannon shot.

In like manner is excluded every consideration, how far the spot of seizure was capable of being defended by the United States. For, although it will not be conceded that this could not be done, yet will it rather appear, that the mutual rights of the States of New Jersey and Delaware, up to the middle of the river, supersede the necessity of such an investigation.

Not the corner stone of our claim is, that the United States are proprietors of the lands on both sides of the Delaware, from its head to its entrance into the sea.

The high ocean, *in general*, it is true, is unsusceptible of becoming property. It is a gift of nature, manifestly destined for the use of all mankind; inexhaustible in its benefits; not admitting metes and bounds. But rivers may be appropriated, because the reverse is their situation. Were they open to all the world, they would prove the inlets of perpetual disturbance and discord; would soon be rendered barren by the number of those who would share in their products; and moreover may be defined.

"A river, considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is."—*Grot. b. 2, c. 2, s. 12.*

"Rivers might be held in property; though neither where they rise, nor where they discharge themselves, be within our territory, but they join to both, or the sea. It is sufficient for us that the larger part of water, that is, the sides, is shut up in our banks, and that the river, in respect of our land, is itself small and insignificant."—*Grot. b. 2, c. 3, s. 7; and Barbeyrac*, in his note, subjoins, that neither of those is necessary.

"Rivers may be the property of whole States."—*Puff. b. 3, c. 3, s. 4.*

"To render a thing capable of being appropriated, it is not strictly necessary that we should enclose it, or be able to enclose it, within artificial bounds, or such as are different from its own substance; it is sufficient, if the compass and extent of it can be any way determined. And therefore Grotius hath given himself a needless trouble, when, to prove rivers capable of property, he useth this argument, that, although they are bounded by the land at neither end, but united to the other rivers or the sea, yet it is enough that the greater part of them, that is, their sides, are enclosed."—*Puff. b. 4, c. 5, s. 3.*

"When a nation takes possession of a country in order to settle there, it possesses every thing included in it, as lands, lakes, rivers," &c.—*Vattel, b. 1, c. 22, s. 266.*

To this list might be added Bynkershoek and Selden. But the dissertation of the former, *de dominio maris*, cannot be quoted with advantage in detachment; and the authority of the latter, *on this head*, may, in the judgment of some, partake too much of affection for the hypothesis of *mare clausum*. As Selden, however, sinks in influence on this question, so must Grotius rise, who contended for the *mare liberum*; and his accurate commentator, Rutherford, confirms his principles in the following passage: "A nation, by settling upon any tract of land, which at the time of such settlement had no other owner, acquires, in respect of all other nations, an exclusive right of full or absolute property, not only in the land, but in the waters likewise that are included within the land, such as rivers,

pools, creeks, or bays. The absolute property of a nation, in what it has thus seized upon, is its right of territory."—*2 Rudh. b. 2, c. 9, s. 6.*

Congress, too, have acted on these ideas, when, in their collection laws, they ascribe to a State the rivers wholly within that State.

It would seem, however, that the spot of seizure is attempted to be withdrawn from the protection of these respectable authorities, as being in the *Bay* of Delaware, instead of the *River* Delaware.

Who can seriously doubt the identity of the *River* and *Bay* of Delaware? How often are different portions of the same stream denominated differently? This is sometimes accidental; sometimes, for no other purpose than to assist the intercourse between man and man, by easy distinctions of space. Are not this river and this bay fed by the same springs from the land, and the same tides from the ocean? Are not both doubly flanked by the territory of the United States? Have any local laws, at any time, provided variable arrangements for the river and the bay? Has not the jurisdiction of the contiguous States been exercised equally on both?

But suppose that the *river* was dried up, and the *bay* alone remained, Grotius continues the argument of the 7th section, of the 3d chapter, of the 2d book above cited, in the following words:

"By this instance it seems to appear, that the property and dominion of the sea might belong to him, who is in possession of the lands on both sides, though it be open above, as a gulf, or above and below, as a strait; provided it is not so great a part of the sea, that, when compared with the lands on both sides, it cannot be supposed to be some part of them. And now, what is thus lawful to one king or people, may be also lawful to two or three, if they have a mind to take possession of a sea, thus enclosed within their lands: for it is in this manner that a river, which separates two nations, has first been possessed by both, and then divided."

"The gulfs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed."—Puff. b. 4, c. 5, s. 8.

Valin, in b. 5, tit. 1, p. 685, of his commentary on the marine ordonnance of France, virtually acknowledges that *particular* seas may be appropriated. After reviewing the contest between Grotius and Selden, he says, "S'il (Selden) s'en fût donc tenu là, ou plutôt, s'il eût distingué l'océan des mers particulières, et même dans l'océan, l'étendue de mer, qui doit être censée appartenir aux souverains des côtes, qui en sont baignées, sa victoire eût été complète."

These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion; no foreign nation has, ever before, exacted a community of right in it, as if it were a main sea; under the former and present governments, the exclusive jurisdiction has been asserted; by the very first collection law of the United States, passed in 1789, the county of Cape May, which includes Cape May itself, and all the waters thereof, theretofore within the jurisdiction of the State of New Jersey, are comprehended in the district of Bridgetown; the whole of the State of Delaware, reaching to Cape Henlopen, is made one district. Nay, unless these positions can be maintained, the bay of Chesapeake, which, in the same law, is so fully assumed to be within the United States, and which, for the length of the Virginia territory, is subject to the process of several counties to any extent, will become a rendezvous to all the world, without any possible control from the United States. Nor will the evil stop here. It will require but another short link in the process of reasoning, to disappropriate the mouths of some of our most important rivers. If, as Vattel inclines to think in the 294th section of his first book, the Romans were free to appropriate the Mediterranean, merely because they secured, by one single stroke, the immense range of their coast, how much stronger must the vindication of the United States be, should they adopt maxims for prohibiting foreigners from gaining, without permission, access into the heart of their country.

This inquiry might be enlarged by a minute discussion of the practice of foreign nations, in such circumstances. But I pass it by; because the United States, in the commencement of their career, ought not to be precipitate in declaring their approbation of any usages, (the precise facts concerning which we may not thoroughly understand) until those usages shall have grown into principles, and are incorporated into the law of nations; and because no usage has ever been accepted, which shakes the foregoing principles.

The conclusion then is, that the Grange has been seized on neutral ground. If this be admitted, the duty arising from the illegal act is restitution.

EDMUND RANDOLPH.

May 14, 1793.

[TRANSLATION.]

Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, May 27, 1793, the 2d year of the republic of France.

SIR:

My predecessor has delivered to me the letter which you wrote to him the 15th of this month, communicating to him sundry memorials of the British minister, and the decisions which the American Government has taken on the complaints of this minister.

The first of these complaints which you report in your letter, sir, is not founded in fact; I have no knowledge of the purchase of the arms in question, and, at all events, the reply you have made to Mr. Hammond would convince him of the nullity of his observations, if they had been dictated by good faith; but it is probable that this step has no other object but to prepare, diplomatically, pretext to the English ships of war to subject American vessels, even under the shadow of their modest neutrality, to arbitrary visits and detentions.

The second complaint of the envoy of George III., sir, is founded on the sale of the prizes sent into the port of Charleston, by the *Embascade* frigate; belonging to the republic of France.

I shall call to my aid only facts, and very plain reasoning, in replying to Mr. Hammond's representations on this point.

The treaty of commerce of 1778, authorizes exclusively all the vessels of war, French or American, armed by the two States, or by individuals, to conduct freely, wherever they please, the prizes they shall have made of their enemies, without being subjected either to admiralty or any other duties; without also the said vessels or the said prizes, entering the ports of France or of America, being stopped or seized, or the officers of the places being permitted to take cognizance of the validity of the said prizes.

This privilege is interdicted to the enemies of either of the two nations which shall be at war, the two contracting parties having expressly engaged not to permit any foreign privateer, having a commission from a Prince or Power at war with one of the two nations, to arm their vessels in the ports of one of the two parties, or to sell there the prizes they shall have taken, or in any other manner to discharge the vessels, merchandises, or any part of their cargoes. These privileges, which the two nations have reserved to themselves exclusively, these severe and clearly defined restrictions against their common enemies, evidently prove that, in virtue of the treaties which I have cited, we alone have at present the right of bringing our prizes into the American ports, and of there doing with them as we please, as property on the validity of which the civil or judiciary officers of the United States have nothing to do, as long as the laws of the United States are not infringed. It is in order to acquire information on this important subject, that the publicity of the sale of prizes, authorized by the consular officers of the republic, is necessary; and if, in the fulfilment of this duty, prescribed by friendship, and our respect for the law of nations, the consul of the French Republic at Charleston has made use of some formality or expression, from which it might be inferred, that he arrogated to himself jurisdiction uncited by the treaties and laws of the United States, I shall take care, sir, that this error be avoided for the future, and that all proceedings relative to the sale of our prizes,

conformably to the spirit of the treaty, bear the stamp of a particular national transaction, and of the plain and real alienation of a property acquired by the laws of war, acknowledged to be legal by the officers of the French nation.

The third complaint made to your Government, sir, by the English minister, is relative to the armaments which have taken place at Charleston, under the flag of the French republic. The American Government, sir, has given a new proof of its wisdom, and of its confidence in our sentiments, not blindly to admit the assertions of Mr. Hammond. In reply to this, I shall still confine myself to facts. It is certain that several vessels have been armed at Charleston; that they have received from me commissions of the republic, agreeable to the forms I have had the honor to communicate to you; and that these vessels, despatched to sea with great celerity, have made many prizes, have condemned to inaction, by the terror which they have spread among the English, almost all the sailors and vessels of that nation, which were in the ports of the United States; and, by their success, have very sensibly raised the freight of American vessels: I grant that this must be displeasing to Mr. Hammond, to his court, and to his friends; but that is not the matter in question.

I ought, by a sincere exposition of my conduct, to put you in a capacity to judge whether I have encroached on the sovereignty of the American nation, its laws, and its principles of government.

The vessels armed at Charleston belong to French houses; they are commanded and manned by French citizens, or by Americans, who, at the moment they entered the service of France, in order to defend their brothers and their friends, knew only the treaties and the laws of the United States, no article of which imposes on them the painful injunction of abandoning us in the midst of the dangers which surround us.

It is then evident, sir, that these armaments cannot be matter of offence in the citizens of the United States; and that those who are on board of our vessels have renounced the immediate protection of their country, on taking part with us.

It is necessary, however, to examine whether the French houses of Charleston might arm the vessels which belonged to them. I submitted this question to the Governor of South Carolina, before the delivery of the letters of marque to our privateers. I reminded him that liberty consisted in doing what the laws did not prohibit; that I believed no law existed which could deprive the French citizens in the ports of the United States of the privilege of putting their vessels in a state of defence, of taking, in time of war, new commissions, and of serving their country by causing them to cruise out of the United States, on the vessels of their enemy. Nor, indeed, were there any which gave to the Government the right of submitting the particular operations of merchants to a state inquisition, and that it appeared to me that it could neither authorize nor hinder the said armaments. His opinion appeared to correspond with mine, and our vessels put to sea in spite of all the intrigues which the partisans of England put into action to oppose it.

This is the truth, sir, this is the conduct, I dare to call it respectable, which I have followed; and I know too well the equitable sentiments of the Federal Government not to deliver myself to the pleasing hope of seeing it return from the first impressions which the reports of the minister of England appear to have made on it.

The last point which remains to be spoken of, sir, is relative to the capture of the English ship *Grange*, by the *Embascade* frigate.

The learned conclusions of the Attorney General of the United States, and the deliberations of the American Government, have been on this subject the rule of my conduct. I have caused the prize to be given up; and, although of considerable value, my brave brethren, the seamen of the *Embascade*, have readily concurred in a measure which I represented to them as a proper mean to convince the American Government of our deference and of our friendship.

The French republicans, sir, know the duties which nations owe to one another; enlightened on the rights of man, they have just ideas of the general laws of society comprised under the common denomination of the *law of nations*, (*droit des gens*) informed with respect to the interests of their country, they know how to distinguish its enemies and its friends; and you may assure the American Government, that, collectively and individually, they will seize every occasion of showing to the sovereign people of the United States their respect for their laws, and their sincere desire to maintain with them the most perfect harmony.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 5, 1793.

SIR:

In my letter of May 15th, to M. de Ternant, your predecessor, after stating the answers which had been given to the several memorials of the British minister, of May 8th, it was observed that a part remained still unanswered, of that which respected the fitting out armed vessels in Charleston, to cruise against nations with whom we were at peace.

In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the *Citizen Genet*, had come into this port with a prize; that the President had thereupon taken the case into further consideration; and, after mature consultation and deliberation, was of opinion, that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom we are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace; and that he thought it necessary, as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it which contains your observations on this subject, has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give to your representations thereon the consideration they deservedly claim. After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits, and the duty of a neutral nation to prohibit such as would injure one of the warring Powers; that the granting military commissions, within the United States, by any other authority than their own, is an infringement on their sovereignty, and particularly so when granted to their own citizens, to lead them to commit acts contrary to the duties they owe their own country; that the departure of vessels, thus illegally equipped, from the ports of the United States, will be but an acknowledgment of respect, analogous to the breach of it, while it is necessary on their part, as an evidence of their faithful neutrality. On these considerations, sir, the President thinks that the United States owe it to themselves, and to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the law of nations makes an integral part.

The expression of very friendly sentiment, which we have already had the satisfaction of receiving from you, leaves no room to doubt that the conclusion of the President being thus made known to you, these vessels will be permitted to give no further umbrage by their presence in the ports of the United States.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

The Minister of the Republic of France to the Secretary of State of the United States.

PHILADELPHIA, June 8, 1793, second year of the French republic.

SIR:

I have seen with pain, by your letter of the 5th of this month, that the President of the United States persists in thinking, that a nation at war had not the right of giving commissions of war to those of its vessels which may be in the ports of a neutral nation; this being, in his opinion, an act of sovereignty.

I confess to you, sir, that this opinion appears to me contrary to the principles of natural right, to the usages of nations, to the connexions which unite us, and even to the President's proclamation.

The right of arming, sir, for the purpose of its defence, and repelling unjust aggressions, in my opinion, may be exercised by a nation at war, in a neutral State; unless by treaty, or particular laws of this State, that right be confined to a single nation, friend, or ally, and expressly interdicted to others. This is exactly the case in which we are. The United States, friends of the French, their allies and guarantees of their possessions in America, have permitted them to enter armed, and remain in their ports, to bring there their prizes, to repair in them, to equip in them, whilst they have expressly refused this privilege to their enemies. The intention of the United States has been to facilitate to us the means of protecting, efficaciously, our commerce, and of defending our possessions in America, so useful to our mutual prosperity; and as long as the States, assembled in Congress, shall not have determined that this solemn engagement should not be performed, no one has a right to shackle our operations, and to annul their effect, by hindering those of our marines, who may be in the American ports, to take advantage of the commissions which the French government has charged me to give them, authorizing them to defend themselves, and fulfil, if they find an opportunity, all the duties of citizens against the enemies of the State. Besides, sir, at all times, like commissions, during a war, have been delivered to our vessels. The officers of the marine transmit them to them, in France, and the consuls, in foreign countries; and it is in virtue of this usage, which no power has ever thought of regarding as an act of sovereignty, that the executive council has sent heré such commissions.

However, sir, always animated with the desire of maintaining the good harmony which so happily subsists between our two countries, I have instructed the consuls not to grant *letters* but to the captains, who shall obligate themselves, under oath and security, to respect the territory of the United States, and the political opinions of their President, until the representatives of the sovereign shall have confirmed or rejected them. This is all that the American Government can expect from our deference; every thing that passes out of the waters of the United States, not coming within their cognizance.

It results from this note, sir, that the commissions transmitted in virtue of the orders of the Executive Council of the republic of France, to the French vessels in the ports of the United States, are merely an authority to arm themselves, founded upon the natural right and constant usage of France; that these commissions have been expedited at all times, in the like circumstances; that their distribution cannot be considered but as an act of consular administration, and not of sovereignty; and that every obstruction by the Government of the United States, to the arming of French vessels, must be an attempt on the rights of man, upon which repose the independence and laws of the United States; a violation of the ties which unite the people of France and of America; and even a manifest contradiction of the system of neutrality of the President; for, in fact, if our merchant vessels, or others, are not allowed to arm themselves, when the French alone are resisting the league of all the tyrants against the liberty of the people, they will be exposed to inevitable ruin in going out of the ports of the United States, which is certainly not the intention of the people of America. Their fraternal voice has resounded from every quarter around me, and their accents are not equivocal—they are pure as the hearts of those by whom they are expressed, and the more they have touched my sensibility, the more they must interest in the happiness of America the nation I represent; the more I wish, sir, that the Federal Government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at least to the world the example of a true neutrality, which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them. It is by such proceedings, that they will render themselves respectable to all Powers; that they will preserve their friends, and deserve to augment their number.

GENET.

[TRANSLATION.]

The citizen Genet, Minister Plenipotentiary of the republic of France, with the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 1, 1793, second year of the Republic of France.

SIR:

I have this moment been informed, that two officers in the service of the republic of France, citizens Gideon Henfield, and John Singletary, have been arrested on board the privateer of the French republic, the citizen Genet, and conducted to prison. The crime laid to their charge, the crime which my mind cannot conceive, and which my pen almost refuses to state, is the serving of France, and defending with her children the common and glorious cause of liberty.

Being ignorant of any positive law, or treaty, which deprives Americans of this privilege, and authorizes officers of police arbitrarily to take marines in the service of France, from on board their vessels, I call upon your intervention, sir, and that of the President of the United States, in order to obtain the immediate releasement of the above mentioned officers, who have acquired by the sentiments animating them, and by the act of their engagement, anterior to every act to the contrary, the right of French citizens, if they have lost that of American citizens. I renew at the same time, sir, the requisition which I made in favor of another French officer detained for the same cause, and for the same object.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 1, 1793.

SIR:

I have to acknowledge the receipt of your note of the 27th of May, on the subject of Gideon Henfield, a citizen of the United States, engaged on board an armed vessel in the service of France. It has been laid before the President, and referred to the Attorney General of the United States for his opinion on the matter of law, and I have now the honor of enclosing you a copy of that opinion. Mr. Henfield appears to be in the custody of the civil magistrate, over whose proceedings the Executive has no control. The act with which he is charged will be examined by a jury of his countrymen, in the presence of judges of learning and integrity; and if it is not contrary to the laws of the land, no doubt need be entertained that his case will issue accordingly. The forms of the law involve certain necessary delays, of which, however, he will assuredly experience none but what are necessary.

I have the honor to be, &c.

TH: JEFFERSON.

P. S. After writing the above, I was honored with your note on the subject of Singletary, on which it is in my power to say nothing more than in that of Henfield.

The Attorney General of the United States has the honor of submitting to the Secretary of State the following opinion on the case of Gideon Henfield, as represented by the Minister of France.

1st. It may well be doubted how far the Minister of France has a right to interfere. Henfield is a citizen of the United States; and it is unusual at least, that a foreign Power should interfere in a question, whether, as a citizen, a man has been guilty of a crime? Nor can an authority be derived from Henfield being under the protection of the French republic; because, being still a citizen, he is amenable to the laws, which operate on citizens, and the very act by which he is said to have been taken under such protection, is a violation of the sovereignty of the United States. If he be innocent, he will be safe in the hands of his countrymen: if guilty, the respect due by one nation to the decrees of another, demands that they be acquiesced in.

2d. But Henfield is punishable, because treaties are the supreme law of the land; and by treaties with three of the Powers at war with France, it is stipulated, that there shall be a peace between their subjects and the citizens of the United States.

3d. He is indictable at the common law, because his conduct comes within the description of disturbing the peace of the United States.

May 30, 1793.

EDM. RANDOLPH.

[TRANSLATION.]

The citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 14, 1793, second year of the republic.

SIR:

You will see by the papers hereto annexed, that, in contempt of the treaties which unite the French and Americans; that in contempt of the law of nations; civil and judiciary officers of the United States have permitted themselves to stop at Philadelphia the sale of vessels taken by an armed French galliot, and at New York, have opposed the sailing of a French vessel commissioned by the Executive Council of the republic of France. I request you, sir, to inform the President of the United States of these facts; to let him know that they have used his name in committing those infractions of the laws and treaties of the United States; and engage him to develop, in the present circumstances, all the authority which the people of the United States have confided to him to enforce the execution of the laws and treaties.

Not doubting, sir, the purity of the President's sentiments, I hope to obtain immediately, from the aid of his good offices and energy, restitution, with damages and interest, of the French prizes arrested and seized at Philadelphia, by an incompetent judge, under an order which I ought to believe not genuine; and the like restitution, with damages and interest, of the vessels stopped and seized at New York.

It is through the intervention of the public ministers, that affairs of the nature which produce my present complaints and reclamations, ought to be treated. As the representative of a People, generous and confident in their friends, I have already given proofs of the sentiments with which they are animated, in causing to be restored, without examination, on the requisition of the Federal Government, the English ship *Grange*, taken by a vessel of the republic. I shall in all my conduct show an equal deference; but at the same time, sir, I should expect from your Government all the support, which I at present stand in need of, to defend, in the bosom of the United States, the interests, the rights, and the dignity of the French nation, which persons, on whom time will do us justice, are laboring secretly to misrepresent.

GENET.

[TRANSLATION.]

This day, the 7th June, 1793, in the 2d year of the republic of France, before us Francis Dupont, consul of the said republic, at Philadelphia, appeared the citizen Pierre Barriere, agent ad hoc of the ship *William*, and of the brigantine *Active*, taken by the galliot the citizen Genet, Captain Johanan, who has declared, that this day, at 11 o'clock, being occupied in the sale of the cargo of the ship *William*, a deputy marshal of the court of admiralty of the United States, for the district of Pennsylvania, presented himself to him, where he was making the said sales, on *Warder's* wharf, pretending that the said ship *William*, and her cargo, were seized by the said court of admiralty, wishing, in consequence, to stop the sale, which was nevertheless continued, the appearer having conceived that the admiralty could not, in any manner whatever, meddle in this business, agreeably to the 17th article of the treaty of commerce between France and the United States. Notwithstanding, to the great prejudice of the interested in the sales, the said deputy marshal of the admiralty discouraged the bidders, and even suspended their bidding, leading them to believe that the sale of the said vessels was not valid; whence it resulted that they sold below their value. However, the sale of the cargo being made, the said agent proceeded to that of the brigantine; but as soon as he commenced, the said deputy marshal again forbid the continuance, which led several persons present into an error, supposing that the seizure extended to the brig *Active*, as well as the ship *William*; whence it resulted, that the said brigantine did not sell for more than a third of her real value, having been estimated worth 600*l*. The appearer, having afterwards proceeded to the sale of the ship *William*, the said deputy marshal again, in the name of the aforesaid court of admiralty, forbid it; whence has also resulted a considerable loss to the interested in the said prize, which was struck off at only 500*l*. which does not amount to one fourth of her value. In consequence of which, the said appearer protests for all damages and interests accrued, and to accrue, against the said court of admiralty, those who have set on foot this prosecution, and generally against all those whom it may concern, being therein fully justified by the tenor of the treaties; of all which the said appearer has requested of us an act, and has signed with us, the day and year above written.

FR'OIS DUPONT.

PIERRE BARRIERE.

Compared by us, chancellor of the consulate of the republic of France, with the original deposited in the chancery the 8 June, 1793, 2d year of the French republic.

J. BRE. LEMAIRE.

We, consul of the republic of France, at Philadelphia, certify and attest, to whom it may concern, that citizen J. Bre. Lemaire, who has signed the above extract, is our chancellor, to whose signature faith should be given, as well in as out of judgment.

In testimony whereof, we have signed the present, and have caused to be affixed thereto the seal of the [L. s.] Consulate, at Philadelphia, the 8 June, 1793, 2d year of the republic of France.

FR'OIS DUPONT.

NEW YORK, June 9, 1793, 2d year of the French republic.

SIR:

I have just been informed, that last night a French vessel, armed for war, and ready to hoist sail, has been arrested by authority, and that even the captain has not been permitted to go on board. This strange use of public force, against the citizens of a friendly nation, who assemble here to go and defend their brethren, is a signal viola-

tion of the laws of neutrality, which I cannot impute but to a misconception, which your attention and your equity will not fail to rectify, as soon as you shall be informed of it.

I require, sir, the authority with which you are clothed, to cause to be rendered to Frenchmen, and allies, and I must add to freemen, of whatever nation they may be, the liberty of flying to the succor of their country. It is not in a country where Frenchmen have spilt their blood in the cause of humanity, that they ought to find in the laws obstacles to their following yet again the most pleasing of their propensities, and to fulfil the most sacred of their duties.

HAUTERIVE,

Consul of the French republic, New York.

To the GOVERNOR of the State of New York.

CONSULATE OF NEW YORK:

We Alexander Hauterive, consul of the republic of France to the United States, at New York, certify that, in consequence of a requisition made by us to the mayor of New York, and to the Governor of the State of the same name, dated 9th June current, to obtain a relevy of the detention; made by authority in this port, of a French vessel called the Republican, belonging to Louis Alexis Hochquet Caritat, and commanded by the citizen Orset, the Governor of the said State replied to us by a letter under his signature, that it was in conformity to the injunction of the President of the United States that he had ordered a detachment of militia of this State to detain the said vessel, until the President of the United States should be informed of the circumstances of the facts upon which we have delivered to him an act certified and signed by us.

Done at New York, the 10th June, 1793, 2d year of the republic of France.

HAUTERIVE,

Consul of the republic of France, at New York.

[TRANSLATION.]

CONSULATE OF NEW YORK.

Protest of Citizen Hauterive, Consul of the republic of France, at New York, against the process and seizure of the Catherine of Halifax.

Considering that tribunals are instituted to render justice between individuals, and not to judge of the differences that may arise between governments, and still less to decide on the political relations which exist between nation and nation; that their sphere is circumscribed within the territorial limits of the state to which they belong; that there cannot be any relation of dependence between the tribunals which therein belong to two different nations;

That the consular jurisdiction is an extension, and a first degree of jurisdiction of the tribunals of commerce and of admiralty, instituted in foreign countries by the nation to which the political conventions have given the right of consulate as well as the right of recurring to the public force, to ensure the execution of the consular decisions;

That the limits of this jurisdiction depend only on the foreign government which has established it, and that this government may extend or contract it at pleasure, provided it does not attribute to it any action against the persons, the property, the police, and the local jurisdiction;

That in attributing to these tribunals dependent upon it, that which belongs to another equally dependent upon it, a government does not go beyond the limits of this power;

That recently the French government hath given to the consulates of the republic the jurisdiction of sea-prizes, and has thus completely constituted them courts of admiralty;

That by that it only displaces one of the branches of the judiciary power; that the geographical position of a legally established tribunal neither alters the force, nor extent, nor independence of its jurisdiction;

That all intervention, direct or indirect, as to the French prizes, being formally interdicted the tribunals of the country, the admiralties of the two nations, however they may locally approach each other, are not the less separated from one another in the insurmountable barrier of political right;

That thus a French prize, remaining in a neutral port in virtue of treaties, is submitted to the consular admiralty in virtue of the right which nations have of organizing at pleasure their judicatures, is as much sheltered from the action of any other local tribunal, as if it were in a French road;

For all these reasons, we, Alexander Hauterive, consul of the republic of France, considering that the New York district court has extended its jurisdiction to a French prize, the decision of which was pending in our tribunal;

That this intervention, proscribed by the treaties, not only tends to establish a clashing of jurisdiction between two tribunals, which cannot have communication together, but also to the annihilation of the consular tribunal, which is reduced to nothing, as soon as the public force, which the treaties have given it the right of demanding to support its judgments, is employed against it;

That if this error of the judiciary power could be authorized by the government, we must suppose that the government has the right of interpreting, modifying, or destroying, the political compacts which unite the two nations, by the information and decision of the tribunals of one of these two nations:

We protest against the violation done to the rights of the nation we represent; we declare formally, that, whatever may be the decisions of the tribunal, which has arrogated to itself the judgment of the prize *Catherine of Halifax*, to the injury of the consular jurisdiction, the parties interested, who are amenable only to our tribunal, are not bound to conform to it. We declare this judgment to be null, and of no effect whatever: 1st, by the notoriety of the incompetency of the tribunal. 2d, because it would be given in contempt of our protest. 3d, because it would be formed on insufficient information, the principal papers to elucidate the discussion being in our hands, never to go out of them. 4th, because the French republic being one of the parties, it would be necessary, in order to proceed regularly, that the judges should find in the American laws, that the French nation is amenable, in its political rights, to a private tribunal, and that they may be condemned by default.

We declare, in fine, that these rights shall remain entire, saving the requisition of damages and interest to the parties interested, and the demand of reparation for that of the two nations, who, in the diplomatic judgment (the only competent arbiter between friendly nations) will be acknowledged injured in its rights.

Further we declare, that the judgment of the fact is still pending in the consular tribunal of the republic at New York.

NEW YORK, June 21, 1793, 2d year of the French republic.

Certified to be conformable to the original.

Protest of the Consul of the republic of France against the seizure of the ship William.

Considering that no authority on earth has either the right or the power of interposing between the French nation and her enemies; that she alone is the arbiter and judge of the offensive acts which the support of her independence obliges her to commit against the despotic governments coalesced to replunge her into a state of servitude, from which, abandoned by her friends, and assailed by so many enemies, she alone has been able to liberate herself; that the court of admiralty at Philadelphia, yielding at first to ill-founded reclamations, since recalling herself to the

principles of the law of nations, has acknowledged its incompetency to the decision on the legality of French prizes:

That hence it evidently results, that no local authority can take upon itself the information of a discussion which arises, or may arise, between nation and nation;

That nevertheless the Federal Government has placed a guard on the ship *William*, taken by the French galliot the Citizen Genet, and by this matter of fact seems to declare, that, previous to all discussion, it meant to interfere in the examination of the right, and in the decision of the facts;

That, if the government interferes as local authority in the judgment of the facts, they deny and violate the principle expressly declared in the 17th article of the treaty between America and France;

That if as a power invested by the nation to communicate with foreign governments, they interfere in the examination of the right, they proceed previously by a method till this day unknown, in preceding a diplomatic discussion by an arbitrary and violent act, and by an execution purely military:

For all these reasons, we, Francis Dupont, consul of the French republic at Philadelphia, formally protest against the infringement committed on the rights of the French nation, by the local government of Philadelphia.

We declare, that, having proceeded in a judiciary manner to the sale of the said ship, and that, being accountable, in the name of the French nation, to the purchasers of the property acquired by them, we throw upon the government, who has created these obstacles to acquiring the possession, all the damages and interest.

We declare further, that, in informing the minister of the French republic of the violence opposed to the exercise of our functions, we, in his name, reserve by the present protest, the pursuit in reparation for the violation of the conventional compacts, and the outrage against the French nation in the ministry of its agents.

Done in our consulate, Philadelphia, 22d June, 1793, 2d year of the French republic.

FRÇOIS DUPONT.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 17, 1793.

SIR:

I shall now have the honor of answering your letter of the 8th instant, and so much of that of the 14th, (both of which have been laid before the President) as relates to a vessel armed in the port of New York, and about to depart from thence, but stopped by order of the Government; and here I beg leave to premise, that the case supposed in your letter, of a vessel arming merely for her own defence, and to repel unjust aggressions, is not that in question, nor that on which I mean to answer, because, not having yet happened, as far as is known to the Government, I have no instructions on the subject. The case in question, is that of a vessel armed, equipped, and manned, in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived that such enterprises would be attempted, orders to prevent them were despatched to all the States and ports of the Union. In consequence of these, the Governor of New York, receiving information that a sloop, heretofore called the *Polly*, now the Republican, was fitting out, arming, and manning, in the port of New York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken her guns and ammunition aboard, and was on the point of departure, seized the vessel. That the Governor was not mistaken in the previous indications of her object, appears by the subsequent avowal of the citizen Hauteville, consul of France at that port, who, in a letter to the Governor, reclaims her, as "Un vaisseau armé en guerre et prêt à mettre à la voile," and describes her object in these expressions, "Cet usage étrange de la force publique contre les citoyens d'une nation amie qui se réunissent ici pour aller défendre leurs frères;" and again, "Je requiers, monsieur, l'autorité dont vous êtes revêtu, pour faire rendre à des Français, à des alliés, &c. la liberté de voler au secours de leur patrie." This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprise, to the tribunals of the country; that if the act was of those forbidden by the law, it might be punished; if it was not forbidden, it might be so declared; and all persons apprized of what they might or might not do.

This we have reason to believe is the true state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which animadverted not merely on the single fact of the granting commissions of war by one nation, within the territory of another, but on the aggregate of the facts: for it states the opinion of the President to be, that "The arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace." And this opinion is still conceived to be not contrary to the principles of natural law, the usage of nations, the engagements which unite the two People, nor the proclamation of the President, as you seem to think.

Surely, not a syllable can be found in the last mentioned instrument, permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens "a friendly conduct towards all the belligerent Powers;" but a preparation of hostilities is the reverse of this.

None of the engagements in our treaties stipulate this permission. The 17th article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely: but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, manning her, is a different one, and not engaged by any article of the treaty.

You think, sir, that this opinion is also contrary to the law of nature, and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, l. 3, s. 104, "Tant qu'un peuple neutre veut jouir sûrement de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre, il ne pourra pas se plaindre, quand celui-ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe. Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

* "A vessel armed for war, and ready to put to sea."

† "This strange use of public force against the citizens of a friendly nation who are united here, in order to go in defence of their brothers."

‡ "I require, sir, the authority with which you are vested, to cause to be rendered to Frenchmen, to allies, &c. the liberty of flying to the succor of their country."

§ "As long as a neutral nation wishes to enjoy this situation with certainty, it ought to show, in every thing, an exact impartiality between those who are at war. For, if it favor the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of its enemy. Its neutrality would be a fraudulent one, of which none would be the dupe. Let us see then wherein consists that impartiality which a neutral people ought to observe.

"It regards war only, and comprehends two things. 1st. To give no succor when not obliged thereto; not to furnish freely, either troops, arms, ammunition, or any thing which directly serves for war. I say, to give no succor and not to give it equally: for it would be absurd in a State to succor two enemies at the same time. And, besides, it would be impossible to do it with equality: the same things, the same number of troops, the same quantity of arms, ammunition, &c. furnished in different circumstances, are no longer equivalent succors."

"Elle se rapporte uniquement à la guerre, et comprend deux choses. 1. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes ni armes, ni munitions, ni rien de ce qui sert directement à la guerre. Je dis *ne point donner de secours* et non pas *en donner également*; car il serait absurde qu'un état secourût en même temps deux ennemis. Et puis il serait impossible de le faire avec égalité, les mêmes choses, le même nombre de troupes, la même quantité d'armes de munitions, &c. fournies en des circonstances différentes; ne forment plus des secours équivalens," &c. If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory, by the law of nations. Wolf, s. 1174, says, "Puisque le droit de lever des soldats est un droit de majesté qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territoire d'autrui sans le consentement du maître du territoire." And Vattel, before cited, l. 3, s. 15, "Le droit de lever des soldats appartenant uniquement à la nation ou au souverain, personne ne peut en enrôler en pays étranger sans la permission du souverain. Ceux qui entreprennent d'engager des soldats en pays étranger sans la permission du souverain et en general quiconque débauche les sujets d'autrui, viole un des droits les plus sacrés du prince et de la nation. C'est le crime qu'on appelle *plagiat* ou vol d'homme. Il n'est aucun état policé qui ne le punisse très sévèrement," &c. For I choose to refer you to the passage, rather than follow it through all its developments. The testimony of these and other writers on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent Powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty, with justice and with great moderation. By our treaties with several of the belligerent Powers, which are a part of the laws of our land, we have established a style of peace with them. But without appealing to treaties, we are at peace with them all by the law of nature: for, by nature's law, man is at peace with man, till some aggression is committed, which, by the same law, authorizes one to destroy another, as his enemy. For our citizens then to commit murders and depredations on the members of nations at peace with us, or to combine to do it, appeared to the Executive, and to these whom they consulted, as much against the laws of the land, as to murder or rob, or combine to murder or rob, its own citizens; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only; this being an appropriate part of each nation, on an element where all have a common jurisdiction. So say our laws, as we understand them ourselves. To then the appeal is made; and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the Government of the United States must pursue what they think right, with firmness, as is their duty. On the first attempt that was made, the President was desirous of involving in the censures of the law as few as might be. Such of the individuals only, therefore, as were citizens of the United States, were singled out for prosecution. But this second attempt being after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, they are to take their course against all persons concerned, whether citizens or aliens; the latter, while within our jurisdiction, and enjoying the protection of the laws, being bound to obedience to them, and to avoid disturbances of our peace within, or acts which would commit it without, equally as citizens are.

I have the honor to be, &c.

TH: JEFFERSON.

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 22, 1793, 2d year of the republic.

SIR:

Discussions are short, when matters are taken upon their true principles. Let us explain ourselves as republicans. Let us not lower ourselves to the level of ancient politics by diplomatic subtleties. Let us be as frank in our overtures, in our declarations, as our two nations are in their affections; and, by this plain and sincere conduct arrive at the object by the shortest way.

All the reasonings, sir, contained in the letter which you did me the honor to write to me the 17th of this month, are extremely ingenious; but I do not hesitate to tell you, that they rest on a basis which I cannot admit. You oppose to my complaints, to my just reclamations, upon the footing of right, the private or public opinions of the President of the United States; and this ægis not appearing to you sufficient, you bring forward aphorisms of Vattel, to justify or excuse infractions committed on positive treaties. Sir, this conduct is not like ours. In arriving among you, I have, with candor, said, that the French nation, cherishing the interests of the United States more than their own, occupied themselves but on their happiness, in the midst of surrounding dangers; and instead of pressing them to fulfil, towards them, all the obligations imposed on them by our treaties, by gratitude, and by provident policy, they have just granted new favors to their commerce, to partake with them the benefits of its navigation, opening to them all the ports in the two worlds; in a word, assimilating them to her own citizens.

Such amicable and disinterested proceedings should render the Federal Government, sir, industrious in seeking at least all the means of serving us as far as circumstances would permit them; but instead of waiting till Congress had taken into consideration the important subjects which should already have occupied them, until they have determined whether the war of liberty, whether the fate of France and her colonies, were indifferent objects for America; until they had decided whether it was the interest of the United States to profit, or not, of the situation in which French magnanimity places them, they have been forward, urged on by I know not what influence, to pursue another conduct. They have multiplied difficulties and embarrassments in my way. Our treaties have been unfavorably represented: arbitrary orders have directed against us the action of the tribunals; indeed, my diplomatic reception excepted, I have met with nothing but disgust and obstacles in the negotiations I have been charged with.

It is not thus that the American People wish we should be treated. I cannot even suppose, and I wish to believe, that measures of this nature were not conceived in the heart of General Washington—of that celebrated hero of liberty. I can attribute them only to extraneous impressions, over which time and truth will triumph. I request you, therefore, sir, to lay before this first magistrate of your republic the two enclosed protests, which have been just transmitted to me by the consuls of the republic of France at New York and Philadelphia. You will see therein that these officers complain, that French prizes, the jurisdiction of which belongs exclusively to the consular tribunals, have been seized in these two ports, by orders of the President. I expect from the equity of the Federal Government, sir, the immediate redress of these irregularities; and I venture to hope, also, that the President would be pleased to examine again the affair of the ship *Republican*, of New York, and consider whether (independent of the right which we have to fit out privateers) any of the expressions used by consul Hauterive, to reclaim the giving up of the seizure made of that vessel, proves that she has been armed for this purpose. The citizen Hauterive has clearly shown, on the contrary, that she was armed by Frenchmen, at a time when the most religious of all duties prompted them to fly from all parts of the world to the succor of their country, and to fulfil towards her those duties to which the Americans would be equally bound, if we had not the desire to leave to their wisdom and their honor the uprimage of their conduct. It is incontestible, that the treaty of commerce (art. xxix.) expressly author-

* "Since a right of raising soldiers is a right of majesty, which cannot be violated by a foreign nation, it is not permitted to raise soldiers on the territory of another, without the consent of its sovereign."

† "The right of raising soldiers belonging only to the nation or its sovereign, no one can enrol them in a foreign country without the permission of the sovereign. Those who undertake to engage soldiers in a foreign country, without permission of the sovereign, and, in general, whomsoever corrupts the subjects of others, violates one of the most sacred rights of the prince and of the nation. It is the crime which is called *plagiat* or man-theft. There is no policed State which does not severely punish it."

izes our arming in the ports of the United States, and interdicts that privilege to every enemy nation. Besides, this act forms but a part of our conventional compacts, and it is in them, collectively, that we ought to seek contracts of alliance and commerce simultaneously made, if we wish to take their sense, and interpret faithfully the intentions of the people who cemented them, and of the men of genius who dictated them. If you cannot protect our commerce, and our colonies, which will, in future, contribute much more to your prosperity than to our own, at least do not arrest the civism of our own citizens; do not expose them to a certain loss, by obliging them to go out of your ports unarmed. Do not punish the brave individuals of your nation, who arrange themselves under our banner, knowing perfectly well, that no law of the United States gives to the Government the sad power of arresting their zeal by acts of rigor. The Americans are free; they are not attached to the glebe like the slaves of Russia; they may change their situation when they please, and by accepting, at this moment, the succor of their arms in the habit of trampling on tyrants, we do not commit the plagiat of which you speak. The true robbery, the true crime, would be to enchain the courage of these good citizens, of these sincere friends to the best of causes.

I am ignorant, sir, of the constitutional judges to whom the Federal Government appear to have it in contemplation to refer the different questions of public right, which have arisen between us; but it appears to me, that these judges can be looked upon only as counsellors, since no particular tribunal has the right or the power to interpose between two nations, whose only arbiters, when they have a sincere desire to live fraternally and amicably together, must be, in the present state of human societies, good faith and reason.

Accept, sir, the expression of my esteem, and my respectful sentiments.

GENET.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

PHILADELPHIA, June 11, 1793.

SIR:

I had the honor of laying before the President your memorial of the 22d of May, proposing that the United States should now pay up all the future instalments of their debt to France, on condition that the sum should be invested in produce. The President having fully deliberated on the subject, I have now the honor of enclosing you a report from the treasury department, made in consequence thereof, and explaining the circumstances which prevent the United States from acceding to that proposition.

In fact, the instalments, as they are settled by convention between the two nations, far exceed the ordinary resources of the United States. To accomplish them completely and punctually, we are obliged to anticipate the revenues of future times, by loans to as great an extent as we can prudently attempt. As they are arranged, however, by the convention, they give us time for successive and gradual efforts. But to crowd these anticipations all into a single one, and that to be executed in the present instant, would more than hazard that state of credit, the preservation of which can alone enable us to meet the different payments at the times agreed on. To do even this, hitherto, has required, in the operations of borrowing, time, prudence, and patience; and these operations are still going on in all the extent they will bear. To press them beyond this, would be to defeat them, both now and hereafter. We beg you to be assured, and through you to assure your nation, that among the important reasons which lead us to economise and foster our public credit, a strong one is, the desire of preserving to ourselves the means of discharging our debt to them with punctuality and good faith, in the times and sums which have been stipulated between us. Referring to the enclosed report for a more particular development of the obstacles of the proposition, I have the honor to assure you of the sentiments of particular esteem and respect with which I am, sir, your most obedient and humble servant,

TH: JEFFERSON.

The Secretary of the Treasury, to whom was referred a communication from the Minister Plenipotentiary of the republic of France, on the subject of the debts of the United States to France, respectfully makes thereupon the following report:

The object of this communication is to engage the United States to enter into an arrangement for discharging the residue of the debt which they owe to France, by an anticipated payment of the instalments not yet due, either in specie, or bank bills of equal currency with specie, or in government bonds, bearing interest, and payable at certain specified periods, upon condition that the sum advanced shall be invested in productions of the United States, for the supply of the French dominions.

With regard to the first expedient, namely: a payment in specie or bank bills, the resources of the treasury of the United States do not admit of its being adopted. The Government has relied, for the means of reimbursing its foreign debt, on new loans to be made abroad. The late events in Europe have thrown a temporary obstacle in the way of these loans, producing, consequently, an inability to make payment by anticipation of the residue of the debt hereafter to grow due.

With regard to the second expedient, that of government bonds, payable at certain specified periods, this, in substance, though in other forms, has repeatedly come under consideration, and has as often been declined as ineligible. Great inconveniences to the credit of the Government, tending to derange its general operations of finance, have been, and must continue to be, perceived in every plan which is calculated to throw suddenly upon the market a large additional sum of its bonds. The present state of things, for obvious reasons, would serve to augment the evil of such a circumstance, while the existing and possible exigencies of the United States admonish them to be particularly cautious, at this juncture, of any measure which may tend to hazard or impair their credit.

These considerations greatly outweigh the advantage which is suggested as an inducement to the measure (the condition respecting which is the principal circumstance of the difference between the present and former propositions) to arise from an investment of the sum to be advanced in the products of the country; an advantage on which, perhaps, little stress can be laid in the present and probable state of foreign demand for these products.

The motives, which dissuade from the adoption of the proposed measure, may, it is conceived, be the more readily yielded to, from the probability that the utility of it to France might not, on experiment, prove an equivalent for the sacrifices which she might have to make in the disposition of the bonds. All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, June 8, 1793.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 14, 1793, second year of the republic.

SIR:

It is the character of elevated minds, of freemen, not to expose themselves twice to a refusal. I have requested you to make known to the President of the United States the urgent necessities of the French republic. I have not

hidden from you, that, having armed near a million of soldiers, they have experienced a considerable deficiency in their produce; and that they, with their colonies, would be consigned to the horrors of famine, if the United States should not furnish them, on account of their debt, a part of the subsistence which they want. I have offered you, in virtue of my powers, to take in payment, in default of money, bills, or obligations of the State, bearing interest till the epoch fixed by our convention for the reimbursement of your debt. I have endeavored to convince you of the advantages which would result from this operation for the two countries, and more particularly for America, at a time when they have a superabundance of grain and flour; but observing, sir, by the letter which you wrote to me on the 11th June, and by the report of the Secretary of the Treasury, that none of our propositions have been accepted; without entering into the financial reasons which operate this refusal, without endeavoring to prove to you that it tends to accomplish the infernal system of the King of England, and of the other kings, his accomplices, to destroy by famine the French republicans and liberty—I attend, on the present occasion, only to the calls of my country; and as its necessities and those of the colonies become daily more pressing; as it has charged me to provide for them at whatever price it might be; I request you, sir, to inform the President of the United States, that, being authorized, in the name of the French republic, to give assignments to the American merchants or farmers, in payment of the provisions they may furnish, from the want of new advances on the part of the United States, I request, in order to place me in a situation to use this power, that he prescribe to the Secretary of the Treasury to adjust with me immediately the amount of the debt of the United States to France.

The expedient to which I am about to have recourse, will, probably, be onerous to the French nation; but as the Federal Government thinks it may take on itself to place us under the necessity of employing it, without consulting Congress upon so important a matter, I am obliged to follow my instructions.

GENET.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister of France.

PHILADELPHIA, June 19, 1793.

Sir:

According to the desire expressed in your letter of the 14th instant, the President will give the instructions necessary for the settlement of the instalments of principal and interest, still due from the United States to France. This is an act equally just and desirable for both parties; and although it had not been imagined that the materials for doing it were to be had here at this moment, yet we shall be pleased to find that they may. In the mean time, what is further to be done, will doubtless be the subject of further reflection and inquiry with you; and particularly the operation proposed in your letter will be viewed under all its aspects. Among these, we think it will present itself as a measure too questionable, both in principle and practicability, too deeply interesting to the credit of the United States, and too unpromising in its result to France, to be found eligible to yourself. Finally, we rest secure that what is of mutual concern will not be done but with mutual concert.

I have the honor to be, &c.

THOMAS JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 15, 1793, second year of the republic.

Sir:

The citizen Hauterive, consul of the republic at New York, has this moment informed me, that a discussion has arisen between him and the government of the state in which he resides, respecting the Embuscade frigate, upon a point of right. The question is, whether, in a neutral port, an armed vessel ought to allow a truce of twenty-four hours to enemy vessels to go out of it? The citizen Hauterive received a formal requisition on this subject, from the Governor, relative to the departure of the English packet, who, without saying positively, that the local government had a right to hinder the frigate's going out before the expiration of the truce of twenty-four hours, and that he would use such right, gave him to understand, and appeared to believe that it was universal.

The citizen Hauterive, sir, has confined himself to a reference of this matter to me, requesting instructions on the subject for himself and the captain of the frigate. I enclose herein a copy of those which I have just transmitted to him. They have been drawn up on mature examination of the question; and though my opinion differs essentially from that of the Governor of New York, I am persuaded that the President of the United States, after having taken into consideration the authorities and reasonings which have guided me in tracing to the consul of the republic the conduct he ought to pursue, will transmit to the Governor of New York, orders worthy of its justice and impartiality.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to the Citizen Hauterive, Consul at New York.

PHILADELPHIA, June 15, 1793, 2d year of the republic of France:

I have read, with great attention, citizen, the report you transmitted to me on the 13th of this month, and in which, after having given an account of the discussion which has arisen between you and the Governor of New York, relative to the frigate of the republic, the Embuscade, you present for my solution, in order to guide your future conduct, the following question, which gave rise to it, to wit: "Whether, in a neutral port, an armed vessel belonging to a belligerent Power, should allow a truce of twenty-four hours to enemy vessels desiring to go out?" If it were necessary, citizen, to commence a polemic on this question, I should observe to you, first, that it has been badly stated, and that not only the duration of the truce, but also the time at which it shall commence, should have been defined; but this investigation is superfluous. The question which you propose to me, citizen, is long since decided by the European Powers, who have regulated with each other the principles of neutrality. These principles may be found in the maritime convention of the Northern Powers; in the different treaties of commerce which these same Powers have mutually entered into; in fine, with those which Russia has concluded with France, Austria, Portugal, and the two Sicilies; and none of these, entered into with the view to favor the navigation of neutral nations, have had the awkwardness to make mention of a truce to be given by the armed vessels of the Powers at war, to the enemy vessels of those Powers which may be found in neutral ports.

The first of the four maxims of neutrals, which almost every nation, England excepted, regards as the palladium of commerce, is, that every vessel may navigate freely, from port to port, on the coasts of nations at war. This right, derived from the right of nature, is necessarily reciprocal; the Powers who have acceded to the principles of the neutrality, have never contested it; and I cannot tell, you, citizen, how much I am surprised, that the Governor of the State of New York should take advantage of the political opinions promulgated by the United States, to subject our vessels of war to an indefinite truce, which would be a dangerous restraint, contrary to the letter, to the spirit of our treaties, and which, at most, could be required from a vessel of an indifferent State, with whom neither obligation nor engagement has been contracted.

"In the present state of things, citizen, all that the Government of the United States can require, is, that we commit no hostility against our enemies on the territory, and in the waters of the United States; and in renewing to you the order, attentively to observe that our vessels attend to this reservation, I recommend that you oppose with energy, analogous to the sentiments of friendship which we have avowed to the United States, every act or every step which would deprive our vessels, armed or unarmed, of the liberty they ought to enjoy in the ports of the United States, in virtue of our treaties, and in virtue of the only principles which have been diplomatically established on the rights of neutral nations, which, as I have already said, being founded on the right of nature, the basis of the rights of man, implicitly comprehend reciprocity, an elementary condition of all the acts dictated by equal and impartial justice.

Let those who have another code, and other titles to present to us, produce them; and, in the mean while, the English of New York, instead of unreasonably putting themselves under the protection of principles which their government has always disclaimed to acknowledge, and which it has violated in all wars, keep themselves quiet, or run the chance of sailing in the presence of our forces.

Certified conformable to the original.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 18, 1793, 2d year of the French republic.

SIR:

I have examined the correspondence which has taken place between you and my predecessor, relatively to the requisition of funds which he has made on the Federal Government, to pay off certain drafts of the administrators of Saint Domingo, and to procure provisions for that colony. I pay due respect, sir, to the justness of the observations which you transmitted to the citizen Ternant, on the subject of this request. Forced from his circumspection by the pressing instances of the administrators of Saint Domingo, I conceive that this requisition must have embarrassed your government infinitely; and, under this view, I feel all the obligations we owe you, for having, as you yourself expressed it, less consulted prudence than friendship in yielding to it. You have with propriety remarked, sir, that the decree, which appropriated for the necessities of the colonies four millions from the debt of the United States to France, not being yet transmitted to the Federal Government, in the usual official form, should not have an application so positive, so determined as that which the commissioners of the administration of Saint Domingo had given it; and that it was probable the ministers of France had had recourse, in order to supply the wants of this colony, to operations of another nature than those which took place. In fact, sir, the drafts for the payment of which the commissioners of Saint Domingo, pressed by imperious circumstances, have, in some degree, obliged the citizen Ternant to demand funds of you, have neither been authorized by the National Convention, nor by the Executive Council; and I must even inform you, that I am forbidden to pay, out of the funds placed at my disposal, any other than those drafts which shall have been accepted by the consul La Forest, in virtue of orders from my predecessor. But, on my arrival here, I was informed that this consul had received orders from the minister plenipotentiary to register all drafts issued by the administration of Saint Domingo, and to pay them out of the new funds which the Federal Government had provisionally granted, on the basis of the decree of the 26th June, although it was not officially notified. I have not thought proper, sir, to stop suddenly the payment of these drafts, in the hope that the mode of reimbursing your debt, which you at my request have laid before the President of the United States, would be adopted by him, and give me the means, first, to honor the drafts registered by my predecessor, the payment of which had been ordered by him; secondly, to provide, at the same time, for the urgent necessities of France and her colonies; but having been deceived in my expectation, by motives which are not for me to examine, I find myself deprived of the advantage of conciliating all interests, and constrained to obey only the empire of circumstances, which prescribe me to suspend the payment of the colonial drafts, and to employ the funds destined for their acquittal to the purchase of provisions for France and her colonies. This arrangement, sir, need not alarm either the bearers of the registered drafts, or those of the other drafts issued and not registered, of the administrators of Saint Domingo, and other colonies of the French republic. The nation will certainly fulfil towards them the engagements contracted by its agents. I know that they have destined particular funds for this purpose. I also know that the colonies have made contributions in kind to fulfil their obligations, and provide themselves for a part of their wants; and it is according to these ideas that I have determined to have inserted in the public papers the enclosed information, the intention of which is to calm inquietudes of the bearers of the drafts which I am obliged to set aside, and to encourage the citizens of the United States to continue to carry succor to their brothers the French republicans of the Antilles, whose fate depends on this generous act; without which the French colonies will be reduced by famine, to put themselves under a government whose commercial principles would not assuredly be so advantageous to the United States, as those which an enlightened policy and unlimited attachment for the American people have led us to embrace.

GENET.

Citizen Genet, Minister Plenipotentiary of the French republic, to the citizens of the United States.

Whereas several American citizens, who have furnished provisions to the colonies of the French republic in the West Indies, have received bills drawn by the administrators of the respective colonies on citizen La Forest, late consul general of the republic in the United States, and lately on myself; in payment for such supplies I inform them, that these drafts will certainly be paid, the National Convention having appropriated large sums for that object. But as I am not yet authorized to discharge them, I can only in the mean while advise the holders of such bills as have not yet been registered by citizen La Forest, to have them recorded in the office of citizen Dupont, consul of the French republic at Philadelphia, in order to ascertain the dates of their presentation; at the same time I cannot too much encourage the citizens of the United States to continue to assist, with unremitting exertions, their republican brethren of the French West Indies, whose existence, from the liberal principles adopted by the National Convention, with regard to the colonies of the French republic, must essentially contribute to the prosperity of the United States. The American citizens may rest assured, that the most efficacious measures have been taken, as well in France as in the colonies, to protect their property in all the ports of the republic, and to ensure to them a prompt payment for their supplies, in cash, or in merchandise, and at the same time to secure to them the enjoyment of those favors which the National Convention has lately granted to the citizens of the United States, which assimilate them, in respect to commercial advantages, to the citizens of France.

PHILADELPHIA, June 17, 1793, second year of the French Republic.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 23, 1793.

SIR:

In answer to your letter of the 18th instant, on the subject of the bills drawn by the administration of St. Domingo, in favor of certain citizens of the United States, I am instructed to inform you, that the funds therein mentioned have been so clearly understood, on all hands, to be specially appropriated for the payment of the bills

which were recognised by the former agents of France here, as to be incapable of being diverted, without disappointing the just expectations of our citizens, holders of those bills.

Indeed, the Government has been so much a party in countenancing those expectations, as, in such an event, to lie under an obligation, in point of propriety, to satisfy the parties themselves to the extent of the balance which yet remains to be advanced.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 23, 1793.

SIR:

I have the honor to inform you, that, in consequence of the general orders given by the President, a privateer, fitted out by English subjects within the State of Georgia, to cruise against the citizens of France, has been seized by the Governor of Georgia, and such legal prosecutions are ordered as, the case will justify. I beg you to be assured, that the Government will use the utmost vigilance to see that the laws which forbid these enterprises, are carried into execution.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

PHILADELPHIA, June 25, 1793, 2d year of the republic of France.

SIR:

I learn, with infinite pleasure, by your letter of the 23d of this month, that the government of Georgia have caused to be stopped a vessel armed in that State, for the purpose of cruising against the French, and that the persons interested in this vessel will be prosecuted.

It is to be wished, sir, that the same watchfulness and firmness may be employed in all the States of the Union: for you will observe by the enclosed reports of the consuls of the republic at Charleston, at Baltimore, at Philadelphia, and at New York, that many enemy vessels have been armed there, have entered armed, remained there, and have gone out from thence armed, in contempt of our treaties; whilst, in virtue of instructions from the President of the United States, the French adventurers, who have been able to put themselves in a state of defence, in the ports of their allies, in order to go out without danger, and to fulfil, otherwise, according to circumstances, the duties of a citizen against the enemies of the state, are pursued with rigor.

Accept, sir, my esteem and respect,

GENET.

PHILADELPHIA, June 25, 1793, 2d year of the French republic.

Extracts from the reports of the Consuls and Vice Consuls of the French republic at Charleston, Baltimore, Philadelphia, and New York, to Citizen Genet.

[Charleston, from the 24th of May, to the 6th June.]

A Bermudian vessel has purchased 4 cannon in this port, to protect her in returning. A Dutch vessel, which entered this port without guns, has sailed with 14. English vessels have been in like manner armed here.

BALTIMORE, June 21.

An English vessel called the Trusty, captain Hale, has been publicly armed as a privateer in this port, by Mr. Ireland of this city. The vice consul has complained of it to the Governor and attorney general of the State of Maryland.

PHILADELPHIA, June 21, 1793.

A Bermudian vessel belonging to the subjects of the King of England, mounting twelve cannon, purchased in this city, sailed on the 2d instant. There had sailed some days before, an English armed vessel of four guns. The consul had not been informed of them before the date of his report.

NEW YORK, June 18, 1793.

The Swallow, an English letter of marque, commanded by Captain Lion, armed with eight cannon and twenty men at least, and appearing to be of about 150 tons burden, has anchored so long in this port, as to exclude the idea of her having entered in distress, though the 17th article of the treaty of commerce between France and America, formally excludes from the ports of both, the enemy vessels who shall have made prizes, and every English privateer which enters is authorized by the English Government to take, burn, and destroy, our vessels.

It has always remained a question, whether an armed vessel of that nation, on entering, has executed those orders or not. The consul Hauterive has transmitted these observations to the Governor of the State of New York, giving him to understand, that every vessel armed for war, and belonging to our enemies, being subject to the exclusion contained in our conventional laws, should be obliged to go out of the port of New York.

Other reports have come to the knowledge of Citizen Genet, by indirect channels, that several other armaments have been made by the enemies of the republic in American ports, and that these vessels have taken on board, without opposition, a great number of Tories, citizens of the United States, while some good Whigs, friends of France, who have taken part in her cause on board her vessels, have been arrested and thrown into prison, whence the citizen Genet has not yet been able to liberate them without security.

Certified conformable to the reports which have been made to me, the minister plenipotentiary of the republic of France.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 30, 1793.

SIR:

I have to acknowledge the receipt of your favor of the 25th instant, on the subject of vessels belonging to the enemies of France, which have procured arms within our ports for their defence. Those from Charleston and Philadelphia have gone off before it was known to the Government, and the former, indeed, in the first moments of the war, and before preventive measures could be taken in so distant a port. The day after my receipt of your letter, the communications now enclosed from the Governor of Maryland came to hand, and prevented our inter-

ference on the subject of the *Trusty*, captain Hale, a vessel loaded with flour and lumber, and bound to Barbadoes. You will perceive by the papers, that the Governor of Maryland had got information that she was buying guns, and had given orders for the examination of the fact, but that she got off before the officer could get on board, having cleared out three or four days before. It appears that she was of 300 tons burden, and had mounted four small guns. The case of the *Swallow* is different from any thing which has yet been presented to the President, which shall be submitted to him on his return, and no doubt will meet his earliest attention and decision.

I have the honor to be, &c.

TH: JEFFERSON.

Extract of a letter from the Governor of Maryland to the Secretary of War.

MARYLAND, ANNAPOLIS, June 22, 1793.—*In Council.*

SIR:

The enclosed copies of a letter written by this Board to the collector of the customs at the port of Baltimore, and of the answer thereto which we have just received from his deputy, will sufficiently explain the first case which has seemed to call for our interference since the receipt of your communications respecting the fitting out of fighting vessels within our jurisdiction.

“You will see, sir, that most probably, through a step not contemplated by us, that one of the officers applying to Mr. Ireland himself for the information we desired, the ship has got out of our reach. We can therefore only endeavor to be better prepared for future occurrences of this kind, which we are told may be expected at the same place.”

IN COUNCIL, June 20, 1793.

SIR:

A report has reached this Board, that a British ship, consigned to Mr. Ireland, is preparing for sea in the port of Baltimore, and is to mount twelve pieces of ordnance, which she did not bring into this country, and which, as it appears to us, cannot be carried from hence to the ports of any of the European Powers at war, without a deviation from the neutrality professed by the United States, even supposing that no use is intended to be made of them on the way; but as these guns are not taken as an article of merchandise, but are, according to our information, mounted professedly for the defence of the vessel, we can by no means be certain that they are not also designed for offensive measures; on which supposition it would become our duty to interfere effectually, so as to prevent the departure of the ship, until the President could be made acquainted with the circumstances. Our information is at present too vague to form a sufficient ground for an immediate interference. We therefore make it our request, that you would, immediately on receipt of this letter, collect all the facts you can, with regard to the arming, loading, manning, and destination of this vessel, and, without loss of time, transmit to this Board the result of your inquiries, in order that we may then determine whether this comes within the description of cases in which we are instructed by the Executive power of the United States to interfere. We are, &c.

THOMAS S. LEE.

To the Collector of the Customs at the port of Baltimore.

BALTIMORE, June 21, 1793.

The collector of the customs being absent in the country for the benefit of his health, I have the honor of receiving your Excellency's communications respecting a British ship said to be preparing for sea, in an offensive situation, inconsistent with the tenor of the President's proclamation, and the neutrality of the United States.

I presume that the ship *Trusty*, John A. Hale, master, is the vessel alluded to; she arrived at this port from Barbadoes, on the 1st day of March, and cleared for the same island, on the 17th of the present month, her cargo consisting of flour and lumber.

Mr. Ireland has informed me that she mounts four small guns, that her crew consisted of twenty men when she arrived, and that she had not more than seventeen on board when she cleared. She is upwards of three hundred tons burden.

Vague report, however, differing from the preceding account, I determined to go on board the ship for the purpose of obtaining accurate information, but was prevented by her getting under way and proceeding down the river, on her intended voyage. I have the honor to be, &c.

D. DELOSIER, Deputy Collector.

His Excellency THOMAS S. LEE, Esq. Governor of Maryland.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary from the republic of France to the United States.

PHILADELPHIA, June 25, 1793.

SIR:

In the absence of the President of the United States, I have consulted with the Secretaries of the Treasury and War, on the subject of the ship *William*, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, concerning which I had the honor of a conversation with you yesterday, and we are so well assured of the President's way of thinking in these cases, that we undertake to say, it will be more agreeable to him, that such vessels should be detained under the orders of yourself, or of the consuls of France in the several ports, until the Government of the United States shall be able to inquire into, and decide on, the fact. If this arrangement should be agreeable to you, and you will be pleased to give the proper orders to the several consuls of your nation, the Governors of the several States will be immediately instructed to desire the consul of the port to detain vessels on whose behalf such suggestions shall be made, until the Government shall decide on their case. It may sometimes, perhaps, happen, that such vessels are brought into ports where there is no consul of your nation resident, nor within any convenient distance. In that case, the Governors would have to proceed to the act of detention themselves, at least until a consul may be called in.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 26, 1793, 2d year of the republic.

SIR:

The letter which you have done me the honor to write since the departure of the President of the United States, contains dispositions worthy of your wisdom, and of the sentiments which characterize you. The arrangement you propose, sir, suits us in every respect. I shall communicate them to the consuls and vice consuls of the republic, and in recommending them to conform to them, I shall add to the instructions already given on the subject of prizes, new regulations, the rigid execution of which will prove to the Federal Government, that we regard

it as the first of our duties to respect all the rights of sovereignty of the United States, to undertake nothing that may be disagreeable to them, and to unite all our efforts to perpetuate and to cement more and more the connexions which so happily unite our two republics.

GENET.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

PHILADELPHIA, June 29, 1793.

SIR:

The persons who reclaimed the ship William as taken within the limits of the protection of the United States, having thought proper to carry their claim first into the courts of admiralty, there was no power in this country which could take the vessel out of the custody of that court, till it should decide, itself, whether it had jurisdiction or not of the cause; having now decided that it has not jurisdiction, the same complaint is lodged with the Executive.

I have the honor to enclose you the testimony whereon the complaint is founded. Should this satisfy you that it is just, you will be so good as to give orders to the consul of France at this port, to take the vessel into his custody and deliver her to the owners. Should it be over-weighed in your judgment, by any contradictory evidence, which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody until the Executive of the United States considers and decide finally on the subject.

I have the honor to be, &c.

TH: JEFFERSON.

MARYLAND, *Saint Mary's County, ss.*

Benedict Wheatley, of Saint Mary's, regularly admitted and qualified as a branch pilot for the Chesapeake bay and Potomac river, being duly sworn, depose and sayeth, that on Friday, the third day of May last past, being on the look-out for inward bound vessels, fell in with the ship William, James Legget, master, from Germany, bound to Potomac, about nine miles to the eastward of Cape Henry; he immediately took charge of the ship as pilot, and after being on board for one hour, and running into the mouth of the bay, with a leading wind, a small schooner hove in sight, coming out from the capes; she run up along side, fired one gun, and hailed the ship; captain Legget hoisted his English ensign, on which he was ordered from the schooner to strike; the colors after some time were hauled down, and a boat from the schooner, with a lieutenant and six men, came on board and took possession of the ship, as a prize to the schooner Cincinnatus; a prize master was ordered on board, and all the hands of the ship were put on board the schooner, except the carpenter and two or three hands.

After the capture, an inquiry was made of the deponent what course would clear the Middle Ground. The necessary information was given, and he the deponent, after being offered a considerable reward to carry the ship to Philadelphia, declined it, and was put on board a pilot boat that came along side at the time.

The deponent further sayeth, that he understood from the captors, that the schooner was from Charleston, South Carolina, and commissioned at that place by the French ambassador, lately arrived from France; that the captain, whom the deponent did not see, was said to be a Frenchman, but all the men who boarded the ship appeared to be Americans or English. She mounted four guns, and carried about fifty men; he further sayeth, that at the time the ship was boarded, the distance from the ship to the light house on Cape Henry, did not exceed five miles at the utmost. The deponent inquired what distance from the land they were authorized to take prizes; he was answered, not less than nine miles; on which he replied that the ship at the time of capture was not half that distance from the light house on Cape Henry.

his
BENEDICT \times WHEATLEY.
mark.

Sworn before me, the subscriber, one of the justices of the peace for the county and State aforesaid, this 18th day of May, 1793.

M. JONES.

STATE OF MARYLAND, *St. Mary's County, to wit:*

These are to certify, that Mordecai Jones, Esq. before whom the within deposition was made, and who, in witness thereto, appears to have subscribed his name, was, at the taking and subscribing the same, and now is, one of the justices of the peace of the State, and for the county aforesaid, thereunto duly authorized, commissioned, and sworn, and that to all certificates of probates before him made, and by him signed, due faith and credit is and ought to be given, as well in justice court as thereout.

In testimony whereof, I have hereunto set my hand and affixed the public seal of office for St. Mary's county court, this 20th day of May, Annoque Domini 1793.

TIMOTHY BOWES,
Clerk of St. Mary's County Court.

By this public instrument of protest, be it made known and manifest, unto all who shall see these presents, or hear the same read, that, on the 18th day of May, in the year of our Lord 1793, before me, Asheton Humphreys, notary and tabellion public, in and for the commonwealth of Pennsylvania, by lawful authority duly admitted and sworn, dwelling in the city of Philadelphia, in the said commonwealth, personally appeared James Legget, late master of the ship William, now in this port of Philadelphia, John Whiteside, late chief mate of the said ship, James Ramsay, second mate, and James Manson, boatswain, belonging to the said ship, and being severally sworn on the Holy Evangelists of Almighty God, did respectively depose, testify, declare, and say, in manner following, that is to say: That, on or about the 16th day of February last, they sailed in and with the said ship from Bremen, upon the river Weser, with the wind at northeast, bound on a voyage to Maryland, in North America, and on the 22d day of the same month, came to an anchor at Stromness, in the Orades, with a contrary wind; that on the 27th day of March last they sailed from Stromness aforesaid, with the wind at southeast; and on the 21st day of April last, the wind blowing very hard, split the foresail, which obliged them to lay the ship to, with the reefed mainsail, the wind being at west and by south; that on the 29th day of April aforesaid, being then in the latitude 36 degrees 36 minutes north, a heavy gale of wind blowing from the southeast, split the maintop sail; and on the 3d day of May instant, at 2 o'clock, P. M. they got a pilot on board, and at four o'clock, P. M. of the same day, the said ship being then about two miles off the lighthouse at Cape Henry, in five fathoms water, and as near the shore as the pilot on board judged it proper to go, the privateer schooner Genet, commanded by Peter Joanna, from Charleston, fired one gun at the said ship William, and desired them to haul down their colors, and heave the ship's head to the eastward, the said light house then bearing west northwest; that the commander of the said privateer then took out of the said ship the said master, chief mate, second mate, boatswain, four of the seamen belonging to the said ship, and one passenger; all of whom were put on board the said privateer, and a prize master and seven people were put on board the said ship, and the said ship sent up to this port of Philadelphia, where she now lies; and these appearers, with the said privateer, arrived at this port of Philadelphia the 14th day of May instant, at about four o'clock in the morning; since which they have been let, one by one, alternately on shore, until this day, when, all of them being on shore, they took the opportunity, it being the first they have had, of protesting against the capture of the said ship William. Wherefore the said James Legget, John Whiteside, James Ramsay, and James Manson, for themselves, their owners, freighters, merchants, mariners, and all others interested or concerned in the said ship, or her cargo, have protested, and by these presents do solemnly protest, against the capture of the said ship William, by the said privateer schooner Genet, and against all losses, costs, charges, damages, breaches of bills of lading, contracts, covenants, and agreements whatsoever, already suffered, sustained, or occasioned, or which shall or may

hereafter be suffered, sustained, or occasioned, by reason or means of the premises, and against all incidents and consequences thereof; and, persisting in the said protest, they, the said master and other appearers, have set their hands hereunto, the day and year first within written. Thus done and protested at Philadelphia aforesaid, the day and year aforesaid.

JAMES LEGGET,
JOHN WHITESIDE,
JAMES RAMSAY,
JAMES MANSON.

[L. s.] *Quod attestor manu et sigillo rogatus.*

ASHETON HUMPHREYS, *Notarius Publicus*, 1793.

I, the within named notary, do hereby certify and attest, unto all whom it doth or may concern, that the foregoing writing doth contain a just and true copy of an original protest, taken and made before me, the said notary, and remaining of record in my notarial office, in the city of Philadelphia, and that I have carefully compared the said copy with its original, so remaining of record in my said office, and find it exactly to agree therewith.

In testimony whereof, I have hereunto set my hand and affixed my seal of office of notary, at Philadelphia aforesaid, this 23d day of May, in the year of our Lord 1793.

ASHETON HUMPHREYS, *Notarius Publicus*, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

PHILADELPHIA, June 29, 1793.

SIR: A complaint is lodged with the Executive of the United States, that the Sans Culottes, an armed privateer of France, did, on the 8th of May last, capture the British brigantine Fanny, within the limits of the protection of the United States, and sent the said brig as a prize into this port, where she is now lying.

I have the honor to enclose you the testimony whereon the complaint is founded. Should this satisfy you that it is just, you will be so good as to give orders to the consul of France at this port, to take the vessel into his custody, and deliver her to the owners. Should it be overweighed, in your judgment, by any contradictory evidence which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody, until the Executive of the United States shall consider and decide finally on the subject.

I have the honor to be, &c.

TH: JEFFERSON.

VIRGINIA, to wit:

To all persons whom it may concern, I, John Nivison, notary public for the district of Norfolk, by lawful authority duly admitted and qualified, do hereby certify and make known, that Captain Michael Pile, late master of the brig Fanny, David Mac Intosh, mate, and John Mac Cattie, one of the sailors, personally appeared before me, and being duly sworn on the Holy Evangelists of Almighty God, deposed and said, that they sailed from Lucia, in the island of Jamaica, on the 14th day of April last, having on board a cargo of rum and sugar, and bound on a voyage to Baltimore, she being in good order for the voyage; that on the seventh day of May, at ten P. M. being off the mouth of the Chesapeake bay, Cape Henry bearing, by computation, N. W. by W. distant about seven leagues, they were hailed by a schooner, and were informed that there was a pilot on board for the Chesapeake; they answered that they should not stay for a pilot till the morning; that the wind being at N. E. they steered N. N. W. sailing at the rate of four miles per hour, until half past four A. M. on the eighth, when, being in eight fathoms of water, Cape Henry bearing N. W. by W. or N. W. distant as above, by computation, four or five miles, they were captured by the boat aforesaid, which, to their great surprise, proved to be a French privateer, called the Sans Culottes, J. B. A. Ferry, commander, mounting four guns and two swivels, manned with forty-five men; that they were deprived of the vessel and cargo aforesaid, and were detained on board the privateer until the eleventh of the same month, when they were set on shore in Lynnhaven Bay, in the State aforesaid, and that on the same day they arrived at Norfolk.

MICHAEL PILE, *Master*,
DAVID MAC INTOSH, *Mate*,
JOHN MAC CATTIE, *Seaman*.

Wherefore, I, the said notary public, at the request of the said deponents, did, and do now, hereby solemnly protest against the privateer and her crew, for all the losses, costs, charges, damages, and expenses, suffered or to be suffered by any person or persons whomsoever interested or concerned in the said brig or her cargo, or any part thereof, on her voyage aforesaid, by reason of the capture by the privateer aforesaid.

In testimony whereof, I have hereto set my hand, and caused to be affixed the seal of my office, this 18th day of May, 1793.

[L. s.] JOHN NIVISON, *Notary Public*.

BRITISH CONSUL'S OFFICE, *State of Virginia*.

These are to certify, that John Nivison, Esq. before whom the foregoing protest was made, is notary public for the district of Norfolk, in the State aforesaid, and that full faith and credit is justly due to such his attestation. Given under my hand and seal of office, at Norfolk, this 14th of May, 1793.

JOHN HAMILTON, *Consul*.

CITY OF PHILADELPHIA, 88.

Michael Pile, master of the brigantine Fanny, of London, being duly sworn on the Holy Evangelists of Almighty God, deposed and sayeth: That he sailed from Lucia, in the island of Jamaica, on the fourteenth day of April last, bound to Baltimore, in Maryland, having a cargo of rum and sugar on board, the said brigantine being then in good condition; that, on the 7th of May, at ten o'clock, P. M. he, this deponent, being then in the said brigantine, off the mouth of the Chesapeake bay, Cape Henry then bearing, by computation, N. W. by W. distant about seven leagues, he was hailed by a schooner, and informed there was a pilot for the Chesapeake on board, to which this deponent answered that he should not stay for a pilot till the morning; that this deponent hailed the schooner, and asked how Cape Henry bore, and what distance? and was answered from the schooner that Cape Henry bore N. W. and by W. twenty miles distant; that the wind being at N. E. this deponent steered N. N. W. going at the rate of about four miles an hour, until half past four o'clock, or thereabouts, A. M. on the eighth of May, when, being in eight fathoms water, Cape Henry at the time bearing N. W. by W. or N. W. distant about four or five miles, the said brigantine Fanny was captured by the said schooner, which, to the great surprise of this deponent, proved to be a privateer, having on board a commission said to have been granted by the French Consul at Charleston, in South Carolina. The said privateer, called the Sans Culottes, was commanded by J. B. A. Ferry, mounted four guns and two swivels, and manned with forty-five men; that this deponent, the officers and crew of the said brigantine, were all put on shore, on the eleventh of May, in Lynnhaven Bay, in Virginia; that the said brigantine was sent to Philadelphia, whither this deponent came to claim the vessel and cargo; but the officers and crew of the said brigantine being destitute of friends and money, engaged themselves on board other vessels in Virginia, for the purpose of supporting themselves,

and, being thus dispersed and separated from the said brigantine, he, this deponent, is thereby deprived of their testimony, which he could have obtained if they had been sent into the port of Philadelphia with the said brigantine; and further this deponent saith not.

MICHAEL PILE.

Taken and sworn at the city of Philadelphia, this 24th day of June, 1793, before me,

JOHN BARCLAY, Alderman.

[TRANSLATION.]

The Minister of the French republic with the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 8, 1793, 2d year of the French republic.

SIR:

The French armed vessel *Le Vainqueur de la Bastille*, of American construction, and heretofore bearing the name of Hector, has sailed from Charleston, furnished with a French commission, and her old American register, which the commander Hervieux, sent to the custom house, after having cleared the bar of that port.

This conduct, condemnable only for its timidity, has led the custom-house of Charleston to require the government of South Carolina to cause him to be arrested; and, in consequence, *Le Vainqueur de la Bastille* has been seized at Wilmington, together with a prize which she took in there. The laws of the United States inflict no punishment in the present case, only where there has been an intention of avoiding the duties imposed by the United States; and, as it proved by the war commission, and by the instructions in Captain Hervieux' possession, that he went out of the port of Charleston only to resist, as much as possible, the unjust attacks of our enemies—a duty which all the treaties authorize him to fulfil, and which no law of the United States, and, consequently, no order of the Executive of these States, can forbid him to fulfil—I request you, sir, to desire of the Federal Government the liberation of Captain Hervieux, and of his crew of the *Vainqueur de la Bastille*, heretofore the Hector, and of her prize, now detained in the port of Wilmington, North Carolina.

GENET.

The Citizen Genet, Minister Plenipotentiary, of the French republic, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, July 9, 1793, 2d year of the French Republic.

SIR:

You required of me details relative to the brigantine *la Petite Democrate*, heretofore *la Petite Sarah*, at present armed, and ready to go out of the Delaware. They are as follow: This vessel, sir, of English property, armed by our enemies with four cannon, and other arms, was taken by the Embuscade frigate, belonging to the republic of France, and sent into Philadelphia. Her construction being elegant and solid, her bottom coppered, and a swift sailer, her masts and rigging being in a good condition, I have thought, on the report of the captain of the Embuscade, and other enlightened mariners, that the acquisition of this vessel would be advantageous to the marine of the republic; and this consideration, joined to the desire I had of finding employment for a great number of French marines, who were here exposed to the dangers which often attend idleness, and to misery, determined me to take her on account of the State.

I have had her repaired. I have completed her armament with cannon which I found on board of four French vessels, and given the command of her to citizen Amiot, ensign of the republic; and, when ready, I shall despatch her with a commission of the Executive Council, and with my particular instructions. I shall confine myself, sir, to represent to you these facts, which require no discussion on my part, and which cannot create any difficulty on that of your government. When treaties speak, the agents of nations have but to obey.

Accept, sir, my esteem and respect.

GENET.

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 9, 1793, 2d year of the French republic.

SIR:

The consul of the French republic, in this State, four days ago, requested the Governor of Pennsylvania to order out of the port of Philadelphia, the Jane, an English privateer, armed with sixteen cannon, which vessel came in the fourth of this month, without any appearance of distress.

The Governor replied to him, that he could not take any measures, in this respect, during the absence of the President of the United States. Although this reply, sir, is accompanied with very obliging and amicable expressions, I think it my duty to observe, that, according to the tenor of the twenty-second article of our treaty of amity and commerce, it is not necessary to await the decision of the President, to cause this privateer to depart, not having come in here in distress, and having had time to take in more provisions than is necessary to go to the nearest port of the Power under which she holds her commission, and, according to different reports which I have just received, is augmenting her armament.

The treaties being considered by the American People as the most sacred laws, the local governments of the United States are bound to acknowledge them, and all the magistrates obliged to execute them without delay. I, therefore, request you, sir, to present these considerations to the Governor of Pennsylvania, and induce him to fulfil, against the privateer Jane, the duties which our treaties impose on him.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, July 12, 1793.

SIR:

The President of the United States, desirous of having done what shall be strictly conformable to the treaties of the United States and laws, respecting the several representations, received from yourself, and the minister plenipotentiary of Great Britain, on the subject of vessels arming, or arriving within our ports, and of prizes, has determined to refer the questions arising thereon to persons learned in the laws. As this reference will occasion some delay, he will expect from both parties, that, in the mean time, the *Little Sarah*, or *Little Democrat*, the ships Jane and William, in the Delaware, the Citizen Genet, and her two prizes, the *Lovely Lass* and Prince William Henry, and the brig Fanny, in the Chesapeake, do not depart, until his ultimate determination shall be made known. You may be assured, sir, that the delay will be as short as possible, and the object of it being to obtain the best advice possible, on the sense of the laws and treaties, respecting the several cases, I am persuaded you will think the delay well compensated.

I have the honor to be, &c.

TH: JEFFERSON.

The Citizen Genet, Minister from the French republic to the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 9, 1793, 2d year of the republic.

SIR:

I have already frequently had the honor of conversing with you on the revolving treatment which the English vessels of war use on the high seas towards American vessels. I have informed you of the severe visits to which they subject them, and of the seizures they make on board of them, and under the protection of the flag of the United States, of the persons and property of the French citizens.

The reports of all the navigators attest the truth of these facts, and the complaints enclosed present new proofs. I request you, sir, to communicate them to the President of the United States, and to be so obliging as to inform me of the measures he has taken, or those he proposes to take, to cause our enemies to respect the flag of the United States as much as we ourselves do, and to have delivered to our fellow-citizens the property of which they have unjustly been deprived.

I must observe to you, sir, that, as the English will probably continue to carry off with impunity our citizens, and their property, on board of American vessels, without embarrassing themselves with the philosophical principles proclaimed by the President of the United States, the engagements we have contracted with you placing us in the most disadvantageous position, with respect to our enemies, in depriving us of the privilege of using, at every point, with regard to them, the right of reprisals, it is as necessary for you as for our interest, that we should agree quickly to take other measures. I expect immediately, sir, a positive answer from the Federal Government on this subject; and I hope that it will comport with the dignity and justice of the American people, who ought not to require, if they are not at present in a situation to compel the English to justice, whom they have formerly conquered, that we should expose ourselves and them longer, by a misplaced complaisance, to the insults of that nation, towards whom generous proceedings generally lead only to new outrages.

GENET.

COPY OF A DECLARATION AND PROTEST.

This day, the 27th of June, 1793, 2d year of the French republic, past 12 o'clock, afternoon, before us, John Baptiste Lemaire, Chancellor of the Consulate of the said republic, established at Philadelphia, in the State of Pennsylvania, one of the United States of America, the undersigned, and in the presence of the witnesses hereafter named, appeared the citizen Silvat Du Camp, *de la Bastille Clairance*, department of ———, for the purpose of saying and declaring,

That, having departed from the island of St. Lucie, on the 9th of May, 1793, as passenger on board the American brigantine Columbia, Captain John Green, of this city of Philadelphia, for this port, an English privateer, the brigantine Fanny, Captain Bloomsbury, of St. Vincent, captured the said brigantine *Columbia*, without any regard to her flag, on the 13th of said month of May last, and conducted her into the port of Basseterre, Saint Christopher's, where he arrived the same day, and where he found six or seven other American vessels, which had also been carried in there by force.

That the merchandise that he had on board the said brigantine Columbia, consisted of three barrels of raw sugar, seven bales of cotton, eight casks and eight bags of coffee, twelve pieces of handkerchief of Bearn, and about 4,500 livres currency of the islands, of French and Spanish coins, the whole amounting to 21,909 liv. 10 sols. 6 deniers, money of the islands, as appears by an invoice, dated the —, of the appearer, and a bill of lading, of the same month of May, signed John Green, Jun., exhibited to us by the appearer, and which, at his request, shall be annexed to these presents, after having been certified by him to be authentic, and by us compared with the original.

That the above sugar, cotton, and coffee, was shipped partly on account and risk of citizen John Mercie, of Bordeaux, owner of the ship Titus, of Bordeaux, and partly on account and risk of sundry other persons interested.

That the intention of the appearer had been, to dispose of the said sugar, cotton, and coffee, on account of the above mentioned John Mercie, and of all those concerned in it, on his arrival at Philadelphia.

That on his arrival at Saint Christopher's, all the merchandise already mentioned were debarked and seized by the admiralty of that place, as is proved by the certificate of E. Moore, secretary of the said admiralty, placed underneath the deposition which the said appearer had made before the English Judge, Archibald Esdale, at the said island of Saint Christopher's, and which he presented to us, and at his request is hereunto annexed, to recur to, duly certified and compared according to the ordinance.

That of the whole of the above, the said appearer having required a certificate, we, the Chancellor above mentioned, have, by these presents, granted the same, to avail him as it may of right.

The said appearer expressly declaring and protesting, for all losses, and for all expenses of damages and interests, against the said English privateer, the brigantine Fanny, Captain Bloomsbury, against the said admiralty of Saint Christopher's, and against all others whom it may concern, for the carrying off and seizure made by them of all the said merchandises from on board the said American brigantine Columbia, Captain Green, in contempt of the dignity of the American nation.

Done at Philadelphia, in the Chancery of the Consulate of the French republic, the said day, month, and year above mentioned, in the presence of the citizens Martin, Oster, and Peter Barriere, residents in this city, who have signed the same with us and the said appearer, after having read the same.

The minutes of the present remaining in the Chancery.

J. B. LEMAIRE.

Examined by us, consul of the French republic, at Philadelphia, this 18th July, 1793, 2d year of the republic.

FR'VOIS DUPONT.

Certified conformable to the original.

GENET.

We, the undersigned, passengers on board the galliot the *Regulator*, Captain White, bound from Jeremie to Baltimore, in the State of Maryland, declare—

That having sailed on the night of the 21st May, 1793, we, on the 23d, at three in the morning, met four French frigates; that one of them having fired a cannon, ordered us to hoist out our boat; that one of the officers came on board, examined the papers of the captain of the galliot, examined one of our passports, and then retired, testifying his regret at having detained us.

That, on the 25th, about six in the morning, being under the great Ignague, and very close to the land, we saw a sloop who weighed anchor to the windward, bearing down upon us, fired a cannon at us, and hoisted an English flag, sent five armed men on board of us, who rendered an account by a trumpet, that the vessel was laden with coffee and cotton, and that there were some negro slaves on board. But at the moment there appeared two other vessels, towards which the privateer immediately steered, ordering us to anchor. These two vessels were found also to be American, and were in like manner obliged to come to anchor. A third appeared some time after, and was likewise ordered to anchor.

The privateer was employed in visiting these three vessels until four in the afternoon, during which time we were under the guard of five men, who presented themselves to us more like pirates coming to seize their prey, than as privateers who have an intention to respect a neutral flag. These men, whose countenances led us to believe them capable of realizing the most sinister things, prepared us for an event which would at the same time have injured us, in making us fail in the object of our voyage. They informed us that we were to be carried into Jamaica.

At four in the afternoon, the captain of the privateer came on board of us with ten armed men; they drove all the passengers out of their state rooms, with a naked sword in one hand and a pistol in the other, appearing disposed to proceed to violence, without the least effort on the part of their captain to check them. In an instant all the effects of the passengers were ransacked. In vain did Captain White present to them his papers, and endeavor to stop them; they paid no attention, and scarcely looked at them. The representations of these hostile acts, rendering them still more violent, they threatened those who endeavored to reason with them. They broke the locks of the trunks without waiting till the keys were found, they raised a part of the plank of the cabin, they rummaged the captain's trunk, they found money there, seized it, and gave it to one of their people to take care of. At the same time they went to the fore-castle, they broke open every thing that was locked up. They forced the partitions which separate the births. They cut open a great quantity of coffee bags.

Having however found nothing in this search, made with the greatest brutality, which falsified the assertion of Captain White as to the property of the cargo, they appeared much embarrassed at the part they should take with respect to us. They in particular made offers to some of the seamen to depose against the declarations of our captain; they sent three of them on board the privateer, whom they endeavored equally, but as unsuccessfully, to seduce.

This vexatious conduct was interrupted by night coming on. It may be conceived how we passed it; it did not to us appear probable that men who appeared to breathe nothing but pillage and robbery, would allow this opportunity to escape.

On the 26th, as soon as day appeared, Captain White was called on board the privateer, where several disputes arose, in which some wished to have the vessel carried into Jamaica, others that the passengers with their effects should be put on board as prisoners, and others that the captain's trunk, containing money, should be seized; others, in fine, that they should seize the negro slaves, or send Captain White back with a new detachment, who should continue to search the effects and vessel.

We observed among this brutal and greedy horde, a man who not only disapproved the conduct of the others, but also appeared very much opposed to the attempt which he saw them determined to commit in one way or another on neutral property. This was the surgeon of the privateer; perhaps he might have had sufficient ascendancy to hinder them from taking the vessel, but he could not doubtless obtain every thing: at eight o'clock the privateer gave orders to the detachment which guarded us, to bring off the negroes and return on board. They at the same time permitted Captain White to hoist sail. He set sail in order to go and reconnoitre two vessels which were making for the entrance.

Under these circumstances, Captain White, as well as the passengers, having no means of reclamation, the former against the hostile proceedings of the privateer, the latter against carrying off the negroes, could do no otherwise than follow their destination, reserving to themselves the privileges of their respective rights against this piracy.

Several men belonging to the privateer have given us information relative to this vessel and the captain, by the particular information of the surgeon. The vessel is called the *Joseph and Mary*, of Kingston, island of Jamaica, commanded by David Harris, owners M. M. Allen and White. Captain Harris appeared to us to be a weak, indecisive man, without character, having no authority over his crew, and we cannot help thinking that, in this encounter, at the mercy of a crew of fifty or sixty men, the most of whom eager for plunder, without any subordination, the vessel, our persons and our property, have been in the greatest danger.

Done on board the galliot called the *Regulator*, Captain White; the 7th June, 1793.

SIMON WHITE, *Captain*,
LEWIS JEWELL, *Master*.

PETER NOUVEL,
CHOUQUET DE SAVAREAU } *Passengers*.
GASTIN DE NOGERE,
G. BENTIER, }

Certified to be conformable to the original.

GENET.

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 25, 1793, 2d year of the republic of France.

SIR:

I receive daily, new complaints on the insults which the English are pleased to commit against the flag of the United States; the papers here enclosed will prove to you that the sovereignty of your country is violated with impunity, not by the legitimate exercise which we have thought proper to make of some rights granted to us by treaty, but by the spoliation, the pillage, the bad treatment, exercised by our enemies in contempt of your laws, and even under shadow of the signs of your sovereignty. On all the seas an audacious piracy pursues, even in your vessels, French property, and also that of the Americans when destined for our ports. Your political rights are counted for nothing; in vain do the principles of neutrality establish, that friendly vessels make friendly goods; in vain, sir, does the President of the United States endeavor, by his proclamation, to reclaim the observation of this maxim; in vain does the desire of preserving peace lead to sacrifice the interest of France to that of the moment; in vain does the thirst of riches preponderate over honor in the political balance of America: all this management, all this condescension, all this humility, end in nothing; our enemies laugh at it; and the French, too confident, are punished for having believed that the American nation had a flag; that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. It is not possible for me, sir, to paint to you all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics. It is for the Americans to make known their generous indignation at this outrage, and I must confine myself to demand of you, a second time, to inform me of the measures which you have taken in order to obtain restitution of the property plundered from my fellow-citizens under the protection of your flag. It is from our Government they have learned that the Americans were our allies, that the American nation was sovereign, and that they knew how to make themselves respected. It is then under the very sanction of the French nation that they have confided their property and persons to the safeguard of the American flag, and on her they submit the care of causing those rights to be respected. But if our fellow citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak; we have guarantied it when slaves—we shall be able to render it formidable, having become freemen.

Accept, sir, &c

GENET.

This day, the 18th July, 1793, 2d year of the French republic, appeared before us, Francis Dupont, consul of the French republic, at Philadelphia, in the State of Pennsylvania, the undersigned citizen la Roussie, merchant of Bordeaux, now in this city of Philadelphia, who declared to us,

That, having departed from St. Mark the 12th June last, in the American brigantine, the Governor Pinckney, of Charleston, Captain D. Jenkins, belonging to Mr. Therick of the said place, the said vessel was stopped before the Mole on the 14th of said month, by a privateer of the colony of Saint Vincent, who, after having visited them, and finding nothing which could lead them to doubt the vessel's being really American property, carried them in, under the sole pretext, that they had on board said vessel, some French passengers; the declarer complaining that they plundered his trunk of two watches, a chain, and a medal, a golden key and thirty-two half johannes, and other

effects in linen, which places him in a cruel position; that they were carried into Providence, where they remained only eleven days, at a fourth of a dollar per day, at the end of which time they were set at liberty, because the island began to want provisions, and that they were there in too great numbers. The declarer had put on board on account of sundry persons, and to the bearer of the bill of lading, seven hogsheads, twelve tierces and fifty-three sacks of coffee, eight large and four small bales of cotton, and twelve quarters of sugar, which the American captain, whom he supposes to have been gained over, as well as some others of those who were carried into the said port, declared to be French property.

In testimony whereof, the said appearer has signed the present with us, in presence of the two undersigned witnesses.

LA ROUSSIE,
BINET,
OSTER, and
FRÖIS DUPONT.

Certified conformable to the original.

GENET.

NEW YORK, July 30, 1793, 2d year of the French republic.

The undersigned citizens declare, that, having departed from *Cayemite, departement de la Grande Ance*, the 2d June last, in the American brig *Ranger*, Captain Perkins, bound for New York, they were visited, in clearing the entrance of *Ignague*, by an English privateer, armed by Monsieur Moz, merchant of Nassau, Providence, who made them prisoners, and carried them into said place. The undersigned would have avoided exposing their fortunes in time of war, had they not counted on the inviolability of treaties of neutrality, which should naturally guaranty all property on board of a neutral vessel; notwithstanding this consideration was frequently urged to the privateer, he plundered us of 230,000 pounds of coffee, belonging as well to us as four other passengers of the said brig, observing that we were a good prize, according to a paper called a proclamation of General Washington, conveying, in substance, that the property of subjects of belligerent Powers might be taken on board American vessels.

In testimony whereof, we have deposited the present declaration in the Chancery of the Consulate of the French republic, in order to establish our right at a proper time and place.

Signed in original, Morles and M. Sarrazin Guelve le Sieur, Bouithon, and Lamarque, *par main d'emprunt*.

Certified to be conformable to the original, deposited in the Chancery of the Consulate at New York.

GENET.

Copy of a letter to Citizen Genet, from Conyngham, Nesbitt and Co.

PHILADELPHIA, July 26, 1793.

SIR:

We have just received advice, that the ship *Sally*, captain Griffith, loaded by us with flour, from Baltimore for Havre, is just returned to said place, after having been captured by a privateer, and carried into Guernsey or Jersey. The protests and papers will be sent us by the next post. The captain further informs, that they had also captured the ship *Columbia*, of Baltimore, having on board the French minister drove from Portugal.

Whenever we receive further intelligence, we shall communicate it to you.

Being, with respect, sir, yours, &c.

Certifié conforme à la lettre de M. M. Conyngham, Nesbitt, et Co. qui est restée entre mes mains à Philadelphie, le 26 Juillet, 1793, l'an 2d.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, July 24, 1793.

SIR:

Your favor of the 9th instant covered the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Savarean, Gaston de Nogere, and G. Bentier, that being on their passage from the French West Indies to the United States, on board merchant vessels of the United States, with slaves and merchandise of their property, these vessels were stopped by British armed vessels, and their property taken out as lawful prize.

I believe it cannot be doubted, but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true, that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy goods on board, have, in many instances, introduced, by their special treaties, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods—a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss; but this is altogether the effect of particular treaty, controlling, in special cases, the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands, and Prussia, and therefore as to them, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. Accordingly, you will be pleased to recollect, that in the late case of Holland and Mackie, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate the *Ambuscade*, and brought into this port, when I reclaimed the cargo, it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed, in this case, by some few days; and finding that to be the truth, though their real ignorance of the declaration was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor apparently in yours to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal, and Austria, we have no treaties, therefore we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottom of a friend. Nor do I see that France can suffer on the whole; for though she loses her goods in our vessels, when found therein by England, Spain, Portugal, or Austria: yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands, or Prussia; and I believe I may safely affirm, that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels, and, consequently, that France is the gainer, and we the loser, by the principle of our treaty; indeed, we are losers in every direction of that principle; for when it works in our favor, it is to save the goods of our friends; when it works against us, it is to lose our own; and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in condition neither to gain nor lose, but shall be less exposed to vexatious searches at sea. To this

condition we are endeavoring to advance; but as it depends on the will of other nations, as well as our own, we can only obtain it when they shall be ready to concur.

I cannot therefore but flatter myself, that, on revising the cases of Ducamp and others, you will perceive, that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels, and consequently, from circumstances over which we have no control.

The rudeness to their persons practised by their enemies, is certainly not favorable to the character of the latter. We feel for it as much as for the extension of it to our own citizens, their companions, and find in it a motive for requiring measures to be taken, which may prevent repetitions of it.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, August 7, 1793.

SIR:

In a letter of June 5th, I had the honor to inform you, that the President, after reconsidering, at your request, the case of vessels armed within our ports to commit hostilities on nations at peace with the United States, had finally determined, that it could not be admitted, and desired that all those, which had been so armed, should depart from our ports. It being understood afterwards that these vessels either still remained in our ports, or had only left them to cruise on our coasts, and return again with their prizes, and that another vessel, the *Little Democrat*, had been since armed at Philadelphia, it was desired in my letter of the 12th of July, that such vessels, with their prizes, should be detained till a determination should be had of what was to be done under these circumstances. In disregard, however, of this desire, the *Little Democrat* went out immediately on a cruise.

I have it now in charge to inform you, that the President considers the United States as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes which shall have been made, of any of the parties at war with France, subsequent to the 5th day of June last, by privateers fitted out of our ports.

That it is consequently expected, that you will cause restitution to be made of all prizes taken and brought into our ports, subsequent to the above mentioned day, by such privateers; in defect of which, the President considers it as incumbent upon the United States to indemnify the owners of those prizes. The indemnification to be reimbursed by the French nation.

That, besides taking efficacious measures to prevent the future fitting out privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of all such prizes as shall be hereafter brought within their ports, by any of the said privateers.

It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in. Reparation of the injury, to which the United States have been made so involuntarily instrumental, is all which now remains, and in this your compliance cannot but be expected.

In consequence of the information given in your letter of the 4th instant, that certain citizens of St. Domingo, lately arrived in the United States, were associating for the purpose of undertaking a military expedition, from the territory of the United States, against that island, the Governor of Maryland, within which State the expedition is understood to be preparing, is instructed to take effectual measures to prevent the same.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States with the Republic of France.

PHILADELPHIA, August 16, 1793.

SIR:

In my letter of June 13th, I enclosed to you the copies of several letters, which had passed between Mr. Ternant, Mr. Genet, and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principles on which our Government was conducting itself towards the belligerent parties—principles which might not in all cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct, so unexpected, and so extraordinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained, for the peace of our country, which the Executive Magistrate is charged to preserve; for its honor, offended in the person of that magistrate; and for its character, grossly traduced in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolor, in the letters of the Executive Council, in the letter and decrees of the National Assembly, and in the general demeanor of the nation towards us, to ascribe to them things of so contrary a character. Our first duty, therefore, was to draw a strong line between their intentions, and the proceedings of their minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the restraints it would impose even on their dispositions towards the belligerent Powers. Some of them imagined (and chiefly their transient seafaring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens, that we were in a state of peace with all the belligerent Powers; that in that state it was our duty neither to aid nor injure any; to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility; for the punishment of which the laws would be appealed to; and to put them on their guard, also, as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th, and signed the 22d day of April, was sent to you in my letter of the 26th of the same month.

On the day of its publication, we received, through the channel of the newspapers, the first intimation that Mr. Genet had arrived on the 8th of the month at Charleston, in the character of minister plenipotentiary from his nation to the United States, and soon after, that he had sent on to Philadelphia the vessel in which he came, and would himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention; and very soon afterwards we learnt that he was undertaking to authorize the fitting and arming of vessels in that port, enlisting men, foreigners and citizens, and giving them commissions to cruise and commit hostilities on nations at peace with us; that these vessels were taking and bringing prizes into our ports; that the consuls of France were assuming to hold courts of admiralty on them; to try, condemn, and authorize their sale as legal prizes; and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing, and declared to exist, in the President's proclamation, and incumbent on him

to preserve, till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that Power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May 15th, heretofore enclosed to you, corresponding in substance with a letter of the same date, written to Mr. Ternant, the minister of France, then residing here, a copy of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had arrived at Charleston, and might have been at Philadelphia, if he had steered for it directly. He was immediately presented to the President, and received by him as the minister of the republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war, without allowing us the exercise of any free will in the case, nothing could be more assuaging than his assurances to the President at his reception, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia, in answer to an address from them, that, on account of our remote situation, and other circumstances, France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness in peace. In a conversation a few days after, Mr. Genet told me that M. de Ternant had delivered him my letter of May 15; he spoke something of the case of the Grange, and then of the armament at Charleston; explained the circumstances which had led him to it before he had been received by the Government and consulted its will; expressed a hope that the President had not so absolutely decided against the measure but that he would hear what was to be said in support of it; that he would write me a letter on the subject, in which he thought he could justify it under our treaty; but that, if the President should finally determine otherwise, he must submit: for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May 27. The President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June 5th, notifying this to him, his of June 8 and 14, mine of the 17th, and his again of the 22d, will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President.

It would be tedious to pursue this and our subsequent correspondences through all their details. Referring, therefore, for these to the letters themselves, which shall accompany this, I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

1st. Mr. Genet asserts his right of arming in our ports, and of enlisting our citizens, and that we have no right to restrain him or punish them.* Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs from the most enlightened and approved writers† on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties; that favors to one to the prejudice of the other, would import a fraudulent neutrality, of which no nation would be the dupe; that no succor should be given to either, unless stipulated by treaty, in men, arms, or any thing else, directly serving for war; that the right of raising troops, being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign Power or person can levy men, within its territory, without its consent, and he who does, may be rightfully and severely punished;‡ that if the United States have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations, Mr. Genet answers, by calling them "diplomatic subtleties" and "aphorisms of Vattel and others."§ But something more than this is necessary to disprove them; and till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports.

But Mr. Genet says,|| that the 22d article of our treaty allows him expressly to arm in our ports. Why has he not quoted the very words of that article, expressly allowing it? for that would have put an end to all further question. The words of the article are, "It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor citizens of the said United States, who have commissions from any prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties." Translate this from the general terms in which it here stands, into the special case produced by the present war. "Privateers not belonging to France or the United States, and having commissions from the enemies of one of them," are, in the present state of things, "British, Dutch, and Spanish privateers." Substituting these, then, for the equivalent terms, it will stand thus: "It shall not be lawful for British, Dutch, or Spanish privateers, to fit their ships in the ports of the United States." Is this an express permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not: It leaves the question, as to France, open and free to be decided according to circumstances; and if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence, or implication. Suppose they had desired to stipulate a refusal to their enemies, but nothing as to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words but with the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could, in no case, embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France when this treaty was made, and we shall find several cases wherein France could not have permitted us to arm in her ports. Suppose a war between these States and Spain: we know, that, by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain: by the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant, in this article, to give us such a right. She has manifested the same sense of it again, in her subsequent treaty with England, made eight years after the date of ours, stipulating, in the 16th article of it, as in our 22d, that foreign privateers, *not being subjects of either crown*, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, that the subjects of the other crown might arm in her ports against us, it would have been in direct contradiction to her 22d article with us. So that, to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith: to give them only their negative and natural effect, is to reconcile them to one another, and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right, in the present case, to Great Britain and the other enemies of France. It does not go on to give it to France, either expressly or by implication. We may then refuse it. And, since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other. The aiding either party, then, with vessels, arms, or men, being unlawful by the law of nations, and not rendered lawful by the treaty, it is made a question, whether our citizens, joining in these unlawful enterprises, may be punished? The United States, being in a state of peace with most of the belligerent Powers by treaty, and with all of them by the laws of nature, murders and robberies committed by our citizens, within our territory, or on the high seas, on those with whom we are so at peace, are punishable, equally as if committed on our own inhabitants. If I might venture to reason a little formally, without being charged with running into "subtleties and aphorisms," I would say, that, if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has a right to go to war, by the authority of its individual citizens. But this is not true, either on the general principles of society, or by our constitution, which gives that power to Congress alone, and not to the citizens individually. Then the first position was not true, and no citizen has a right to go to war of his own authority; and for what he does without right, he ought to be punished. Indeed, nothing can be more obviously absurd, than to say that all the citizens may be at war, and yet the nation at peace. It has been pretended, indeed, that the engagement of a citizen in an enterprise of this nature was a divestment of the character of citizen, and a transfer of jurisdiction over him

*Letters, June 8, 22, 1. May 27. †Letter June 17. Vattel, l. 3. s. 104. ‡Wolf, 1174. Vattel, 3, s. 15. §June 22. ||June 22, 8.

to another sovereign: Our citizens are certainly free to divest themselves of that character by emigration, and other acts manifesting their intention, and may then become the subjects of another Power, and free to do whatever the subjects of that Power may do. But the laws do not admit that the bare commission of a crime amounts of itself to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never prescribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, innocent, by giving it the force of a dissolution of the obligations of the criminal to his country. Accordingly, in the case of Henfield, a citizen of these States, charged with having engaged, in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the attorney general of the United States, in an official opinion, declared that the act with which he was charged was punishable by law. The same thing has been unanimously declared by two of the circuit courts of the United States, as you will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is able to tell the Governor, and continues to affirm in his correspondence here, that no law of the United States authorizes their Government to restrain either its own citizens, or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that, in the case of Henfield, the jury which tried, absolved him. But it appeared on the trial that the crime was not knowingly and wilfully committed; that Henfield was ignorant of the unlawfulness of his undertaking; that, in the moment he was apprized of it, he showed real contrition; that he had rendered meritorious services during the late war, and declared he would live and die an American. The jury, therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty; the constitution having provided for the pardon of offences in certain cases, and there being no case where it could have been more proper than where no offence was contemplated. Henfield, therefore, was still an American citizen, and Mr. Genet's reclamation of him was as unauthorized as the first enlistment of him.

2d. Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions, whether vessels *held by their* as prizes, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly into complete courts of admiralty.

Let us consider, first, What is the extent of the jurisdiction which the consulates of France may rightfully exercise here. Every nation has, of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend on the instrument of cession. The United States and France have, by their consular convention, given mutually to their consuls jurisdiction in certain cases specially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France, then, cannot take judicial cognizance of those questions here. Of this opinion Mr. Genet was when he wrote his letter of May 27th, wherein he promises to correct the error of the consul at Charleston, of whom, in my letter of the 15th, I had complained, as arrogating to himself that jurisdiction, though, in his subsequent letters,* he has thought proper to embark in the errors of his consuls.

But the United States, at the same time, do not pretend any right to try the validity of captures *made on the high seas* by France, or any other nation, over its enemies. These questions belong, of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the seventeenth article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof—a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning. As the validity of captures, then, *made on the high seas*, by France, over its enemies, cannot be tried within the United States by their consuls, so neither can it by our own courts. Nor is this the question between us, though we have been misled into it.

The real question is, whether the United States have not a right to protect vessels within their waters, and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware State, and several miles above its mouth. The seizing her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit, in his letters, for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French consul, according to my letter of June 25th, to be kept till the Executive of the United States should examine into the case; and Mr. Genet was desired, by my letter of June 29th, to have them furnished with the evidence, on behalf of the captors, as to the place of capture. Yet, to this day, it has never been done. The brig Fanny was alleged to be taken within five miles from our shore; the Catharine within two miles and a half. It is an essential attribute of the jurisdiction of every country, to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it while within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redressing is still the same. And humble indeed would be our condition, were we obliged to depend, for that, on the will of a foreign consul, or on negotiation with diplomatic agents. Accordingly, this right of protection, within its waters, and to a reasonable distance on its coasts, has been acknowledged by every nation, and denied to none; and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves. France herself has asserted the right in herself, and recognised it in us, in the sixth article of our treaty, where we mutually stipulate, that we will, *by all the means in our power*, (not by negotiation) protect and defend each other's vessels and effects, in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia, and Sweden, have recognized it also in treaties with us; and indeed it is a standing formula, inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.

How, and by what organ of the Government, whether judiciary or executive, it shall be redressed, is not yet perfectly settled with us. One of the subordinate courts of admiralty has been of opinion, in the first instance, in the case of the ship William, that it does not belong to the judiciary. Another, perhaps, may be of a contrary opinion. The question is still sub judice, and an appeal to the court of last resort will decide it finally. If, finally, the judiciary shall declare, that it does not belong to the *civil* authority, it then results to the Executive, charged with the direction of the *military* force of the Union, and the conduct of its affairs with foreign nations. But this is a mere question of internal arrangement between the different departments of the Government, depending on the particular diction of the laws and constitution; and it can in nowise concern a foreign nation, to which department these have delegated it.

3d. Mr. Genet, in his letter of July 9th, requires that the ship Jane, which he calls an English privateer, shall be immediately ordered to depart; and to justify this, he appeals to the twenty-second article of our treaty, which provides, that it shall not be lawful for any foreign *privateer* to fit their ships in our ports, to sell *what they have taken*, or purchase victuals, &c. The ship Jane is an English merchant vessel, which has been many years employed in the commerce between Jamaica and these States. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called letters of marque. She arrived here safely, without having had any rencounter of any sort. Can it be necessary to say, that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer, than a husbandman following his plough, in time of war, with a knife or pistol in his pocket, is thereby made a soldier. The occupation of a privateer is to attack and plunder; that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports, and from

selling *what she has taken*, that is, what she has acquired by war, to show it did not mean the merchant vessel, and what she had acquired by commerce. Were the merchant vessels, coming for our produce, forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer; our coasts would swarm with them; foreign vessels must cease to come; our commerce must be suppressed; our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away; our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make, out of mere complaisance to a false definition of the term *privateer*. Finding that the Jane had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes for them, the carriages were ordered to be relanded, the additional port-holes stopped, and her means of defence reduced to be exactly the same at her departure as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4th. The 17th article of our treaty leaves armed vessels free to *conduct*, whithersoever they please, the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, where the captain shall be obliged to show. It is evident, that this article does not contemplate a freedom *to sell their prizes here*; but, on the contrary, *a departure* to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices. And against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize goods here for consumption; in which case, it is as reasonable they should pay duties, as the goods of a merchantman, landed and sold for consumption. They have, however, demanded, and as a matter of right, to sell them free of duty; a right, they say, given by this article of the treaty, though the article does not give the right to sell at all. Where a treaty does not give the principal right of selling, the additional one of selling duty free, cannot be given; and the laws, in admitting the principal right of selling, may withhold the additional one of selling duty free. It must be observed, that our revenues are raised almost wholly on imported goods. Suppose prize goods enough should be brought in to supply our whole consumption. According to their construction, we are to lose our whole revenue. I put the extreme case, to evince more extremely the unreasonableness of the claim. Partial supplies would affect the revenue but partially. They would lessen the evil, but not the error, of the construction. And I believe we may say with truth, that neither party had it in contemplation, when penning this article, to abandon any part of its revenue, for the encouragement of the sea robbers of the other.

5th. Another source of complaint with Mr. Genet, has been, that the English take French goods out of American vessels, which he says is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant vessels to be stopped at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions in special cases to the general operation of the law of nations. We have introduced it into our treaties with France, Holland, and Prussia; and French goods found by the two latter nations in American bottoms, are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the mean while they have a right to act on the general principle, without giving to us, or to France, cause of complaint. Nor do I see that France can lose by it on the whole. For though she loses *her* goods when found in our vessels, by the nations with whom we have no treaties, yet she gains *our* goods, when found in the vessels of the same, and all other nations; and we believe the latter mass to be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dreadful calamity which has lately happened in St. Domingo. The miserable fugitives, who, to save their lives, had taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment, out of the ashes of their houses, and wrecks of their fortunes, have been plundered of these remains by the licensed sea rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle that "an enemy's goods are free prize in the vessels of a friend." But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our own towns to the same burnings and butcheries, nor of complaint because we do not.

6th. In a case like the present, where the missionary of one Government construes differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules; and reason and usage have established, in such cases, a convenient and well understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile the Government of the country to a concurrence. It is the duty of that Government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows of necessity that, exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own Government, asks new instructions, and in the meantime acquiesces in the authority of the country. His Government examines his constructions, abandons them, if wrong, insists on them, if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and a bolder line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do, what even his sovereign could not authorize; to put himself, within the country, on a line with its Government, act as co-sovereign of the territory, arms vessels, levies men, gives commissions of war independently of them, and in direct opposition to their orders and efforts. When the Government forbids their citizens to arm and engage in the war, he undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exercise, and to avow it openly. The privateers Citizen Genet and Sans Culottes, having been fitted out at Charleston, (though without permission of the Government, yet before it was forbidden) the President only required they might leave our ports, and did not interfere with their prizes. Instead, however, of their quitting our ports, the Sans Culottes remains still, strengthening and equipping herself, and the Citizen Genet went out only to cruise on our coast, and to brave the authority of the country by returning into port again with her prizes. Though in the letter of June 5th, the final determination of the President was communicated, that no future armaments in our ports should be permitted, the *Vainqueur* de la Bastille was afterwards equipped and commissioned in Charleston, the *Anti-George*, in Savannah, the *Carnag-nole*, in Delaware, a schooner, and a sloop, in Boston, and the *Polly* or *Republican* was attempted to be equipped in New York, and was the subject of reclamation by Mr. Genet, in a style which certainly did not look like relinquishing the practice. The *Little Sarah* or *Little Democrat* was armed, equipped, and manned, in the port of Philadelphia, under the very eye of the Government, and as if meant to insult it. Having fallen down the river, and being evidently on the point of departure for a cruise, Mr. Genet was desired, in my letter of July 12th, on the part of the President, to detain her till some inquiry and determination on the case should be had. Yet within three or four days after, she was sent out by orders from Mr. Genet himself, and is at this time cruising on our coasts, as appears by the protest of the master of one of our vessels mal-treated by her.

The Government, thus insulted and set at defiance by Mr. Genet, committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual, and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British minister here that the

vessels already armed in their ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed, had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or compensated. The same thing was notified to Mr. Genet, in my letter of August 7th; and, that he might not conclude the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line, against nations with whom we are at peace, undertakes also to direct the civil government; and particularly, for the Executive and Legislative bodies, to pronounce what powers may, or may not be exercised by the one or the other. Thus, in his letter of June 8th, he promises to respect the political opinions of the President, *till the Representatives shall have confirmed or rejected them*, as if the President had undertaken to decide what belonged to the decision of Congress. In his letter of June 14th, he says more openly that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June 23d, he tells the President, in direct terms, that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding—thus making himself, and not the President, the judge of the powers ascribed by the constitution to the Executive, and dictating to him the occasion when he should exercise the power of convening Congress, at an earlier day than their own act had prescribed.

On the following expressions no commentary shall be made:

July 9. "Les principes philosophiques proclamées par le Président."*

June 22. "Les opinions privées ou publiques de M. le Président, et cette egide ne paroissant pas suffisante."†

June 22. "Le gouvernement fédéral s'est empressé, poussé par je ne sais quelle influence."‡

June 22. "Je ne puis attribuer des démarches de cette nature qu'à des impressions étrangères dont le tems et la vérité triompheront."§

June 25. "On poursuit avec acharnement, en vertu des instructions de M. le Président, les armateurs Français."||

June 14. "Ce refus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses complices, pour faire périr par la famine les républicains Français avec la liberté."¶

June 8. "La lâche abandon de ses amis."**

July 25. En vain le désir de conserver la paix fait-il sacrifier les intérêts de la France à cet intérêt du moment; en vain le soif des richesses l'emporte-t-elle sur l'honneur dans la balance politique de l'Amérique, tous ces menagemens, toute cette condescendance, toute cette humilité n'aboutissent à rien; nos ennemis en rient, et les Français trop confians sont punis pour avoir cru que la nation Américaine, avoit un pavillon, qu'elle avoit quelque égard pour ses loix, quelque conviction de ses forces, et qu'elle tenoit au sentiment de sa dignité. Il ne m'est pas possible de peindre toute ma sensibilité sur ce scandale qui tend à la diminution de votre commerce, à l'oppression du notre, et à l'abaissement, à l'aviilissement des républiques.—Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souveraineté de votre peuple, parlez; nous l'avons garantie quand nous étions esclaves, nous saurons la rendre redoutable étant devenus libres."††

We draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the portrait of ourselves, nor the pencil of our friends; but an attempt to embroil both; to add still another nation to the enemies of his country, and to draw on both a reproach, which it is hoped will never stain the history of either. The written proofs, of which Mr. Genet was himself the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their Executive Council, attest the truth in terms which render it necessary to seek, in some other hypothesis, the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and Government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunities of sallying forth from our ports, to waylay, rob, and murder, defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality, which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after so afflicting a libel, we recollect with satisfaction, that, in the course of two years, by unceasing exertions, we paid up seven years arrearsages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating; that, pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France, threatened with famine; that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial; that we have received, according to our best abilities, the wretched fugitives from the catastrophe of the principal town of that colony, who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses; that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of other nations, as we believe; the spirit manifested by the late grand jury, in their proceedings against those who had aided the enemies of France with arms and implements of war; the expressions of attachment to his nation, with which Mr. Genet was welcomed, on his arrival and journey from south to north; and our long forbearance under his gross usurpations and outrages of the laws and authority of our country; do not bespeak the partialities intimated in his letters. And for these things he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have intrusted with their government; between the different branches of our Government; between our nation and his. But none of these things, we hope, will be found in his power. That friendship, which dictates to us to bear with his conduct yet awhile, lest the interests of his nation here should suffer injury, will hasten them to replace an agent, whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His Government will see, too, that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory, at the same time, without collision. They will foresee, that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious,

* "The philosophical principles proclaimed by the President."

† "The opinions, private or public, of the President, and this Ægis not appearing to you sufficient."

‡ "The Federal Government has been eager, urged by I know not what influence."

§ "I cannot ascribe measures of this nature, but to extraneous impressions, over which time and truth will triumph."

¶ "They pursue with rage the French privateers, by the orders of the President."

|| "This refusal tends to accomplish the infernal system of the King of England, and of the other Kings, his accomplices, to destroy by famine French freemen and freedom."

** "The cowardly abandonment of their friends."

†† "In vain the desire to preserve peace leads you to sacrifice the interests of France to this interest of the moment; in vain the thirst of riches preponderates against honor in the political balance of America; all this management, all these condescensions, all this humiliation, end in nothing. Our enemies laugh at it, and the French, too confident, are punished for having believed that the American nation had a flag; that it had some respect for its laws; some conviction of its force; and that it had some sentiment of its dignity. It is not possible for me to point to you all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics."

"If our fellow-citizens have been deceived; if you are not in a condition to maintain the sovereignty of your people, speak: we have guaranteed it when we were slaves, we know how to render it respectable being become free."

that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the Government. It is well known, that, if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or, to what is worse than hazard, the will of an agent whose designs are so mysterious. Lay the case, then, immediately before his Government; accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that, faithful to our treaties, we have fulfilled them in every point, to the best of our understanding; that, if in any thing, however, we have construed them amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that, in opposing the extravagances of an agent whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves, and justice to others, which cannot but be approved by those who are just themselves; and, finally, that, after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them.

I have the honor to be, &c.

TH: JEFFERSON.

[NOTE.—A copy of the preceding letter was sent enclosed by the Secretary of State to Mr. Genet.]

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary from the United States to France.

PHILADELPHIA, August 23, 1793.

DEAR SIR:

The letter of the 16th instant, with its documents accompanying this, will sufficiently inform you of the transactions, which have taken place between Mr. Genet, the minister of France, and the Government here, and of the painful necessity they have brought on, of desiring his recall. The letter has been prepared, in the view of being itself, with its documents, laid before the Executive of the French Government. You will, therefore, be pleased to lay it before them, doing every thing which can be done on your part, to procure it a friendly and dispassionate reception and consideration. The President would indeed think it greatly unfortunate, were they to take it in any other light; and, therefore, charges you, very particularly, with the care of presenting this proceeding in the most soothing view, and as the result of an unavoidable necessity on his part.

Mr. Genet, soon after his arrival, communicated the decree of the National Convention of February 15, 1793, authorizing their Executive to propose a treaty with us, on liberal principles, such as might strengthen the bonds of good will, which unite the two nations; and informed us in a letter of May 23, that he was authorized to treat accordingly. The Senate being then in recess, and not to meet again till the fall, I apprized Mr. Genet that the participation in matters of treaty, given by the Constitution to that branch of our Government, would, of course, delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over, till the meeting of Senate. You will be pleased, therefore, to explain to the Executive of France this delay, which has prevented, as yet, our formal accession to their proposition to treaty; to assure them, that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the National Convention, as soon as he can do it in the forms of the Constitution; and you will, of course, suggest for this purpose, that the powers of Mr. Genet be renewed to his successor.

Since my last, which was of the 13th of June, your Nos. 25, 26, 27, of March 26th, April 4th and 5th, have been received. The public papers sent herewith will give you the current news of the country.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen Genet, Minister Plenipotentiary of the French republic with the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 18, 1793, 2d year of the French republic, one and indivisible.

SIR:

Persuaded that the sovereignty of the United States resides essentially in the People, and its representation in the Congress; persuaded that the Executive power is the only one which has been confided to the President of the United States; persuaded that this magistrate has not the right to decide questions, the discussion of which, the constitution reserves particularly to the Congress; persuaded that he has not the power to bend existing treaties to circumstances, and to change their sense; persuaded that the league formed by all the tyrants to annihilate republican principles, founded on the rights of man, will be the object of the most serious deliberations of Congress; I had deferred, in the sole view of maintaining good harmony between the free people of America and France, communicating to my Government, before the epoch at which the Representatives of the People were to assemble, the original correspondence which has taken place, in writing, between you and myself, on the political rights of France in particular; on the interests of general liberty; and on the acts, proclamations, and decisions of the President of the United States, relative to objects which require, from their nature, the sanction of the legislative body. However, informed that the gentlemen who have been painted to me so often as aristocrats, partisans of monarchy, partisans of England, of her constitution, and consequently enemies of the principles which all good Frenchmen have embraced with a religious enthusiasm, alarmed at the popularity which was reflected on the minister of France, by the affection of the American People for the French republic, and for the glorious cause which it defends, alarmed equally at my unshaken and incorruptible attachment to the severe maxims of democracy, were laboring to ruin me in my country, after having re-unityed all their efforts to calumniate me in the view of their fellow-citizens, I was going to begin to collect these afflicting materials, and I was taking measures to transmit them to France with my reports, when the denunciation which those same men have excited the President to exhibit against me, through Mr. Morris, came to my hands. Strong in the principles which have directed my conduct, sheltered from every well founded reproach, I expected, nevertheless, to have found in it some serious allegations; but what has been my astonishment on finding that the American People were more outraged in it than myself; that it was supposed that I exercised over them a *sovereign* influence; that it was pretended that I was making them take a part in the war of liberty, for the defence of their brethren, of their allies, against the intention of their Government; that judgments favorable to our interests, rendered in the midst of the acclamations of the citizens of Philadelphia, by juries, and by independent tribunals, have not been the expression of a severe justice; in short, that I was a power within another power. Such strange accusations, proving only that the American People loves and supports our principles and our cause, in spite of its numerous enemies, and that the power which they do me the honor to attribute to me, is only that of gratitude struggling against ingratitude, of truth combating error. I will send no other justification of my conduct. I will join only, in support of the opinions which I meant to profess, some writings which have been published here, such as those of *Veritas*, and of *Helvidius*, &c. As to the personal outrages, as to the doubts which you insinuate on my devotion to the union of the People, I have reason to believe that they will not make a great impression, when the answers shall be recurred to which I made to the numerous addresses which your fellow-citizens deigned to present me: when it shall be recollected that, placed at the age of twelve years in the bureau of foreign affairs, it was I who had the advantage of contributing to penetrate the French with the spirit of 1776 and 1777, by translating into our tongue, under the direction of my father, then head of the bureau, the greater part of your laws

and of the writings of your politicians; that since that epoch, always faithful to the cause of liberty, I have rendered to the Americans, in the different employments I have had, all the services which depended on me; and that, in fine, charged to represent the French People, with the first People who have proclaimed the rights of man, knowing how far our ancient Government had put liberticide shackles on the commerce and on the intimacy of our two nations, I have neglected nothing to obtain, on the one hand, the liberal basis on which the new bands which the French People desire to contract with the United States were to be negotiated, in order that, on the other, the Federal Government might be sensible how urgent it was to occupy themselves promptly on the conclusion of this true family compact, which was for ever to unite the political and commercial interests of two People equally objects of the hatred of all tyrants. Besides, sir, whatever may be the result of the achievement of which you have rendered yourself the generous instrument, after having made me believe that you were my friend, after having initiated me into mysteries which have inflamed my hatred against all those who aspire to an absolute power, there is an act of justice which the American People, which the French People, which all free people are interested to reclaim; that is, that there be made a particular inquiry, in the next Congress, of the motives on which the head of the Executive power of the United States has taken on himself to demand the recall of a public minister, whom the sovereign People of the United States had received fraternally and recognized, before the diplomatic forms had been fulfilled with respect to him, at Philadelphia.

It is in the name of the French People, that I am sent to their brethren—to free and sovereign men: it is then for the representatives of the American People, and not for a single man, to exhibit against me an act of accusation, if I have merited it. A despot may singly permit himself to demand from another despot the recall of his representative, and to order his expulsion in case of refusal. This is what the Empress of Russia did with respect to myself, from Louis XVI. But in a free State it cannot be so, unless order be entirely subverted; unless the People, in a moment of blindness, choose to rivet their fetters, in making to a single individual the abandonment of their most precious rights. I pray you then, sir, to place under the eyes of the President of the United States, the demand which I make in the name of equity, to lay before Congress for their discussion, at the epoch when they shall be assembled by the law, if the great events which occupy the universe do not appear yet sufficient to hasten their convocation, 1st. All the questions relative to the political rights of France and the United States. 2d. The different cases resulting from our state of war with the Powers of whose acts of aggression I have informed you. 3d. The heads of accusation which the minister of the United States with the French republic is charged to exhibit against me, and against the consuls whose character is compromised and outraged in the most scandalous manner, for having obeyed superior orders, which it was neither in their power nor in mine to revoke. In this expectation, sir, I do not consider the dignity of the French nation as compromised by the extraordinary position in which I find myself, as well as the consuls, and I have to complain only of the forms you have employed.

The Executive Council of the French republic had also complaints of a very different nature from those alleged against me, to exhibit against Mr. Morris, your ambassador at Paris; but, penetrated with a just sentiment of respect of the sovereignty of the American People, it recommended to me only to make confidential observations to you on the necessity of recalling this minister plenipotentiary, accused by the public voice of facts established, but not by the Representatives of the People, after a regular inquiry, of having favored, as much as he could, the counter revolutionary projects of Louis XVI., of communicating to him memoirs, in which he advised him not to accept the constitution; of having had no connexions but with suspected persons; of having affected the greatest contempt for all those who served faithfully the cause of the People; of having been the channel of the counsels which conducted Lafayette into the prisons of Prussia; of having abused the respect of the French People for the envoy of the American People, to facilitate more surely the correspondence and the conspiracies of all its enemies; of having shown nothing but ill humor in his relations with the ministers of the French republic; of having affected, in writing to them, to employ, in speaking of the Executive of the United States, only the words "in the name of my court," so shocking to republican ears; of having demanded a passport the 10th August, 1792, to go into England with the ambassador of George III.; and of having said publicly, with a confidence which the present event justifies, that, if the embassy of the republic should be received at Philadelphia, its existence and that of the republican consuls in America would not be of long duration there.

I have already mentioned to you, sir, some of these imputations; but, as I have already told you, out of respect for the sovereignty of the United States, I thought I should leave to their wisdom the care of taking measures, the most suitable to reconcile their dignity with what their prudence might require.

Not doubting, sir, that the justice which I require will be done me, as well as my co-operators, I ought to inform you, that I am about to have printed all my correspondence with you, all my instructions, and all those of the consuls, in order that the American People, whose esteem is dearer to me than life, may judge if I have been worthy, or not, of the fraternal reception which it deigned to give me; if in all my official papers I have not expressed my respect for that virtuous nation, and my confidence in the purity of their sentiments; if I have insisted on a single principle, which has not been supported since, by decisions of the juries or tribunals of the country; if, in acting and in expressing myself with the frankness and the energy of a republican, I have attacked the constitution; if I have refused respect to a single law: in fine, if, in reclaiming with all the firmness which was prescribed to me, the faithful execution of our treaties, I have not endeavored to encourage the federal government to employ the only means, worthy of a great people, to preserve peace and to enjoy the advantages of neutrality—an useful object, not to be obtained by timid and uncertain measures, by premature proclamations, which seem extorted by fear, by a partial impartiality, which sours your friends without satisfying your enemies, but by an attitude firm and pronounced, which apprizes all the Powers that the very legitimate desire of enjoying the sweets of peace has not made you forget what is due to justice, to gratitude; and that, without ceasing to be neutral, you may fulfil public engagements, contracted with your friends in a moment when you were yourselves in danger.

I will answer more in detail, sir, at a proper time, to your violent diatribe; but it contains one fact on which I must now give you explanations. You are made to reproach me with having indiscreetly given to my official proceedings a tone of color, which has induced a belief, that they did not know, in France, either my character or my manners. I will tell you the reason, sir: it is that a pure and warm blood runs with rapidity in my veins; that I love passionately my country; that I adore the cause of liberty; that I am always ready to sacrifice my life to it; that to me, it appears inconceivable, that all the enemies of tyranny, that all virtuous men, do not march with us to the combat; and that, when I find an injustice is done to my fellow citizens, that their interests are not espoused with the zeal which they merit, no consideration in the world would hinder either my pen or my tongue from tracing, from expressing my pain. I will tell you then without ceremony, that I have been extremely wounded, sir, 1st, that the President of the United States was in a hurry, before knowing what I had to transmit to him, on the part of the French republic, to proclaim sentiments, on which decency and friendship should at least have drawn a veil. 2d. That he did not speak to me at my first audience, but of the friendship of the United States towards France, without saying a word to me, without enouncing a single sentiment on our revolution; while all the towns, from Charleston to Philadelphia, had made the air resound with their most ardent wishes for the French republic. 3d. That he had received and admitted to a private audience, before my arrival, Noailles and Talon, known agents of the French counter-revolutionists, who have since had intimate relations with two members of the Federal Government. 4th. That this first magistrate of a free People, decorated his parlor with certain medallions of Capet and his family, which served at Paris as signals of rallying. 5th. That the first complaints which were made to my predecessor on the armaments and prizes which took place at Charleston on my arrival, were, in fact, but a paraphrase of the notes of the English minister. 6th. That the Secretary of War, to whom I communicated the wish of our governments of the Windward Islands, to receive promptly some fire-arms and some cannon, which might put into a state of defence possessions guaranteed by the United States, had the front to answer me with an ironical carelessness, that the principles established by the President, did not permit him to lend us so much as a pistol. 7th. That the Secretary of the Treasury, with whom I had a conversation on the proposition which I had made to convert almost the whole American debt, by means of an operation of finance authorized by the law, into flour, rice, grain, salted provisions, and other objects of which France had the most pressing need, added to the refusal which

he had already made officially of favoring this arrangement, the positive declaration, that, even if it were practicable, the United States could not consent to it, because England would not fail to consider this extraordinary reimbursement furnished to a nation with which she is at war, as an act of hostility. 8th. That, by instructions from the President of the United States, the American citizens who ranged themselves under the banners of France, have been prosecuted and arrested; a crime against liberty unheard of, of which a virtuous and popular jury avenged with eclat the defenders of the best of causes. 9th. That incompetent tribunals were suffered to take cognizance of facts relative to prizes which treaties interdict them expressly from doing; that, on their acknowledgment of their incompetency, this property, acquired by the right of war, was taken from us, that it was thought ill of, that our consuls protested against these arbitrary acts, and that, as a reward for his devotion to his duty, the one at Boston was imprisoned as a malefactor. 10th. That the President of the United States took on himself to give to our treaties arbitrary interpretations, absolutely contrary to their true sense, and that, by a series of decisions which they would have us receive as laws, he left no other indemnification to France for the blood she spilt, for the treasure she dissipated in fighting for the independence of the United States, but the illusory advantage of bringing into their ports the prizes made on their enemies, without being able to sell them. 11th. That no answer is yet given to the notification of the decree of the National Convention for opening our ports in the two worlds to the American citizens, and granting the same favors to them, as to the French citizens—advantages which will cease if there be a continuance to treat us with the same injustice. 12th. That he has deferred, in spite of my respectful insinuations, to convoke Congress immediately, in order to take the true sentiments of the people, to fix the political system of the United States, and to decide whether they will break, suspend, or tighten their bands with France—an honest measure, which would have avoided to the Federal Government much contradiction and subterfuge, to me much pain and disgust, to the local governments, embarrassments so much the greater, as they found themselves placed between treaties, which are laws, and decisions of the Federal Government, which are not; in fine, to the tribunals, duties so much the more painful to fulfil, as they have been often under the necessity of giving judgments contrary to the intentions of the Government.

It results from all these facts, sir, that I could not but be profoundly affected with the conduct of the Federal Government towards my country—a conduct so contrary to what the will of their sovereign, to what the proceedings of mine gave me reason to expect; and that, if I have shown firmness, it is because it was indispensable that my resistance should be equal to the oppression, to the injustice, which were in opposition to the interests confided to me; it is, that it was not in my character to speak as many people do, in one way, and act in another; to have an official language, and a language confidential. I have done strictly my duty; I have defended my ground; and I will suffer no precedent against any of the rights of the French People while there remains to me a breath of life; while our two republics shall not have changed the basis of their political and commercial relations; while they shall not have persuaded the American People that it is more advantageous for them to become insensibly the slaves of England, the passive tributaries of their commerce, the sport of their politics, than to remain the allies of the only Power who may be interested to defend their sovereignty and their independence; to open to them their colonies, and to their riches those markets which double their value. If it be to this that tend all the machinations set in motion against the French republicans, and against their friends in the United States; if it be to attain this more conveniently, that they wish to have here, instead of a democrat ambassador, a minister of the ancient regimen, complaisant, very mild, well disposed to pay his court to people in place, to conform himself blindly to whatsoever may flatter their views and their projects, and to prefer, above all, to the modest and sure society of good farmers, plain citizens, honest artisans, that of distinguished personages, who speculate so patriotically on the public funds, on the lands and paper of the State, I know not if the French republic can find for you at this day such a man in their bosom; but in all events, sir, I can assure you, that I will press very strongly its government to *sacrifice me without hesitation*, if this injustice offers the least utility.

Accept my respect.

GENET.

[NOTE.—This letter was, among several others which were received at the Secretary of State's office in Philadelphia, there formed into a packet, September 30, addressed to him, and forwarded by post to Virginia. By some accident of the post, they did not get on to him in Virginia, were returned to Philadelphia, and there received by him only the 2d day of December.]

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, September 5, 1793.

SIR:

I am honored with yours of August 30th: mine of the 7th of that month assured you, that measures were taking for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the *Lovely Lass*, Prince William Henry, and the *Jane* of Dublin, and that, should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power*, to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover, and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations, and even to extend it to the captures made *on the high seas*, and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use *all the means in our power* for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th June, and *before the date of that letter*, yet, where the same forbearance had taken place, it was, and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other Powers, in the analogous case, he did not mean to give an opinion, that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself, or any persons under your direction, in order that the Governors may use the means in their power for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly; but any information, which you shall be pleased to send to me also, at any time, shall be forwarded to them, as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates *restitution* or *compensation*, in the cases before the 7th of August, and *after* that date, *restitution*, if it can be effected by any means in our power; and that it will be important, that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned, between the dates of June 5th, and August 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture, and of her arrival in the port into which she is brought, according to their value in that port.

If this shall be agreeable, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the collectors of the customs where the respective vessels are.

I have the honor to be, &c.

TH: JEFFERSON.

PHILADELPHIA, September 7, 1793.

SIR:

Finding by the protests of several of the consuls of France, by their advertisements in the public papers, and other proceedings, and by other sufficient testimony, that they claim, and are exercising, within the United States, a general admiralty jurisdiction, and in particular, assume to try the validity of prizes, and to give sentence thereon, as judges of admiralty; and moreover, that they are undertaking to give commissions within the United States, and to enlist, or encourage the enlistment of men, natives or inhabitants of these States, to commit hostilities on nations with whom the United States are at peace, in direct opposition to the laws of the land: I have it in charge, from the President of the United States, to give notice to all the consuls and vice consuls of France, in the United States, as I hereby do to you, that if any of them shall commit any of the acts before mentioned, or assume any jurisdiction not expressly given by the convention between France and the United States, the exequatur of the consul so transgressing will be immediately revoked, and his person be submitted to such prosecutions and punishments as the laws may prescribe for the case.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen François Dupont, consul, Philadelphia.

Citizen Moissonier, vice-consul, Maryland.

Citizen Mangout, consul, Charleston.

The Citizen Hauterive, consul from the republic of France, at New York.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, September 9, 1793.

SIR:

In my letter of June 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, I undertook to assure you, it would be more agreeable to the President, that such vessels should be detained, under the orders of yourself, or the consuls of France, than by a military guard, until the Government of the United States should be able to inquire into and decide on the fact. In two separate letters, of the 29th of the same month, I had the honor to inform you of the claims, lodged with the Executive, for the same ship William and the brig Fanny; to enclose you the evidence on which they were founded, and to desire that, if you found it just, you would order the vessels to be delivered to the owners; or if overweighed, in your judgment, by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence, and that the consuls of France might retain the vessels in their custody, in the mean time, until the Executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, sir, to repeat the request of early information on this subject, in order, that, if any injury has been done those interested, it may be no longer aggravated by delay.

The intention of the letter of June 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard, (which, in the case of the ship William, appeared to have been disagreeable to you) the indulgence was, of course, to be understood as going only to cases where the Executive might take or keep possession with a military guard, and not to interfere with the authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29, accordingly, in the same case of the ship William, informed you, that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the Executive to interfere in it.

Consequently, this alone put it in their power to leave the vessel in the hands of the consul. The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and liable neither to control, nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the consul of New York, in the first instance, and yourself in a subsequent one, forbade an officer of justice to serve the process with which he was charged from his court, on the British brig William Tell, taken by a French armed vessel, within a mile of our shores, as has been deposed on oath, and brought into New York, and that you had even given orders to the French squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it, within the body of the country, by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe, that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it.

I am therefore charged to declare to you expressly, that the President expects and requires, that the officer of justice be not obstructed, in freely and peaceably serving the process of his court; and that, in the mean time, the vessel and her cargo be not suffered to depart, till the judiciary, if it will undertake it, or himself, if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, September 9, 1793.

SIR:

I have the honor to acknowledge the receipt of your two memorials, of the fourth and sixth instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French squadron, now in New York, to seek asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party, in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives, from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received, and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to show that no inconvenience could have been produced to the trade of the other belligerent Powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England, and all other nations, have a right to cruise on our coasts—a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us, (as she has alone, also, by a treaty with Great Britain, in the event of a war with us, or any other nation,) two special rights: 1st. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us, instead of Great Britain. 2d. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive: as we are bound by treaty to receive the public armed vessels of France, and are not bound to exclude those of her enemies, the Executive had never denied the same right of asylum, in our ports, to the public armed vessels of your nation. They, as well as the French, are free to come into them, in all cases of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature, as well as the degree, of their necessities which drive them hither, as endless as they would be fruitless; and, therefore, have not made them. And the rather, because there is a third right, secured to neither by treaty, but due to both, on the principles of hospitality between friendly nations—that of coming into our ports, not under the pressure of urgent necessity, but whenever their comfort or convenience induced them. On this ground, also, the two nations are on a footing.

As it has never been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports, from year's end to year's end, if they choose it. Thus, then, the public ships of war of both nations enjoy a perfect equality in our ports: 1st, in cases of urgent necessity; 2d, in cases of comfort or convenience; and, 3d, in the time they choose to continue. And all a friendly Power can ask from another is, to extend to her the same indulgences which she extends to other friendly Powers. And, though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty, made long ago for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great Britain, in her treaty with France; and, indeed, is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the Executive to take measures to prevent its continuance, as soon as they were apprised of it. They have been led, by particular considerations, to await the effect of these measures, believing they would be sufficient; but finding, at length, they were not, such others have been lately taken, as can no longer fail to suppress this irregularity completely.

The President is duly sensible of the character of the act of opposition, made to the service of legal process on the brig William Tell; and he presumes, the representations made on that subject to the minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Van Berckel, Resident of the United Netherlands.

PHILADELPHIA, September 9, 1793.

SIR:

I have the honor now to acknowledge the receipt of your memorial of the 5th instant. You cannot be uninformed of the circumstances which have occasioned the French squadron, now in New York, to seek an asylum in the ports of the United States; driven from those where they were on duty, by the superiority of the adverse party, in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received, and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to show that no inconvenience can have been produced to the trade of the other belligerent Powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, Holland, and all other nations, have a right to cruise on our coasts—a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us, two special rights: 1st. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles of our treaty, is secured to her, exclusively of her enemies, and there is a salvo of it in her favor, in our treaty with the United Netherlands. 2d. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive, and is secured also to the United Netherlands, by our treaty with them; and their public armed vessels are accordingly free to come into our ports, in all cases of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature, as well as the degree, of the necessities which drive them hither, as endless as they would be fruitless; and therefore have not made them. And the rather, because there is a third right, secured to neither by treaty, but due to both, on the principles of hospitality between friendly nations, that of coming into our ports, not under the pressure of urgent necessity, but whenever their comfort or convenience inclines them. On this ground, also, the two nations are on a footing.

As it has never been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports, from year's end to year's end, if they choose it. Thus, then, the public ships of war, of both nations, enjoy a perfect equality in our ports. 1st, in cases of urgent necessity; 2d, in cases of comfort or convenience; and 3d, in the time they choose to continue. And all a friendly Power can ask of another is, to extend to her the same indulgences which she extends to other

friendly Powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty, made long ago, for valuable considerations, not with a view to present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. And this has been expressly admitted, as was before observed, in our treaty with the United Netherlands.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the Executive to take measures to prevent its continuance, as soon as they were apprised of it. They have been led, by particular considerations, to await the effect of these measures, believing they would be sufficient; but finding, at length, they were not, such others have been lately taken as can no longer fail to suppress this irregularity completely.

I have the honor to be, &c.

TH: JEFFERSON.

The Citizen Genet, Minister Plenipotentiary from the republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 6, 2d year of the French republic.

SIR:

I have just discovered the most horrible conspiracy which has been formed against the arms of the French republic; I have just discovered the whole clew and all the proofs of the infernal plot, which, for these two months, detained the French squadron in your ports in a state of nullity—of that plot which threatened, not only the safety of your vessels, but also that of our colonial possessions. The traitors Galbaud and Tanguy, and several other villains, not satisfied with having caused, at St. Domingo, the spilling of the blood of an immense number of people; not satisfied with having there caused the loss of a milliard to the republic, concerted here, at Baltimore, and at Philadelphia, the project of bringing our forces to concur with them in the execrable plan meditated by these men, whose crimes have caused them to flee their country, to return to St. Domingo, for the purpose of renewing there the horrors and misfortunes which they have already had committed in that place. I have been informed that the success which the colonists of this place promised to themselves was nothing less than founded, as was that, the execution of which has lately been attempted in the Windward Islands, upon a proposed alliance with the enemies, now at war with the republic—the English and the Spaniards.

France, sir, in such circumstances, has required in Europe of the neighboring Powers, that they oppose every preparation which may be attempted by the emigrants in their dominions against her safety. She expects from a friendly and allied government, that it will be sufficient to notify them of the plots forming against her in their own territory, in order to obtain from them all proper means to suppress them. I have effected the disarming of the vessel which was in the most alarming state of rebellion; but the instigators of it have fled, and I learn that they are spreading over the continent, where they cannot but be very injurious, as well to the tranquillity of this, as to the interest of their own country.

I therefore request the Federal Government to take the most speedy and efficacious measures to have them arrested, and thereby prevent them from committing the crimes which they might attempt. The Governor and magistracy of New York have issued warrants against Galbaud, Tanguy, Conscience, and Bonne; but they have each escaped the activity of the persons sent to apprehend them. The traitors fly the punishment reserved for their crimes, and doubtless will employ themselves on new means of executing the plots they have formed against France. I have positive information that they are still within the confines of the United States; and, as the warrants of New York cannot be served out of the bounds of the State, I particularly request from the Federal Government, against the said Galbaud, Tanguy, Conscience, and Bonne, of whom I subjoin a description, orders of arrest, which shall extend throughout the continent of the United States. I also request that the most strict and steady attention may be had relative to the plots I have mentioned.

May this signal act, leaving no doubt as to the sincerity of the wishes of the Government of the United States for the success of the French republic, cause all these traitors to tremble, whom my esteem for your country has led me perhaps too much to despise, and who avail themselves of the access which the kindness and hospitality of your nation offer them, to conspire, within its very bosom, and in the circle of its most elevated personages, against France and the general freedom of nations.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, September 12, 1793.

SIR:

I have the honor of your letter of the 6th inst. and can assure you with real truth of the readiness and zeal with which the Executive will concur in preventing, within the limits of the United States, any preparation of hostilities against France or her colonies, as far as this can be effected by the extension of that portion of the public power, with which they are invested by the laws. Your letter requests the arrest and delivery of Tanguy, Galbaud, Conscience, and Bonne, escaped from the ship *Jupiter*, and from the punishment of crimes committed against the republic of France; and also that necessary measures be taken to prevent the carrying into execution certain plots formed by them and others against their country. These two requisitions stand on different ground. The laws of this country take no notice of crimes committed out of their jurisdiction. The most atrocious offender, coming within their pale, is received by them as an innocent man, and they have authorized no one to seize or deliver him. The evil of protecting malefactors of every dye is sensibly felt here, as in other countries; but until a reformation of the criminal codes of most nations, to deliver fugitives from them, would be to become their accomplices: the former therefore is viewed as the lesser evil. When the consular convention with France was under consideration, this subject was attended to; but we could agree to go no further than is done in the 9th article of that instrument, where we agree mutually to deliver up "captains, officers, mariners, sailors, and all other persons being part of the crews of vessels," &c. Unless, therefore, the persons before named be part of the crew of some vessel of the French nation, no person in this country is authorized to deliver them up; but, on the contrary, they are under the protection of the laws. If they are part of the crew of a vessel, they are to be delivered up; but then it happens that the district judge of each State is, by the law of Congress, made the competent person to execute this article of the convention, and consequently each within his own State, and no one over all the States; so that as criminals they cannot be given up, and if they be of the crew of a vessel, the act of Congress has not given authority to any one officer to send his process through all the States of the Union. The other branch of your request is more completely provided for by the laws, which authorize coercions as to expeditions formed in the territory of the United States against nations with whom they are at peace. If, therefore, you will be pleased to give me such information as to persons and places as may indicate to what points the vigilance of the officers is to be directed, proper measures will be immediately taken for preventing every attempt to make any hostile expedition from these States against any of the dominions of France. The stronger the proofs you can produce, and the more pointed as to persons, the stronger will be the means of coercion which the laws will allow to be used.

I have not yet laid this matter before the President, who is absent from the seat of government; but to save delay, which might be injurious, I have taken the liberty, as the case is plain, to give you this *provisory* answer. I shall immediately communicate it to the President, and if he shall direct any thing in addition, or alteration, it shall be the subject of another letter. In the mean time, I may venture to let this be considered as a ground for your proceeding.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Hamilton, Secretary of the Treasury.

PHILADELPHIA, September 12, 1793.

SIR: I have the honor to enclose you a paper delivered me by Mr. Bournonville, on the part of the minister of France, reclaiming against the demand of tonnage on the vessels which came hither from the West Indies, in their late calamity. It is urged, that they were driven out of their harbors by superior force, and obliged to put to sea without water or stores, and therefore to make the first ports where they could be relieved; which constitute, in their opinion, those circumstances of distress and necessity, which exempt vessels from the payment of tonnage. This case belongs to your department. I take the liberty, in the absence of the President, and to save time, to transmit it to you directly, for your consideration.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 24, 1793, 2d year of the republic of France.

SIR: I am charged to communicate to you the decree rendered by the National Convention, on the 13th of April last, by which they declare, "That the French People shall not intermeddle, in any manner, with the government of other Powers; but that they will not suffer any Power to intermeddle with the interior administration of the republic, and pronouncing the penalty of death on whoever shall propose to negotiate or treat with enemy Powers, who shall not have solemnly acknowledged the independence and sovereignty of the French republic."

When the French citizens, by the example of those of America, have thought proper to establish a Government founded on the rights of man, it was to be expected, that they would find enemies in all those ambitious and eager for authority; in all the cabinets in which *Machiavelism* is honored; and when the French people, soured, fatigued with the dark machinations of their enemies, the public attacks, the insults contained in the acts of the despotic courts, of governments tending to monarchy, have thought proper to repel these perfidies by acts marked with the stamp of loyalty, greatness, philosophy, even at the instant their vile enemies reported that they wished to annihilate all the governments, to destroy all authority, to spread trouble and confusion throughout, as if to oppose a provocation was not a natural right; as if a great people, victim of the particular hatred of the government of another people, had not the right to retaliate their fears, to enlighten them as to their errors, and to endeavor, by these pleasant and just means, to ward off great misfortunes—even to prevent war. Be this as it may, the National Convention has thought it a duty, to assure the friends of humanity, and to shut the mouths of their enemies, to proclaim the intentions of the French People, whose agents will show, in every circumstance, that they know as well how to respect the laws of other people, as to defend those of the French nation, and to maintain their rights.

Accept my respect.

GENET

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

MONTICELLO, in Virginia, October 2, 1793.

SIR: I was honored yesterday with your letter of the 14th of September, covering the commission of the citizen Dannery, to be consul of the republic of France, at Boston. I now lay the same, by letter, before the President, to obtain his exequatur, which will be forwarded to you with the commission. The exequatur is made exactly commensurate with the commission; but I apprehend that neither is so with the intentions of the Executive Council, who probably did not mean to confine the functions of Mr. Dannery to the township of Boston. Should this be the case, you will be sensible of the expediency of obtaining for him, as early as possible, a new commission, defining the limits of his office as extensively as they mean he shall exercise them, to which a new exequatur being adapted, their intentions will be fulfilled.

Satisfied that errors in the address of their commissions proceed from a want of intimacy with our constitution, no difficulty has been made, on that account, in the case of the present commission; but it is my duty to remark to you, that, by our constitution, all foreign agents are to be addressed to the President of the United States, no other branch of the Government being charged with the foreign communications. I have no doubt you will draw the attention of your Government to this circumstance of form in future commissions.

I have the honor to be, &c.

TH: JEFFERSON.

GEORGE WASHINGTON, President of the United States of America, to all whom it may concern:

The citizen Dannery having produced to me his commission, as consul for the republic of France, at Boston, I do hereby recognise him as such, and do declare him free to exercise and enjoy such functions, powers, and privileges, as are allowed to consuls of the French republic, by the laws, treaties, and conventions, in that case made and provided.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, the — day of —, in the year of our Lord, 1793, and the independence of the United States of America the eighteenth.

By the President:

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Duplaine, Vice Consul of France, at Boston.

OCTOBER 3, 1793.

SIR: Authentic information being received, that, under color of your office as vice consul of the republic of France, you have, with an armed force, opposed the course of the laws of the land, and rescued out of the hands of an officer of justice a vessel which he had arrested by authority of a precept from his court, the President of the United States has considered it as inconsistent with the authority of the laws, and the respect which it is his office to enforce to them, that you should any longer be permitted to exercise the functions, or enjoy the privileges, of vice consul in these United States; and has therefore thought proper, by the letters patent, of which I enclose you a copy, to revoke the exequatur heretofore granted you, and to make the same public. I have the honor, also, to enclose copies of the evidence whereon this measure is founded. And to be, &c.

TH: JEFFERSON.

UNITED STATES OF AMERICA, DISTRICT OF MASSACHUSETTS, SS.

The President of the United States of America to the Marshal of our District of Massachusetts, or his Deputy, greeting:

We command you, that you replevy the goods and chattels following, viz: A certain schooner, called the Greyhound, of the burden of forty tons, or thereabouts, whereof John Henry Hill was late master, together with her boat, rigging, tackle, apparel, and furniture whatsoever; also the cargo of said schooner, now on board the same, consisting of ninety-five thousand mackerel, in bulk, equal to four hundred barrels: the same goods and chattels belonging to Alexander Brymer and Andrew Belcher, of Halifax, in the province of Nova Scotia, merchants, now taken and detained by Lewis Guillaume Felix Laumône, of Boston, in said district, at Boston harbor, so called, in Boston aforesaid; and them deliver unto the said Brymer and Belcher; provided the same are not taken and detained upon mean process, warrant of distress, or upon execution, as the property of the said Brymer and Belcher; and summon the said Lewis, that he appear before our justices of our circuit court, next to be holden at Boston, within and for our district of Massachusetts, on the twelfth day of October next, to answer unto the said Brymer and Belcher, in a plea of replevin: for that the said Lewis, on the twenty-first day of August instant, at said Boston, unlawfully, and without any justifiable cause, took the goods and chattels of the said Brymer and Belcher, as aforesaid, and them unlawfully detained to this day, to the damage of the said Brymer and Belcher, as they say, the sum of two thousand dollars: Provided, they, the said Brymer and Belcher, shall give bond to the said Lewis, with sufficient surety or sureties, in the sum of four thousand dollars, being twice the value of the said goods and chattels, to prosecute the said replevin to final judgment, and to pay such damages and costs as the said Lewis shall recover against him; and also to return and restore the same goods and chattels, in like good order and condition as when taken, in case such shall be the final judgment. And have you there this writ, with your doings herein, together with the bond you shall take.

Witness John Jay, Esquire, at Boston, this twenty-first day of August, in the year of our Lord one thousand seven hundred and ninety-three.

N. GOODALE, Clerk.

A true copy: attest,

SAM'L BRADFORD, Deputy Marshal.

I, Thomas Amory, Jun. depose, That, on the 22d day of August, at the request of C. Gore, Esq. and General Brooks, I went with the latter on board the frigate La Concorde, introduced him to the captain, and informed Captain Van Dogen, that General Brooks was marshal of this district, and waited on him relative to the schooner which Col. Bradford had attempted to replevin, but was interrupted in the service of his precept by an armed force, sent by his order from on board the frigate; that General Brooks wished to converse with him and the consul on the subject when convenient. Soon after the company withdrew, when General Brooks, in presence of the captain, consul, Justice Cooper, and myself, told the captain, that Colonel Bradford, his deputy, had been interrupted in serving a precept on the schooner Greyhound, taken by the privateer, pointing to the vessel under the frigate's stern, by an armed force under his orders, and that he had waited on him to demand a surrender of the vessel to Colonel Bradford, his deputy marshal, when the captain expressed his dislike to the taking the Americans out of the privateer and prizes the day before to Colonel Bradford, serving the precept; that he received orders from the consul to withhold and protect; that it was his duty; and he certainly should protect her. The consul said that any vessel wearing the national flag of the republic of France, of course, was entitled to his protection; when General Brooks put this case: should a French merchantman be attached in this port by a citizen of the United States, would you consider it your duty to take that vessel under your protection against the process? The captain answered in the affirmative. The captain afterwards told me that he had written to the Governor, and that if he demanded the prize, he must of course relinquish her, forwarding the Governor's reply with copy of his letter to the minister of France. The consul then appointed to meet at his lodgings in the evening, where I accompanied General Brooks, and after much conversation, the consul said, he did not wish to oppose force to the execution of our laws; that he left the frigate in a great hurry, or he should then have given orders to Captain Van Dogen to withdraw his men out of the prize, and leave her to the control of Colonel Bradford, and that he would then do it, but should at the same time protest against the business. At that moment Mr. Jutau came into the room, and said a few words to the consul in French; the consul turned about, and said he should not relinquish the vessel; when I reminded him of what he had just before promised. He said again, he was sorry for the difficulty. The marshal then said, that a great deal had passed on the subject, and he now wished a categorical answer to his demand. The general wished to know if he was to understand, that he, the consul, refused to allow Colonel Bradford to take charge of the vessel. The consul said he did not, certainly did not, wish to oppose force to the officers of law in this country. Said he wished them to write, and promised to answer, conclusively, in the morning. Friday morning, August 24, 8 o'clock. This morning General Brooks and myself waited on the consul, when he informed us, he had concluded to keep possession of the vessel, and General Brooks informed him he should make a representation of the business to the Government. I then handed the consul an open letter from C. Gore, Esq. and took leave, with General Brooks; a copy of which letter is hereunto annexed.

THOMAS AMORY, Jun.

Boston, September 10, 1793.

The consul did, in my presence, read part, or the whole, of the letter referred to, and made no reply.

THOMAS AMORY, Jun.

Sworn to, September 10th, 1793, before

J. LOWELL,

Judge of the District Court of Massachusetts District.

Boston, August 22, 1793.

Sir:

I have been informed that the marshal of the district of Massachusetts, yesterday, in obedience to a precept from the circuit court of the United States, replevied a vessel in this harbor; that after he had so replevied the vessel, a number of armed men, acting by your order, and under your authority, forcibly took from him the vessel, and now resist the execution of his precept. As attorney for the United States within the district of Massachusetts, I do demand of you that you remove the force and obstruction which you oppose to the laws of the United States.

I am, sir, your obedient servant.

Mr. DUPLAINE, Vice Consul.

I, Rufus Greene Amory, of Boston, in Massachusetts District, of lawful age, testify and say, That, on the twenty-second day of August last, being informed that the schooner Greyhound, against which I had issued a writ of replevin, in favor of Messrs. Brymer and Belcher, returnable to the next circuit court for said district, was taken from Colonel Bradford, the deputy marshal, by some French people, I went on board the ship of

war called the *Concorde*, commanded by Captain Van Dogen, to inquire if the said schooner was under his custody. The said captain informed me that she was under his protection. I told him that the civil officer, Colonel Bradford, as marshal of the district, had gone on board the said schooner to replevin her under process of law. That on the evening before, while the said marshal was on board said schooner, by virtue of his precept, some armed people went on board, and, against the will of said marshal, had brought said schooner near his ship, and I asked him, if the same was done by his authority. The said captain Van Dogen told me, that some person had complained to him of an attempt to carry the said schooner away from her anchorage in the night time, and that, to prevent the same, he had ordered some of his people on board her, and had directed her to be brought nearer to his ship, where she then was. I asked him if he would deliver the schooner to the marshal, and he said that he should not, without orders from the consul of France. I asked him if the said schooner was in his custody before the marshal had entered on board her. He said that he had none of his people on board; but she came into harbor under French colors as a prize, and that the captain of her had asked his leave for anchorage, where she had come too, and, as being under a French commission in public service, he had considered the said vessel under his protection.

RUFUS G. AMORY.

September 10th, sworn to, before

J. LOWELL,

Judge of the District Court of Massachusetts District.

I, the said Rufus Greene Amory, further testify, that said Captain Van Dogen told me, that he had complained to the Governor concerning the attempt to carry away the said schooner in the night time, without his leave.

RUFUS G. AMORY.

I, John Brooks, marshal of the district of Massachusetts, do testify and say, That on the twenty-second day of August last, being in Boston, and finding that Colonel Samuel Bradford, deputy marshal for said district, in serving a writ of replevin upon the schooner *Greyhound*, had been opposed by an armed force, acting under the orders of Captain Van Dogen, commander of the French frigate "*La Concorde*," I went on board said frigate to demand of the captain the restoration of the said schooner. Upon my opening to Captain Van Dogen the object of my visit, (which was done in the presence of Mr. Duplaine, the French consul, Mr. Justice Cooper, and Mr. Thomas Amory,) he discovered considerable warmth and displeasure at some Americans having been taken from on board a French vessel, as well as at the attempt of Colonel Bradford to possess himself of a vessel bearing the colors of France, while under the protection of a ship of force belonging to the French republic. As my object was to demand of Captain Van Dogen restoration of the schooner aforesaid, and to obtain from him a categorical answer, I avoided as much as possible the discussion of any subject irrelative thereto; and at length obtained from him a declaration, that as he had received his orders from the French consul, for doing what he had done, and as it was his duty to obey the consul, he could not surrender the schooner. That he was an officer, and must obey his orders. Immediately upon Captain Van Dogen having made the above mentioned declaration, which was done in presence of the French consul, the latter observed to me, that he thought it a pity that any difficulty should arise about the schooner; that he believed, if he and myself were to take our papers, we could settle the whole affair in a few minutes, and proposed that I should meet him on shore in one hour. To this I agreed, and we met accordingly. The result, after more than an hour's conversation at this interview, was a proposition for another the next morning at 8 o'clock. At the time assigned, I again waited on the consul at his lodgings. Upon my entering the house, he informed me, that he had come to a determination about the schooner; that things should remain as they then were; that he should keep possession of the schooner; that I must apply to the Governor, and that, if the Governor did not do something about it, he should advertise the schooner in the newspapers, and if in six days nobody proved a claim to her, he should condemn her to the captors, or words to that effect.

I further testify, that, in the conversation with Captain Van Dogen, he informed me, that, by the laws of the French republic, it was the duty of commanders of the ships of the said republic, when in foreign ports, where there were French consuls, to obey the orders of such consuls; that the consuls were admirals, or had the power of admirals, or words to that effect. Captain Van Dogen said this in the presence of the French consul.

I further testify, that Mr. Duplaine, the French consul, told me, it had been his design to withdraw the armed force from the schooner *Greyhound*, and intimated to me that he would give an order to have said force withdrawn; in which case, he said, he should protest against the measures then pursuing by the Government, meaning the Government of the United States; but that he, the said consul, afterwards refused to withdraw said force as above said.

J. BROOKS.

Sworn to, September 10th, 1793, before

JOHN LOWELL,

Judge of the District Court of Massachusetts district.

UNITED STATES, *District of Massachusetts, September 10, 1793.*

Then Thomas Amory jr. Rufus Greene Amory, Nathaniel Byfield Lyde, and John Brooks, Esquire, made oath to the truth of the annexed depositions, by them respectively subscribed, in the presence of Antoine Charbonnet Duplaine, and declared, that they did not recollect any other material circumstance relative to the matter in inquiry; and the annexed deposition of Samuel Bradford, is transcript of his deposition taken under like circumstances.

Before

JOHN LOWELL,

Judge of the District Court of Massachusetts District.

I, Nathaniel Byfield Lyde, of lawful age, testify and say, That, on the evening of the twenty-first of August, instant, at the request of Samuel Bradford, Esq. marshal of Massachusetts district, I went with him on board the schooner *Greyhound*, lying off the end of Long wharf, in the harbor of Boston. The said Bradford went on board of said schooner, as I understood, to serve a writ of replevin against the said schooner, which issued from a circuit court of said district, in behalf of Messrs. Brymer and Belcher, of Halifax, Nova Scotia, merchants; said Bradford wanted my assistance in the service of said writ. We got on board just after nine o'clock, and saw one person on board, who appeared to be a Frenchman. Colonel Bradford made known to him, he had a process against the said vessel, and inquired for the master. The said Frenchman hailed a vessel which appeared to be a privateer, and a person came on board, who said, that he was prize-master of said schooner. Mr. Bradford then made known to him that he had a precept or writ of replevin, and by virtue of that he had taken possession of the schooner. The prize-master then requested that he might call for Mr. Jutau, who was said to be on board the frigate *Concorde*; soon after which Mr. Jutau came on board with some other persons, the said marshal then made known to Mr. Jutau the purpose and authority by which he had come on board; said Jutau explained the same to those persons on board said schooner. Mr. Jutau soon after went on board the frigate; an officer and about twelve men came on board, from the frigate, all armed. The said officer, soon after, ordered the schooner to be removed near to the frigate. The marshal told said officer his authority by which he had taken possession, and forbid him to move the said schooner; this removal was between ten and eleven

o'clock the same evening; shortly afterwards the French consul, with Mr. Jutau, came on board; the marshal then informed them by what authority he came on board, and had taken possession of the schooner; the consul then informed the marshal, that he should keep possession of the schooner; the marshal then told the said consul he would not quit the schooner; the said schooner for one or two days remained in possession of the officer and armed men, contrary to the orders and will of the said marshal, but the marshal remained on board of said schooner. I was also on board the frigate in the morning of the 23d August, with Mr. Amory, attorney to and on the part of Messrs. Brymer and Belcher, when the captain informed said Amory, he should protect and retain said schooner under his protection, notwithstanding the authority and doings of said marshal, as mentioned to him by Mr. Amory, who related the same to him.

NATH'L B. LYDE.

Sworn to, September 10, 1793, before

JOHN LOWELL,

Judge of the District Court of Massachusetts District.

I, Samuel Bradford, Deputy Marshal of the district of Massachusetts, do testify and say, That, on Wednesday, the twenty-first day of August, at about seven of the clock, P. M. I was possessed of a writ, Brymer and Belcher, plaintiffs, in replevin, vs. Laumône, commanding me to replevy the schooner called the Greyhound; that I immediately proceeded to serve the said process, and was accompanied on board the said schooner, then lying in the harbor of Boston, by Captains Lyde and Hayman. We found only one man on board; I inquired for Mr. Laumône, the prize-master. The Frenchman hailed the privateer Rowland, and at my request, informed the people on board said privateer, that an American had business with Mr. Laumône. The said Laumône came on board, attended by the Captain of the privateer; I read the precept to the prize-master, and explained to him the nature of the process, and observed that a bond was given to support any damages that might arise from my taking possession of the schooner; I added, that I was then in possession of the schooner, and that, at a proper time, I should remove said vessel to the wharf. The prize-master observed, that Mr. Jutau was then doing business on board the frigate La Concorde, and that he should send for him, to which I consented. Soon after, Mr. Jutau came on board the schooner. I then informed him of the process that I had against the said schooner; read to him the writ; and observed, that I should remove the vessel as above stated. Mr. Jutau said, that I had no right or authority to serve any writ after dark; the vessel belonged to the republic of France, and could not be attached; and that she was under the protection of the French republic; and he made many other observations to the same effect. I replied, that, as an officer of the Government of the United States, I should pursue strictly the line of my duty. Mr. Jutau left the schooner, and told the prize-master to remain on board. After he was in the boat, to return to the frigate, I requested him to inform Mr. Laumône, that after the schooner was hauled to the wharf, I should require him to go on shore. Mr. Jutau replied, that I might inform the prize-master myself, and that I must force him from the vessel. In about half an hour after Mr. Jutau's departure on board the frigate, an officer came from thence on board the schooner; he was a lieutenant, and I heard him inform the prize-master, that I should not remove the vessel. In about an hour after this, a body of about twelve armed men (marines) came on board the schooner, from the frigate; the lieutenant read a paper which I suppose were orders. At about half-past eleven o'clock, I addressed the lieutenant, and after observing to him, that he appeared interested in the business in which I was engaged, I assured him, that my writ was against Mr. Laumône, and that I had nothing to say to him (the lieutenant) relative thereto, and I added, that I had taken possession of the schooner by virtue of my office, as deputy marshal, and that I should proceed to remove her. He replied, that he should obey the orders that he had received from his captain, which were, to remove the said schooner near to the frigate. The lieutenant then ordered the vessel to be removed, and we were hauled between the frigate and the privateer Rowland. I told the lieutenant, that what he did, he must answer for, and I forbid him, at his peril, to remove the said schooner. I asked the said lieutenant, if he had brought the armed force to prevent my removing the schooner; he replied in the affirmative. Finding myself opposed in the progress of serving my precept, by an armed force, I dismissed the men who were on board to give me aid in conducting the schooner to the wharf. Sometime after, the lieutenant retired from the schooner, and took off his men, excepting a corporal and four, whom he observed, he should leave on board, to take care of said schooner. At about twelve o'clock, A. M. Mr. consul Duplaine, Mr. Jutau, the chancellor, and Mr. Vandrede, in going on shore from the frigate, came on board the schooner. We conversed on the subject. I went over the business again, and told Mr. Duplaine, that I was opposed by an armed force, but that I should not quit the vessel. The consul said, that he should keep possession; but added, if I went on shore, I might return on board in the morning, and that the vessel would remain in the same situation. From the conversation between Mr. Duplaine, Mr. Jutau, the lieutenant of the frigate, the prize-master, and myself, I had no doubt but that the captain of the frigate acted under the orders of Mr. Duplaine. A guard was regularly maintained on board the schooner, from Wednesday night till about twelve o'clock, P. M. on Saturday, the 24th, when a boat from the frigate took from the schooner the guard. The corporal, previous to his quitting, hailed the shore, or the privateer Rowland, and a Frenchman came on board the schooner, after which the guard retired; soon after, the frigate being then under way, and having procured assistance from the town, I directed the people to weigh the anchors of the schooner, and conduct me to the wharf, where I arrived at one o'clock, having legally executed my precept.

I soon after saw the consul, who said, "Then, sir, you have quitted the vessel—you have then left her I suppose." To which I replied, that I had left her at the wharf, had executed my precept, and that I should take proper care of the said schooner. The consul appeared surprised.

Boston, September 10, 1793.

SAMUEL BRADFORD.

Sworn to, September 10, 1793, before

J. LOWELL,

Judge of the District of Massachusetts.

GEORGE WASHINGTON, *President of the United States of America, to all whom it may concern:*

The sieur Antoine Charbonnet Duplaine, heretofore having produced to me his commission as vice consul for the republic of France, within the States of New Hampshire, Massachusetts, and Rhode Island, and having thereon received from me an exequatur, bearing date the fifth day of June, 1793, recognising him as such, and declaring him free to exercise and enjoy such functions, powers, and privileges, as are allowed to vice consuls of the French republic, by the laws, treaties, and conventions, in that case made and provided; and the said sieur Duplaine, having, under color of his said office, committed sundry encroachments, and infractions on the laws of the land, and particularly, having caused a vessel to be rescued, with an armed force, out of the custody of an officer of justice, who had arrested the same by process from his court; and it being therefore no longer fit, nor consistent with the respect and obedience due to the laws, that the said sieur Duplaine should be permitted to continue in the exercise and enjoyment of the said functions, privileges, and powers: these are, therefore, to declare, that I do no longer recognise the said Antoine Charbonnet Duplaine as vice consul of the republic of France, in any part of these United States, nor permit him to exercise or enjoy any of the functions, powers, or privileges, allowed to the vice consuls of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void, from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed.

Given under my hand, this _____, day of _____, in the year of our Lord 1793, and the independence of the United States of America the eighteenth.

GEO. WASHINGTON.

By the President:

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

MONTICELLO, in Virginia, October 3, 1793.

SIR:

In a former letter which I had the honor of writing you, I mentioned that information had been received that Mr. Duplaine, vice consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character as, if true, would render it the duty of the President immediately to revoke the exequatur, whereby he was permitted to exercise the functions of vice consul in these United States. The fact has since been inquired into, and I now enclose you copies of the evidence establishing it, whereby you will perceive how inconsistent with peace and order it would be to permit any longer the exercise of functions in these United States, by a person capable of mistaking their legitimate extent, so far as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the Government of France, and their sense of the necessity, in every Government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestation of the proceedings of one of their agents; as we would certainly do in the like case, were any consul or vice consul of ours to oppose, with an armed force, the course of their laws within their own limits. Still, however indispensable as this act has been, it is with the most lively concern the President has seen that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States to France.

OCTOBER 3, 1793.

DEAR SIR:

Mr. Duplaine, vice consul of France at Boston, having, by an armed force, opposed the course of the laws in this country, within the same, by rescuing, out of the hands of an officer of justice, a vessel which he had arrested by authority of a precept from his court, the President has thought it necessary to revoke the exequatur by which he had permitted him to exercise his functions here. I enclose you copies of the act and of the evidence on which it has been founded, as also of the letters written to him and Mr. Genet; and you are desired to communicate the same to the Government of France, and to express to them the very great concern with which the President has seen himself obliged to take a measure with one of their agents, so little in unison with the sentiments of friendship we bear to their nation, and to the respect we bear to their authority. But conscious we should deem it an act of friendship in them to do the like in the like case, and to prove their confidence in our justice and friendship, by instantaneously disabling from a repetition of the act, any consul or vice consul of ours, who should once have been guilty of such an aggression on their authority, we rely on the same friendly construction, on their part, of the disagreeable measure now forced on us.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

GERMANTOWN, November 5, 1793.

SIR:

I have the honor to enclose you the copy of a letter from Mr. Moissonier, consul of France, at Baltimore, to the Governor of Maryland, announcing that Great Britain is about to commence hostilities against us, and that he purposes to collect the naval force of your republic in the Chesapeake, and to post them as a vanguard to derange the supposed designs of the enemy.

The bare suggestion of such a fact, however improbable, renders it a duty to inquire into it; and I shall consider it as a proof of your friendship to our nation, if you have it in your power, and will be pleased to communicate to me the grounds of Mr. Moissonier's assertion, by any other respectable evidence of such an intention, on the part of Great Britain.

In the mean while, as we have reason to believe it unfounded; as they have in no instance, as yet, violated the sovereignty of our country, by any commitment of hostilities, even on their enemies within our jurisdiction; we presume with confidence that Mr. Moissonier's fears are groundless. I have it, therefore, in charge, to desire you to admonish Mr. Moissonier against the parade he proposes, of stationing an advanced guard in the bay of Chesapeake, and against any hostile array, which, under the profession of defensive operations, may in fact generate those offensive. I flatter myself, sir, that you will be so good as to join the effect of your authority to that of our Government, to prevent measures on the part of this agent of your republic, which may bring on disagreeable consequences.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen Moissonier to General Lee, Governor of the State of Maryland.

BALTIMORE, October 23, 2d year of the French republic.

The libticide system, which directs the European cabinets, is going to manifest itself towards the United States. England, that Power to which they have been so complaisant, is getting ready to fall upon them. The preparatives are made, and I see, with pain, that no dispositions whatever are made to oppose any resistance to them.

The indifference of this state cannot exist as to our interests. This bay contains the riches of our commerce of St. Domingo, and the only hope of the French nation. We shall become infallibly the first victims of this carelessness, if I am not able to obtain from you, sir, that the forts which defend the entrance of the Chesapeake be put into condition.

In the mean while, and in pursuance of the orders of the minister, I am going to collect all the maritime forces which the republic has in this bay, to form a vanguard, sufficiently formidable, and to derange, if it be possible, the projects of our common enemies.

I have the honor to be, &c.

F. MOISSONIER.

[TRANSLATION.]

The Minister of the French republic with the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November, 15, 1793, 2d year of the republic of France.

SIR:

I have received the letter which you have done me the honor to write to me the 5th November.

The citizen Moissonier has given to my instructions a sense more determinate than I had intended. I did not write him that England was immediately agoing to fall on you; but knowing by your history, by our own, and by still more particular information, all the hatred with which that Government honors your and our principles; knowing the secret treaties which unite the courts leagued against free people; confident that our success can alone suppress the projects of vengeance, which are perpetually nourished in the breast of your ancient tyrant; seeing that some reverses afterwards effaced, might excite him to accelerate the execution of his designs, I prescribed to this vice consul—

1st. To concert with the commander of our naval forces in the Chesapeake, to have collected at Baltimore all the commercial vessels which may be in the open and unsafe road of Norfolk.

2d. To have the armed vessels anchored, according to custom, in the advanced guard of the convoy.

3d. To establish a severe police in the road for the purpose of preventing disorder, and protecting our property from incendiary enterprises, sufficiently familiar to our common enemy.

4th. To sound the local government of Maryland, to know whether the forts which form a part of the defence of Baltimore could not be repaired.

Citizen Moissonier, animated by a very pure patriotism, has doubtless mixed a little warmth in this latter step; but I do not see, sir, that he has merited the admonition you mention, and that the measures taken for the security of the road can compromise, in any manner, the peace of the United States. God grant that you may long enjoy, with honor, that peace so pleasant and happy. It is the very sincere wish of your friends; it is mine; but I shall not now dissemble more than I have hitherto done, that it is not the most certain object of my hopes. Before having the happiness of serving a free people, I was employed by a court, and I resided at several others. I have been seven years a head of the bureau at Versailles, under the direction of Vergennes. I have passed one year at London, two at Vienna, one at Berlin, five in Russia, and I am two well initiated in the mysteries of these cabinets, not to tremble at the fate which menaces America; if the cause of liberty should not triumph, every where: for, every where where there is a throne, I warrant that you have an enemy. All the princes look upon you as our teachers; almost all consider you as rebels, who must sooner or later be chastised; almost all have *sworn your ruin as well as ours*, and be assured that George III. has not entered into their league, but on condition. Your expeditions, your managements, will not change this system; and if the ministers who reside with you hold a different language, it is only the better to deceive you. They triumph at the security into which they have plunged you, at the very moment when their courts are insulting you in every quarter, except on your coasts, where they know we have forces; but their tone will not change whilst ours shall remain invariably the same, true and sincere.

Accept my respect.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister of France.

GERMANTOWN, November 8, 1793.

SIR:

I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurisconsults have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their sea coasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea-league. Some intermediate distances have also been insisted on, and that of three sea-leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the Powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under his authority, to consider those heretofore given them as restrained for the present to the distance of one sea-league, or three geographical miles from the sea shores. This distance can admit of no opposition, as it is recognised by treaties between some of the Powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Examining, by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence, that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary from the republic of France to the United States.

GERMANTOWN, November 10, 1793.

SIR:

As in cases where vessels are reclaimed by the subjects or citizens of the belligerent Powers, as having been taken within the jurisdiction of the United States, it becomes necessary to ascertain that fact, by testimony taken according to the laws of the United States, the Governors of the several States, to whom the applications will be made in the first instance, are desired immediately to notify thereof the attorneys of their respective districts. The attorney is thereupon instructed to give notice to the principal agent of both parties, who may have come in with the prize, and also to the consuls of the nations interested, and to recommend to them to appoint, by mutual consent, arbiters, to decide whether the capture were made within the jurisdiction of the United States, as stated to you in my letter of the 8th instant, according to whose award the Governor may proceed to deliver the vessel to the one or the other party. But in case the parties, or consul, shall not agree to name arbiters, then the attorney, or some person substituted by him, is to notify them of the time and place, when and where he will be, in order to take the depositions of such witnesses as they may cause to come before him, which depositions he is to transmit for the information and decision of the President.

It has been thought best to put this business into such a train, as that the examination of the fact may take place immediately, and before the witnesses may have again departed from the United States, which would too frequently

happen, and especially in the distant States, if it should be deferred till information is sent to the Executive, and a special order awaited to take the depositions.

I take the liberty of requesting that you will be pleased to give such instructions to the consuls of your nation, as may facilitate the object of this regulation. I urge it with the more earnestness, because, as the attorneys of the districts are for the most part engaged in much business of their own, they will rarely be able to attend more than one appointment, and, consequently, the party who should fail, from negligence, or other motives, to produce his witnesses at the time and place appointed, might lose the benefit of their testimony altogether. This prompt procedure is the more to be insisted on, as it will enable the President, by an immediate delivery of the vessel and cargo to the party having title, to prevent the injuries consequent on delay.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary from the republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 14, 1793, 2d year of the French republic.

SIR: I have received the exequatur of citizen Dannery's commission as consul, and immediately transmitted it to that public officer.

I shall present to the Executive Council of the republic, sir, the judicious reflections which you have made on the attribution of the consular functions of our consuls to the limits of the cities of their residence; which, certainly, is not the intention of the Council. I shall also lay before them the observation you have made relatively to the address of our consular commissions; and they, in their wisdom, will adopt the alterations of which this matter appears susceptible, agreeably to the text, spirit, and basis, of your constitution. However, as it is not explicit in this respect, and as the functions attributed to the President of the United States, relatively to the reception of foreign ministers, appear to be only those which are fulfilled in courts by the first ministers, for their pretended sovereigns, to verify purely and simply the powers of foreign agents accredited to their masters, and irrevocable by them when once they have been admitted, I should be glad, sir, in order the better to fix the ideas of the French Council on this interesting question, that you would have the goodness to enlighten it with your knowledge, and that of your learned colleagues, which I shall faithfully transmit to my superiors.

Accept my respect.

GENET.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary from the republic of France to the United States.

GERMANTOWN, November 22, 1793.

SIR: In my letter of October 2, I took the liberty of noticing to you, that the commission of consul to M. Dannery ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation; and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of Government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, sir, not authorized to enter into any discussions with you on the meaning of our constitution in any part of it, or to prove to you, that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you that we were persuaded, that, in the case of the consul Dannery, the error in the address had proceeded from no intention in the Executive Council of France to question the functions of the President, and therefore no difficulty was made in issuing the commission. We are still under the same persuasion. But in your letter of the 14th instant, you *personally* question the authority of the President, and, in consequence of that, have not addressed to him the commissions of Messrs. Pennevert and Chervi, making a point of this formality on your part; it becomes necessary to make a point of it on ours also; and I am therefore charged to return you those commissions, and to inform you that, bound to enforce respect to the order of things established by our constitution, the President will issue no exequatur to any consul or vice consul, not directed to him in the usual form, after the party, from whom it comes, has been apprized that such should be the address.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary from the Republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Sept. 14, 1793, 2d year of the French republic.

SIR: The multiplied business, with which I have been loaded since my stay here, has not hitherto permitted me to acknowledge the receipt of your letter to me of the 5th of August; it came duly to hand, and, as the decisions it contains are only the consequence of those on which I have already made the strongest and the best founded representations, I have thought that I should leave the care of executing them to the Federal Government, because it is not my business, in any manner, to give the consuls of the republic orders contrary to the sense of our treaties, to prescribe to them not to conform, relative to the armaments and prizes made by our vessels, to the instructions given them by authority superior to mine, and to enjoin on them to suspend the effect of the commissions that our privateers hold from the Executive Council, and not from their delegate. With respect to the indemnity promised by the President of the United States to the English minister, in virtue of the principles he has established, it is not more in my power to consent to it, as, in my opinion, it is not in his to promise it. For in order to operate this new appropriation of the funds of the republic, the consent of the legislative bodies of both parties is indispensable.

However, sir, though I have not the right to withdraw, authoritatively, the commissions of which our privateers are possessed, although I am equally unable to constrain them to submit to decisions which our treaties of alliance and commerce do not sanction, and which the decisions given by several tribunals of the United States, which even the negotiations with you, seem to contradict; yet, you may be assured, that, after having supported as long as I have been able, the rights and the interests of the French People, I shall neglect nothing to engage by persuasion our privateers to suspend their cruises and change their destination. The object for which we have encouraged the arming of all those little vessels, was to destroy the commerce of our enemies, and to block up their seamen in your ports, for the purpose of accelerating the return of peace by a diminution of their strength. This plan was good, and notwithstanding the obstacles opposed to it, it has so far succeeded, as to bring into our possession fifty of their

vessels, and to condemn to inactivity an infinitely greater number. This object is now accomplished; superior forces will accomplish the rest; and if I have had the misfortune, by my obedience to my instructions, by my obstinacy in acknowledging only the laws and treaties of the United States, to displease some *Anglophobists* or *Anglomen*, I have at least the satisfaction of having rendered an important service to my country, whose present policy is entirely devoted to the war.

I am very sensible, sir, of the measures which you have taken to frustrate the odious projects of some emigrants, refugees of St. Domingo, and it were to be wished that we could expel this race entirely, as well as those of the emigrants and aristocrats of Europe, much more dangerous to the peace, liberty, and independence, of the United States, than all the privateers in the world.

GENET.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

GERMANTOWN, November 22, 1793.

SIR:

In a letter which I had the honor of writing to you on the 12th of July, I informed you, that the President expected that the *Jane of Dublin*, the *Lovely Lass*, and *Prince William Henry*, British vessels, taken by the armed vessel *Citoyen Genet*, should not depart from our ports until his ultimate determination thereon should be made known. And in a letter of the 7th August, I gave you the further information, that the President considered the United States as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes, made subsequent to the 5th day of June by privateers fitted out of our ports; that, consequently, he expected you to cause restitution to be made of all prizes taken and brought into our ports, subsequent to the said 5th of June, by such privateers, in defect of which he considered it as incumbent on the United States to indemnify the owners of such prizes; the indemnification to be reimbursed by the French nation.

This determination involved the brig *Jane of Dublin*, taken by the armed vessel *Citoyen Genet* on the 24th of July, the brig *Lovely Lass*, taken by the same vessel on the 4th of July, and the brig *Prince William Henry*, taken by the same vessel on the 28th of June; and I have it in charge to inquire of you, sir, whether these three brigs have been given up, according to the determination of the President, and if they have not, to repeat the requisition, that they be given up to their former owners.

I have the honor to be, &c.

TH: JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 29, 1793, 2d year of the republic.

SIR:

It is not in my power to order the French vessels, which have received letters of marque in the ports of the United States, in virtue of our treaties, in virtue of the most precise instructions to me, to restore the prizes which they have been authorized to make on our enemies; but I have long since prescribed to all our consuls, neither to oppose, nor allow to be opposed, any resistance to the moral force of the justice of the United States, if it thinks it may interfere in affairs relative to the prizes, or of the Government, if it persists in the system against which I have incessantly made the best founded representations.

Neither is it in my power, sir, to consent that the indemnities, which your Government proposes to have paid to the proprietors of the said prizes, should be placed to the account of France. 1st. Because no indemnity is due but when some damage has been occasioned in the use of a right which was not possessed, whereas our treaties and my instructions prove to me that we were fully authorized to arm in your ports. 2d. Because, according to our constitution as well as yours, the Executive has not the arbitrary appropriation of the funds of the State; and the Executive Council of France and their delegates could not consent to a reimbursement of the indemnities in question, but when the legislative body shall first have renounced, under its responsibility to the People, the right which I have been expressly instructed to maintain, and afterwards have granted the sums demanded by our enemies, and which have been promised them by the President.

Accept my respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 11, 1793, 2d year of the French republic.

SIR:

The funds which were at the disposition of the French republic for the year 1793 being exhausted by the colonial bills drawn on them; by the considerable expense which the continuance of the vessels of the republic in the ports of the United States occasions; by the succor which I have given to the refugees from the Cape, the supplies of all kinds which I have sent into the French colonies in America; in fine, the divers expenses of the legation and of the administration confided to me; I request the favor of you to make known to the President of the United States, that I am forced, in order to face our engagements, and to relieve our most pressing necessities, to draw on the sums which will become due to France, in the years 1794 and 1795, until Congress shall have taken into consideration the mode of reimbursement which I have been instructed to propose to the Federal Government; our contractors will be content with these assignments, provided they are accepted by the treasury of the United States, to be paid when they become due.

Accept my respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 14, 1793, 2d year of the French republic.

SIR:

It becomes extremely important that you should have the goodness to inform me without delay, whether I can draw, by anticipation, on the approaching reimbursements of the debt of the United States to France; our agents being informed, that the funds, which were at the disposition of the republic for 1795, are exhausted, have

suspended their supplies and their enterprises, until they shall be assured that the assignments of the debt, which I may make to them in virtue of my powers, shall be paid when due. As without doubt you will form to yourself a just idea of all the branches of the service which will suffer, as long as this authority shall be withheld from me, I am persuaded, sir, that you will zealously second me in this negotiation. Two thousand seamen and soldiers whom I support are on the eve of wanting bread. The repairs of our vessels are at a stand. The indispensable expeditions of subsistence for our colonies and France are suspended. The Federal Government, without advancing a single one of the payments fixed by law, can, by two words, signed by you or the Secretary of the Treasury, again put every thing into motion, until Congress shall have taken into consideration the general mode of reimbursement which I have been instructed to communicate to you, and which alone can put me in a condition to supply at least France for the next campaign, since it could not do so for this one. The long nights, the thick fogs, and the heavy seas of winter, will be favorable to our transports, by rendering less probable the painful risks to which the odious principles of England expose neutral vessels, and particularly those of the United States.

Accept my respect.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of the French Republic.

GERMANTOWN, Nov. 24, 1793.

SIR: I laid before the President of the United States, your two letters of the 11th and 14th instant, on the subject of new advances of money, and they were immediately referred to the Secretary of the Treasury, within whose department subjects of this nature lie. I have now the honor of enclosing you a copy of his report thereon to the President, in answer to your letters, and of adding assurances of the respect and esteem of, sir, &c.

TH: JEFFERSON.

The Secretary of the Treasury, upon two letters from the Minister Plenipotentiary of France, to the Secretary of State, severally bearing date the 11th and 14th of November, instant, respectfully reports to the President of the United States, as follows:

1st. The object of these letters is to procure an engagement, that the bills which the minister may draw upon the sums, which, according to the terms respecting the contracts of the French debt, would fall due in the years 1794 and 1795, shall be accepted on the part of the United States, payable at the periods stipulated for the payments of those sums, respectively.

The following considerations are submitted as militating against the proposed arrangement:

I. According to the view entertained at the treasury, of the situation of the account between France and the United States, adjusting equitably the question of depreciation, there have already been anticipated payments to France, equal, or nearly equal to the sums falling due in the course of the year 1794.

II. The provision by law for discharging the principal of the French debt, contemplates only loans. Of those which have been hitherto made, the sum unexpended is not more than commensurate with a payment which is to be made on the first of June next, upon account of the capital of the Dutch debt. It is possible that a fund for this payment may be derived from another loan; but it is known to the President, that, from advices recently received, full reliance cannot be placed on this resource, owing to the influence of the present state of European affairs upon the measures of the United States for borrowing. It need not be observed, that a failure in making the payment referred to would be ruinous to the credit of the United States.

The acceptance of the bills of the minister of France would virtually pledge the only fund, of which there is at present a certainty, for accomplishing that payment; and as this is a matter of strict obligation, directly affecting the public credit, it would not appear advisable to engage that fund for a different object, which, if the ideas of the treasury are right, with regard to the state of our account with France, does not stand upon a similar footing.

It would be manifestly unsafe to presume upon contingencies, or to enter into engagements to be executed at distant periods, when the means of execution are uncertain.

But as there appears to be a difference of opinion between the minister of France and the treasury, with regard to the state of the account between the two countries, it is necessary that something on this head should be ascertained. With this view, the Secretary of the Treasury will proceed without delay to take arrangements for the adjustment of the account.

ALEXANDER HAMILTON,

Secretary of the Treasury.

TREASURY DEPARTMENT, Nov. 23, 1793.

Mr. Clinton, Governor of New York, to Mr. Genet, Minister Plenipotentiary of France.

NEW YORK, Nov. 21, 1793.

SIR:

As by your letter of the 11th instant, I am informed that the vessel therein mentioned, now repairing at the wharf in the East river, is called the Carmagnole, and that she was fitted out as a privateer, in the Delaware, I conceive it proper to transmit to you a copy of a letter which I have since received from the Secretary of War, dated the 15th instant, in answer to one from me to the President of the United States, informing him of your having withdrawn the commissions granted to certain privateers, fitted out in the ports of the United States; by which you will perceive it to be the sense of the President, that this vessel should be entirely divested of her warlike equipments, and which, from the readiness you are pleased to express to conform to the views of the Federal Government, I cannot doubt, will, on the receipt hereof, be complied with, and that, until this is effected, you will not permit her to leave the harbor. I am, &c.

GEORGE CLINTON.

Citizen Genet, Minister Plenipotentiary from the French republic, to General Clinton, Governor of the State of New York.

NEW YORK, Nov. 23, 1793, 2d year of the French republic.

SIR:

I have received the letter which you did me the honor to write me, the 21st instant, as also the copy annexed to it, of a letter from the Secretary of War.

The fresh requisitions which have lately been transmitted to you, respecting the schooner *Columbia*, formerly called the Carmagnole, are only a continuation of the system which has been observed towards me, from the very commencement of my mission, and which evidently appears to be calculated to baffle my zeal, to fill me with disgust, and to provoke my country to measures dictated by a just resentment, which would accomplish the wishes of those whose politics tend only to disunite America from France, the more easily to deliver the former into the power of the English.

Warned by this conjecture, which is unfortunately but too well founded, instead of proving to you as I could easily do, that the orders which have been given to you are contrary to our treaties, to the conduct of the Federal

Government, even towards the British nation, whose packets, and a great number of merchant vessels, I am well informed, have been permitted to arm for defence in their ports, to the bonds of friendship, which unite the people of both republics, and to their mutual interest, since the vessel in question is intended to serve as an advice boat, in our correspondence with the French islands, which, by our treaties, you are bound to guaranty, and in whose fate your property is no less interested than ours, I will give orders to the consul and to the French commodore of the road, to conform themselves to every thing that your wisdom may think proper to direct.

Accept, sir, &c.

GENET.

The Governor of New York to the President of the United States.

NEW YORK, Nov. 23, 1793.

SIR: I have recently received a letter from the Secretary of War, dated the 12th, and also another dated the 13th instant, in answer to mine of the 8th of September last.

On recurring to my correspondence with the minister of France, a copy of which was enclosed in that letter, it will appear, that my object was to procure the departure of the privateers *Petite Democrat* and *Carmagnole*, agreeably to your decision, communicated to me in a letter from the Secretary of War, dated the 16th of August; but as it was mentioned to be your desire, that forcible measures should not be resorted to, until every other effort had been tried, I thought it proper to submit to your consideration the measure proposed by the French minister. In the interim, the *Petite Democrat* departed from this harbor without any augmentation of her military equipments, so far as my knowledge extends. The *Carmagnole* still remains here, and it seems is the vessel to which my letter of the 15th refers. I now transmit a second letter, which I have written to the French minister on this subject, and his answer, and have only to request to be informed whether any farther interference on my part is expected.

As I shall in a short time set out for Albany, to attend the meeting of our Legislature, I take this opportunity of apprising you of it, in order, that, if any arrangements are thought necessary, which may require my personal attention, they may be concerted before my departure, as it is uncertain whether I shall return to this city before spring.

I am, with sentiments of the highest respect, &c.

GEO. CLINTON.

Citizen Genet, Minister Plenipotentiary of the republic of France, with the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Nov. 29, 1793, 2d year of the republic of France.

SIR: I ask your pardon if my despatches precipitate themselves with too much rapidity on you; but events announce themselves in such a manner, daily, that I am scarcely able to trace and notify them to you. My preceding despatches have presented to you complaints on the workings of the new emigrants, who inundate your continent. I have essayed to unmask to you the profound and double intrigues; I have notified you of their insults to the French agents, and the personal dangers which these agents are daily exposed to, surrounded by these furies. At present, I have to inform you of facts well characterized; and if I do not obtain justice, I shall at least have done my duty, and my heart and my country will have nothing to reproach me.

It is announced to me, from Baltimore, that 200 colonists are embarking, in the Chesapeake, for *Jeremie*.^{*} The Philadelphia counter-revolutionary presses advertise that two vessels are about taking passengers for the Mole.† Thus, sir, it is no longer the good offices of an ally that France has occasion to claim of the Federal Government. It is not to aid in our destruction, that I have to conjure you: it is to intreat you, not to conspire in the loss of a colony which you ought to defend, that my afflicting duty is confined to.

With whatever fury they have obstinately persisted to paint me, in libels, which I despise, as an enemy of the American People, and of their Government, and as aspiring to involve you in the war, you know, sir, with what moderation I have reminded you of the obligations which were imposed on you. In that, also, I have a clear conscience, of having been influenced neither by our successes nor our misfortunes. I have only ceded to provisory acts, which, concealing a manifest contradiction under an apparent modesty, avow the inability to defend us, and usurp, at the same time, the right to let us be attacked.

I have in my possession the proofs of a conspiracy, which broke out in September last, for the surrender of the Mole; and the original papers enclosed prove that it was concerted in the first days of 1793, and signed then with names which were not unmasked till 7th September last. The conspirators, adroitly concealed, were urging claims on the republic at the moment they were treating with the English minister, to the end that, by this double intrigue, they might overthrow the true friends of the French, and conduct to its end their shameful plot. These partial threads, which discover themselves now, were only accessory portions of the conspiracy of a great traitor, celebrated in the last year, now crushed under remorse, and the contempt of the world. The French People, sir, have baffled all these intrigues, and, if ulterior proofs were wanting of their wisdom, of their firm determination to be free, and of the stability of their government, you would find them in the glorious struggle of the present campaign. Wherein, amidst great reverses, signal victories, and atrocious conspiracies, the colossus of the French People raises itself majestically, and makes their enemies tremble. These, then, are the friends under whose wing America will brave the despots who divide their hatred between her and us. Those are the friends who, among the general measures of rigor which circumstances force from them, do not cease a moment to remember you, to except you from them. The demands, which I make of you in their name, sir, are confined to this, that you will not suffer poniards, for their assassination, to be forged in your territory.

I pray you, in consequence, sir, to represent to the President of the United States, 1st. That the personal safety of our consuls is threatened, at Charleston and at Baltimore, and that little activity is employed for their protection. 2d. That 200 colonial emigrants are embarking at Baltimore, and are perhaps departed, to join the traitors of *Jeremie*; that two other vessels, armed, doubtless, by our enemies, are advertised at Philadelphia, in the counter-revolutionary gazettes, to carry passengers of the same stamp to the Mole, Saint Nicholas; that I know, also, of my certain knowledge, that American vessels have, for some time, carried provisions and war stores to these two rebel places; and, in fine, that the emissaries of men, with whom some of your ministers associate, have gone to this island, which has been a long time the prey of a thousand artful conspiracies, there to negotiate insurrections, and the ruin of the commercial interests of my country; that it is on your territory that all this is doing; that it is in your country, in fine, that exists the centre of the intriguing desolators of our ultramarine possessions.

I request you, sir, to obtain a definitive answer, from the supreme head of the Federal Government, on these two objects, in order that I may, by the first opportunity, inform the French Government of the steps I have taken in this respect, and of their effect.

I shall, moreover, take the liberty to propose to you a measure, which I cannot adopt but with your authority, and which would obviate the subtleties of traitors, and the coercive measures which you may not possess. It is, to give orders to the armed vessels of the republic to stop every American vessel, destined for the island of Saint Domingo, which shall not have a passport signed by me. Thus I shall prevent the introduction of enemies, which may escape your vigilance, and we shall guard your citizens from seductions and dangers. I beg of you to make known to me the intention of the President on this proposition. Accept my respect.

GENET.

^{*} In a vessel belonging to Mr. Zachariah Copmann.

† One is the ship *Delaware*, Captain James Art, fitted out by James Shoemaker. The other is the galliot *Betsy & Hannah*, Captain Donanchan, fitted out by Messrs. Reed and Soder.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, Nov. 30, 1793.

SIR: I have laid before the President of the United States your letter of Nov. 25, and have now the honor to inform you, that most of its objects, being beyond the powers of the Executive, they can only manifest their dispositions by acting on those which are within their powers. Instructions are accordingly sent to the district attorneys of the United States, residing within States wherein French consuls are established, requiring them to inform the consuls of the nature of the provisions made by the laws for preventing, as well as punishing, injuries to their persons, and to advise and assist them in calling these provisions into activity, whenever the occasions for them shall arise.

It is not permitted by the law to prohibit the departure of the emigrants to St. Domingo, according to the wish you now express, any more than it was to force them away, according to that expressed by you in a former letter. Our country is open to all men, to come and go peaceably, when they choose; and your letter does not mention that these emigrants meant to depart armed and equipped for war. Lest, however, this should be attempted, the Governors of the States of Pennsylvania and Maryland are requested to have particular attention paid to the vessels named in your letter, and to see that no military expedition be covered or permitted under color of the right which the passengers have to depart from these States.

Provisions not being classed among the articles of contraband, in time of war, it is possible that American vessels may have carried them to the ports of Jeremie and La Mole, as they do to other dominions of the belligerent Powers; but, if they have carried arms also, these, as being contraband, might certainly have been stopped and confiscated.

In the letter of May 15, to Mr. Ternant, I mentioned, that, in answer to the complaints of the British minister, against the exportation of arms from the United States, it had been observed, that the manufacture of arms was the occupation and livelihood of some of our citizens; that it ought not to be expected that a war among other nations should produce such an internal derangement of the occupations of a nation at peace, as the suppression of a manufacture which is the support of some of its citizens; but that, if they should export these arms to nations at war, they would be abandoned to the seizure and confiscation which the law of nations authorized to be made of them on the high seas. This letter was handed to you, and you were pleased, in yours of May 27, expressly to approve of the answer which had been given. On this occasion, therefore, we have only to declare, that the same conduct will be observed which was announced on that.

The proposition to permit all our vessels destined for any port in the French West India islands to be stopped, unless furnished with passports from yourself, is so far beyond the powers of the Executive, that it will be unnecessary to enumerate the objections to which it would be liable. I have the honor to be, &c.

TH: JEFFERSON.

Mr. Falconer, Master Warden of the port of Philadelphia, to his Excellency Thomas Mifflin, Governor of the Commonwealth of Pennsylvania.

WARDEN'S OFFICE, PHILADELPHIA, November 29, 1793.

SIR:

In obedience to your Excellency's letter of this morning, I have seen Mr. Jacob Shoemaker, one of the owners of the ship Delaware; he informs me, that they intend their ship for Cape Nichola Mole, and expected to take a number of passengers, if they offered; but they assure me, only one person has, as yet, engaged his passage in the ship Delaware. I have requested of Mr. Shoemaker, and captain Art, that whatever Frenchmen may engage their passages, they will bring them to me, in order to declare the object of their voyage. I have also been with the owners of the goillette Betsey, who are Reed and Ford; who inform me, that she is not bound to Jeremie nor the Mole, but chartered by a French gentleman for Guadaloupe, to go there in order to bring off his property; some passengers are going in her, for that island. You may rest assured, I will pay every attention to those vessels, and if I can discover any thing like armament, I shall give your Excellency immediate notice of it. I am, &c.

NATHANIEL FALCONER,

Master Warden of the port of Philadelphia.

A. J. DALLAS, *Secretary.*

DEPARTMENT OF STATE, *to wit:*

I hereby certify, that the preceding copies and translations, beginning with a letter of May 22, 1793, and ending with one of November 29, 1793, are from originals, or from authentic copies, in the office of the Department of State.

Given under my hand, this 4th day of December, 1793.

TH: JEFFERSON.

PAPERS RELATIVE TO GREAT BRITAIN.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, November 29, 1791.

SIR:

In recalling your attention to the seventh article of the definitive treaty of peace between the United States of America and His Britannic Majesty, wherein it was stipulated, that "His Britannic Majesty should, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor, within the same," I need not observe to you, that this article still remains in a state of inexecution, nor recapitulate what, on other occasions, has past on this subject. Of all this, I presume, you are fully apprized. We consider the friendly movement lately made by the court of London, in sending a minister to reside with us, as a favorable omen of its disposition to cultivate harmony and good will between the two nations, and we are perfectly persuaded, that these views will be cordially seconded by yourself, in the ministry which you are appointed to exercise between us. Permit me, then, sir, to ask, whether you are instructed to give us explanations of the intentions of your court, as to the execution of the article above quoted?

With respect to the commerce of the two countries, we have supposed that we saw, in several instances, regulations on the part of your government, which, if reciprocally adopted, would materially injure the interests of both nations.

On this subject, too, I must beg the favor of you to say, whether you are authorized to conclude, or to negotiate arrangements with us, which may fix the commerce between the two countries, on principles of reciprocal advantage? I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, November 30, 1791.

SIR:

I have the honor of acknowledging the receipt of your letter of yesterday. With respect to the non-execution of the seventh article of the definitive treaty of peace, between his Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, sir, that the King, my master, was induced to suspend the execution of that article, on his part, in consequence of the non-compliance, on the part of the United States, with the engagements contained in the fourth, fifth, and sixth articles of the same treaty. These two objects are, therefore, so materially connected with each other, as not to admit of separation, either in the mode of discussing them, or in any subsequent arrangements, which may result from that discussion.

In stating to you, sir, this indispensable consideration, I must, at the same time, assure you, that, in the confidence of experiencing a similar disposition in the Government of the United States, it is his Majesty's desire to remove every ground and occasion of misunderstanding which may arise between the two countries. And, in conformity to that disposition in his Majesty, I can add, that I am instructed to enter into the discussion of all such measures as may be deemed the most practicable and reasonable, for giving effect to those stipulations of the definitive treaty, the execution of which has hitherto been delayed, as well by the Government of this country as by that of Great Britain.

In answer to your question on the subject of the commerce of Great Britain, and the United States I can also inform you, sir, that the King is sincerely disposed to promote and facilitate the commercial intercourse between the two countries; and that I am authorized to communicate to this Government his Majesty's readiness to enter into a negotiation for establishing that intercourse, upon principles of reciprocal benefit.

Before I conclude this letter, I cannot omit mentioning the sense I entertain of the obliging expressions of personal regard, which you, sir, have been pleased to employ, relative to my appointment to the station which I hold in this country. I can venture to assure you, with the greatest sincerity, that it affords me the warmest satisfaction to be the medium of communicating to the United States, the actual good dispositions of my sovereign and nation towards them. And, I trust, I may be permitted to add, that it would be the highest object of my ambition, to be the humble instrument of contributing, in any manner, to fix upon a permanent basis the future system of harmony and good understanding between the two countries.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, December 6, 1791.

SIR:

As I am extremely solicitous to avoid any misapprehension of my letter of the 30th ult. I have now the honor of stating to you, in explanation of that part of it to which you have adverted in yours of yesterday, that, although (as I formerly mentioned in my first conversations with you, after my arrival in this country) I am not as yet empowered to *conclude* any definitive arrangement, with respect to the commercial intercourse between the two countries, I still meant it to be understood, that I am fully authorized to *enter* into a negotiation, for that purpose, and into the discussion of such principles as may appear best calculated to promote that object, on a basis of reciprocal advantage.

I am farther authorized to receive any propositions which this government may be pleased to make to me upon this subject.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, December 13, 1791.

SIR:

I have laid before the President of the United States, the letters of November 30th, and December 6th, with which you honored me; and in consequence thereof, and, particularly, of that part of your letter of Dec. 6, where you say that you are fully authorized to enter into a negotiation, for the purpose of arranging the commercial intercourse between the two countries, I have the honor to inform you, that I am ready to receive a communication of your full powers for that purpose, at any time you shall think proper, and to proceed immediately to their object.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, December 14, 1791.

SIR:

In answer to your letter of yesterday, I can only repeat what I have before stated, in my first conversations with you after my arrival, and, subsequently, in my letter of the sixth of this month, viz: that I have no special commission, empowering me to *conclude* any definitive arrangement, upon the subject of the commercial intercourse between Great Britain and the United States; but that I conceive myself fully competent to enter into a negotiation with this Government, for that purpose, in the discussion of the principles which may serve as the basis, and constitute the stipulations, of any such definitive arrangement.

This opinion of my competency is founded upon my instructions, inasmuch as they are to regulate my personal conduct, and upon the conviction that the letter of credence from his Majesty, investing me with a general *plenipotentiary* character, which I had the honor of presenting to the President of the United States, and his consequent recognition of me in that character, are authorities decidedly adequate to the commencement of a preliminary negotiation.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, December 15, 1791.

SIR:

I am to acknowledge the honor of your letter of November 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures, which reason and practicability may dictate, for giving effect to the stipulations of our treaty, yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only, which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects, I have the honor to propose that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other, in contravention of the treaty. I shall set the example.

The provisional and definitive treaties, in their 7th article, stipulated that his "Britannic Majesty should, with all convenient speed, and without causing any destruction, or *carrying away any negroes, or other property*, of the American inhabitants, *withdraw all his armies, garrisons, and fleets, from the said United States*, and from every port, place, and harbor, within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn from Michillmackinac, on Lake Michigan; Detroit, on the strait of Lakes Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point Au-fer, and Dutchman's Point, on Lake Champlain.

2d. The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts; and

3d. They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary between the two nations.

By these proceedings, we have been intercepted entirely from the commerce of furs with the Indian nations to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity of that expensive warfare we have been obliged to carry on with them, during the time that these posts have been in other hands.

On withdrawing the troops from New York, 1st. A large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part, for inspecting and superintending embarkations, had arrived there, and without any account ever rendered thereof. 2d. Near three thousand others were publicly carried away by the avowed order of the British commanding officer, and under the view, and against the remonstrances of our commissioners. 3d. A very great number were carried off in private vessels, if not by the express permission, yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners; and 4th. Of other species of property carried away, the commanding officer permitted no examination at all. In support of these facts, I have the honor to enclose you documents, a list of which will be subjoined, and in addition to them, I beg leave to refer to a roll signed by the joint commissioners, and delivered to your commanding officer for transmission to his court, containing a description of the negroes publicly carried away by his order as before mentioned, with a copy of which you have doubtless been furnished.

A difference of opinion too having arisen as to the river intended by the plenipotentiaries to be the boundary between us and the dominions of Great Britain, and by them called the St. Croix, which name, it seems, is given to two different rivers, the ascertaining of this point becomes a matter of present urgency: it has heretofore been the subject of application from us to the Government of Great Britain.

There are other smaller matters between the two nations, which remain to be adjusted, but I think it would be better to refer these for settlement through the ordinary channel of our ministers, than to embarrass the present important discussions with them: they can never be obstacles to friendship and harmony.

Permit me now, sir, to ask from you a specification of the particular acts, which, being considered by his Britannic Majesty as a non-compliance on our part with the engagement contained in the 4th, 5th, and 6th articles of the treaty, induced him to suspend the execution of the 7th, and render a separate discussion of them inadmissible.

And accept assurances, &c.

TH: JEFFERSON.

DOCUMENTS REFERRED TO AND ENCLOSED.

Extract of a letter of May 12th, 1783, from Sir Guy Carleton to General Washington. Letter of May 24th, 1783, from the American commissioners to Sir Guy Carleton. Letter of May 29th, 1783, from Mr. Morgann, for Sir Guy Carleton, to the American commissioners.

Remonstrance of June 9th, 1783, from the American commissioners to Sir Guy Carleton. Letter of June 14th, 1783, from the American commissioners to General Washington. Extract of remonstrance of June 17th, 1783, from the American commissioners to Sir Guy Carleton. Letter of January 18th, 1784, from the American commissioners to General Washington.

Extract of a letter from Sir Guy Carleton to General Washington, of May 12, 1783.

"I enclose a copy of an order which I have given out to prevent the carrying away any negroes or other property of the American inhabitants. I understand from the gentlemen therein named, that they visited the fleet bound to Nova Scotia, and ordered on shore whatever came clearly under the above description; there appeared to be but little difference of opinion, except in the case of the negroes who had been declared free, previous to my arrival. As I had no right to deprive them of that liberty I found them possessed of, an accurate register was taken of every circumstance respecting them, so as to serve as a record of the name of the original proprietor of the negro, and as a rule by which to judge of his value. By this open method of conducting the business, I hoped to prevent all fraud, and whatever might admit of different constructions, is left open for future explanation or compensation. Had these negroes been denied permission to embark, they would, in spite of every means to prevent it, have found various methods of quitting this place, so that the former owner would no longer have been able to trace them, and of course would have lost in every way all chance of compensation.

"This business, carried on in this public manner, and the orders nominating persons to superintend embarkations published in the gazette, I had no reason to think either the embarkation, or any circumstance attending it, could have been matter of surprise to your excellency on the 6th of May. I then, however, learned with concern, that the embarkation which had already taken place, and in which a large number of negroes had been conveyed away, appeared to your excellency as a measure totally different from the letter and spirit of the treaty.

"The negroes in question, I have already said, I found free when I arrived at New York; I had therefore no right, as I thought, to prevent their going to any part of the world they thought proper.

"I must confess, that the mere supposition, that the King's minister could deliberately stipulate in a treaty an engagement to be guilty of a notorious breach of the public faith, towards people of any complexion, seems to denote a less friendly disposition than I could wish, and I think less friendly than we might expect. After all, I only give my own opinion. Every negro's name is registered, the master he formerly belonged to, with such other circum-

stances as serve to denote his value, that it may be adjusted by compensation, if that was really the intention and meaning of the treaty. Restoration, where inseparable from a breach of public faith, is, as the world, I think, must allow, utterly impracticable. I know of no better method of preventing abuse, and the carrying away negroes, or other American property, than that I proposed to the minister for foreign affairs, in my letter of the 14th of April—the naming commissioners to assist those appointed by me, to inspect all embarkations; and I am pleased to find your excellency has approved of this method, and appointed Egbert Benson, Esq. Lieutenant Colonel Smith, and Daniel Parker, Esq. one of the contractors for supplying your army with provisions, commissioners on your part for this purpose.”

I am, sir, &c.

GUY CARLETON.

From the Commissioners to Sir Guy Carleton.

MAY 24, 1783.

SIR:

With this we do ourselves the honor to transmit your excellency the case of James Van Derburgh, Esq. an inhabitant of this State, and conformable to the instructions contained in our commission, it becomes our duty to request that your excellency will please to direct that the claim of Mr. Van Derburgh may be inquired into, and if, on such inquiry, the facts, as stated, should be proved, that the horse may then be delivered to Mr. Van Derburgh. We have the honor to be, &c.

EGBERT BENSON,
W. S. SMITH.

The case of James Van Derburgh, Esq.

Mr. Van Derburgh had a horse stolen from him, out of his stable, in Beekman's precinct, in Dutchess county, twenty-sixth of February, 1780; and the horse was conveyed by the persons who stole him to a then British post in West Chester county, where he has since been detained, so that Mr. Van Derburgh could not recover him again. The horse is now in the possession of Colonel James De Lancy, of this city, from whom Mr. Van Derburgh has demanded him, and who refuses to deliver him to Mr. Van Derburgh.

From Sir Guy Carleton to the Commissioners.

NEW YORK, May 29, 1783.

GENTLEMEN:

I am directed to inform you, in answer to your letter of the twenty-fourth instant, that, after the most attentive review by the commander-in-chief of his letter to the honorable R. R. Livingston, which has become the declared ground of your commission, he is not able (suspending all other considerations) to perceive, either in that letter, or in any clause of your instructions, any authority for your officially claiming, on behalf of Mr. Van Derburgh, a horse stolen or taken in Dutchess county, in the year 1780, and which you do not even suggest to be in danger of being presently embarked and carried away.

I have the honor to be, gentlemen, &c.

M. MORGANN.

Copy of a Remonstrance from the Commissioners to Sir Guy Carleton.

NEW YORK, June 9, 1783.

The undersigned, commissioners in behalf of the United States of America, do represent to your excellency, that, on Friday last, the Board, composed of the commissioners appointed by your excellency and of the undersigned, examined into the claim of Mr. Philip Lott to a negro named Thomas Francis, now on board a vessel called the Fair American, in this harbor, and about to be carried off to the island of Jamaica; that on such examination it appeared to the Board, that Mr. Lott purchased the aforementioned negro from Mr. Elihu Spencer, of New Jersey, and that the said negro came within the British lines the second day of November last, and was enlisted by Captain Thelwall, in a corps distinguished by the name of the Jamaica Rangers. Captain Thelwall produced to the Board a certificate, from the commandant of this city, that the said negro came within the British lines under the sanction of the proclamation respecting negroes.

The undersigned, therefore, in conformity to that part of their commission whereby they are required “to attend particularly to the due execution of that part of the 7th article of the provisional treaty, where it is agreed, his Britannic Majesty shall withdraw his armies, &c. without causing any destruction, or carrying away any negroes or other property of the American inhabitants,” do request of your excellency, that the said Captain Thelwall may be prohibited from carrying away the said negro, and, in conformity to that part of their commission, whereby they are required “to obtain the delivery of all negroes, and other property of the inhabitants of the United States, in the possession of the British forces, or any subjects of, or adherents to, his Britannic majesty,” do further request of your excellency, that the said negro may be delivered to Mr. Lott.

The undersigned do themselves the honor, herewith, to transmit to your excellency a copy of an act of the United States, in Congress assembled, of the twenty-sixth of May last, which has been transmitted to them by his excellency General Washington, with directions to pay strict attention to the injunctions of Congress, contained in the said act; and, as the undersigned are, by their commission, enjoined to represent to the commander-in-chief of the British forces, in this city, every infraction of the articles of peace, it therefore becomes their duty to remonstrate to your excellency against your permitting any negroes, the property of the citizens of these States, to leave this city, and to insist on a discontinuance of that measure.

EGBT BENSON,
WILLM S. SMITH,
DANIEL PARKER.

Copy of a letter from the Commissioners to General Washington.

NEW YORK, June 14, 1783.

SIR:

We do ourselves the honor to acknowledge the receipt of your excellency's letter of the 2d instant, covering the act of Congress of the twenty-sixth ultimo, and we also do ourselves the honor to transmit your excellency a copy of a memorial which we presented to sir Guy Carleton on Monday last, to which we have not, as yet, received any answer, except a verbal message by his deputy secretary, that he did not conceive an answer at this time necessary.

Your excellency will recollect, that, in answering our claim for restitution in the case of Mr. Van Derburgh, Sir Guy Carleton intimated an impropriety in the claim, as the property was not suggested to be in danger of being sent away: this left room for an idea that, possibly, property about to be sent away would be restored, and we apprised your excellency that we should take the first fair occasion which should present itself, to remove all doubt on this point, and, with this view, we made the requisition in behalf of Mr. Lott; and we conceive it is now reduced to a certainty, that all applications for the delivery of property will be fruitless, and we shall therefore desist from them.

That part of the memorial which is in the nature of a remonstrance, is in consequence of the resolution of Congress,* and your excellency's letter, which accompanied it.

Yesterday we assisted in superintending an embarkation, consisting of fourteen transports, bound to Nova Scotia, having on board, as nearly as we could estimate, about three thousand souls, among which were at least one hundred and thirty negroes, who appeared to be property of the citizens of the United States; and as this embarkation was made since we presented our memorial, and, as it were, in the face of it, we submit it to your excellency, whether it is necessary for us further to remonstrate to Sir Guy Carleton against his permitting slaves, the property of American subjects, to leave this place, and could wish to receive your excellency's directions on that subject.

We have the honor to be, &c.

EGBT BENSON,
DANIEL PARKER.

Extract of a Remonstrance from the Commissioners to Sir Guy Carleton.

NEW YORK, June 17, 1783.

The undersigned, commissioners in behalf of the United States of America, did, with intent to comply with their instructions, directing them "to assist such persons as should be appointed by your excellency in superintending and inspecting such embarkations as the evacuation of this place should require," on Friday last assist the commissioners, appointed by your excellency, in superintending and inspecting an embarkation made by direction of your excellency, and consisting of fourteen transports in the pay and service of the crown of Great Britain, bound for the province of Nova Scotia, and having on board, as near as the undersigned could estimate, at least two thousand white persons, who, a few individuals excepted, appeared to be persons in civil life, and inhabitants of the United States; and having also on board upwards of one hundred negroes, seventy-three of which appeared to be the property of American subjects, not residing within the British lines.

The undersigned, therefore, in order to guard against improper inferences from their silence on this occasion, and from their conduct in future, conceive it incumbent on them to represent to your excellency, that, notwithstanding any act on their part in superintending or inspecting the above mentioned, or any other embarkation, they do, and shall, consider the permission from your excellency to any negroes, belonging to the citizens of these States, to leave this city, as an infraction of the treaty of peace, agreeable to their representation of the ninth instant; and that they do not, neither can they, consider the said embarkation, or any other of a similar nature, as an embarkation which the evacuation of this place requires.

From the Commissioners to his Excellency General Washington.

NEW YORK, Jan. 18, 1784.

SIR: The British troops being wholly withdrawn from this place, it only remains, to the closing the business under your excellency's commission to us, of the eighth of May ult. that we should report our proceedings.

We presume it will be needless to recapitulate our former communications, and therefore take the liberty of referring to our letters to your excellency of the thirtieth of May, fourteenth and eighteenth of June last, with their respective enclosures.

As Sir Guy Carleton did not, except in one or two instances, answer our representations, we forebore to make further representation. We interpreted his silence into a determination that all future application from us should remain equally unnoticed, and therefore presumed, that they would be not only fruitless, but also derogatory to the dignity of the sovereignty by whose authority we were commissioned.

From our first arrival in this city hitherto, we have, whenever we were formally requested by the British commissioners, assisted them in superintending embarkations. These embarkations were always made in vessels in the pay and service of the crown of Great Britain, and the superintendence consisted in visiting the ships after they were laden and ready for sailing, and taking an account of the negroes, which the captain informed us were on board, and which were also produced to us. The captains were then asked, whether they had any other American property on board. They all answered in the negative, and this was received as evidence, without further scrutiny or examination. A descriptive list of negroes your excellency will receive with this. This list, as to the names of the negroes, and places of residence of their masters, is formed from the declaration of the negroes themselves, made to the British commissioners in our presence.

We conceive it requisite to inform your excellency, that Sir Guy Carleton retained and exercised the authority of entering and clearing out merchant vessels, at this port, which were never submitted to any inspection, and consequently, it is impossible for us to determine, for a certainty, the number of negroes, or the amount of other property belonging to the citizens of the United States, which were carried away in those vessels, neither do we know that any measures were used by the British Government to ascertain these points. Sir Guy Carleton affected to distinguish between the cases of such negroes as came within the British lines, in consequence of the promises of freedom and indemnity held out in the proclamations of his predecessors, and such as came in, either previous to the proclamations, or subsequent to the cessation of hostilities. Negroes of the first description he supposed not included in the treaty, as the public faith had, prior to the treaty, been pledged to them for their security against the claims of their former masters. Admitting this distinction to be just, we would mention a circumstance to your excellency, which we suppose no otherwise material, than to show that Sir Guy Carleton, or at least that his subordinate officers, did not intend to observe the treaty, even agreeable to their own limited construction of it.

Whenever the negroes, at an inspection of an embarkation, were examined, they always, except a very few instances, produced a printed certificate from the commandant of the city, countersigned by his secretary, purporting that they came within the British lines in consequence of the proclamations issued by Sir Henry Clinton and others. We were sensible, as there was no mode prescribed for investigating these matters, that it was impossible the commandant or his secretary could, in every case, have sufficient proof of the time of the negroes coming in, and therefore concluded there must be an abuse. In this we were not deceived: for it appears, that certificates, with blanks, were given by the commandant to individuals, to be filled up as their convenience might require. One of these blank certificates have fallen into our hands, and we transmit it to your excellency.

Sir Guy Carleton, during the whole of the time from our arrival in this city until his departure on the 25th of November, exercised the same kind of jurisdiction in this city, and on Long Island, and Staten Island, and as fully as his predecessors in command had, at any period of the war. And in the exercise of this jurisdiction, he retained the regulation of the commerce of this port, continued to lease and receive the rents of a number of houses in this city, which had been previously taken, and the rents appropriated by the British Government here as belonging to persons residing without their lines, and by them, therefore, declared as being in rebellion; he refused, except in a

very few instances, to restore persons, who were desirous of returning to their former habitations, the possession of their estates, and caused several citizens of the United States to be apprehended, and tried by courts martial. A considerable embarkation of negroes took place the day this city was evacuated. The hurry of business, on the part of the Britons, is the ostensible reason why we were not invited to the inspection, as appears by a letter from captain Gilfillan.

We have the honor to be, &c.

EGBT BENSON.
W. S. SMITH.
DAN. PARKER.

THE BLANK CERTIFICATE.

NEW YORK, April 23, 1783.

(B.) This is to certify, to whomsoever it may concern, that the bearer hereof, ———, a negro, resorted to the British lines, in consequence of the proclamations of Sir William Howe and Sir Henry Clinton, late commanders-in-chief in America; and that the said negro has hereby his excellency Sir Guy Carleton's permission to go to Nova Scotia, or wherever else ——— may think proper.

By order of Brigadier General Birch, Commandant of the city and garrison of New York, this ——— day of April, Annoque Domini 1783.

E. WILLIAMS, Major of Brigade.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, December 19, 1791.

SIR:

I have the honor of acknowledging the receipt of your letter of the 15th current, and of expressing my perfect approbation of, and concurrence in, the mode you have suggested of discussing the several particulars relative to the non-execution of the definitive treaty of peace.

In conformity to your example, I am now preparing an abstract of the circumstances that appear to me contraventions, on the part of the United States, of the fourth, fifth, and sixth articles of that treaty. This abstract I intend to present to you, sir, with as little delay as the extensive nature of the subject under consideration will admit.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, March 5, 1792.

SIR:

In conformity to the mode which you have pursued and suggested, I have now the honor of submitting to you an abstract of such particular acts of the United States as appear to me infractions, on their part, of the definitive treaty of peace, concluded between the King, my master, and the United States. The necessity of collecting from distant parts of this continent the requisite materials, of combining and arranging them, has occasioned a much longer delay in presenting to you this abstract than I at first apprehended. I trust, however, that it will be found so comprehensive as to include every cause of complaint, resulting from the treaty, and so fully substantiated as to require no subsequent elucidations to prove and to confirm the facts which I shall specify.

Many of the legislative acts and judicial determinations, which I shall adduce as violations of the treaty, having been common to a majority of the States, I have thought it expedient, in order to avoid repetitions, not to discuss the tendency and extent of their operation in the several States distinctly and separately, but to reduce the infractions under general heads, and to throw into the form of an appendix references to justify and explain the documents by which they are authenticated.

Although I have employed every exertion in my power to acquire the most accurate and general information upon the respective points comprehended in this abstract, it is still possible, that many materials may have been out of my reach, or that, in the extensive collection of laws and of other documents which I have been obliged to peruse and digest, many objects may have escaped my notice. It is possible, that acts of the States, of which I have complained, as militating against the treaty of peace, may have been repealed or modified by succeeding Legislatures; and that decisions of the State courts, which I have alleged as violations of the treaty, may have been rectified by subsequent determinations. I am not conscious of any errors or misrepresentations of this nature; but if any such should exist in the abstract, I desire you, sir, to be persuaded, that they have been totally unintentional on my part, and that I shall be extremely solicitous to have them explained and corrected.

Immediately after the ratification of the definitive treaty of peace, the Congress of the United States, by a proclamation, announcing that event, and by a resolve, dated 14th Jan. 1784, required and enjoined all bodies of magistracy, legislative, executive, and judiciary, to carry into effect the definitive articles, and every clause and sentence thereof, sincerely, strictly, and completely; and earnestly recommended to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties, confiscated, belonging to real British subjects, and of estates, rights, and properties, of persons resident in districts in possession of his Majesty's arms, between the 30th Nov. 1782, and 14th Jan. 1784, who had not borne arms against the United States; and that persons of any other description should have liberty to go to any part of the United States, to remain twelve months, unmolested in their endeavors to obtain the restitution of their estates, rights, and properties, confiscated. It was also recommended to the several States to reconsider and revise all laws regarding the premises, so as to render them perfectly consistent with justice and that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and it was farther recommended, that the estates, rights, and properties, of such last mentioned persons should be restored to them, they refunding the bona fide price, paid on purchasing any of the said lands, rights, and properties, since the confiscation.

In consequence of the little attention which had been manifested to this proclamation and recommendation, and of the answer given, (20th Feb. 1786) by the Marquis of Carmarthen, to the requisitions of Mr. Adams, respecting the posts and territories, ceded by the treaty of peace to the United States, the Congress transmitted, in April, 1787, a circular letter to the Governors of the respective States, recommending it to the different Legislatures to repeal such acts, or parts of acts, as were repugnant to the treaty of peace between his Britannic Majesty and the United States, or any article thereof, and that the courts of law and equity should be directed and required, in all causes and questions cognizable by them respectively, and arising from, or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.

In this circular letter, after enforcing in the most energetic manner the regard due to solemn national compacts, and the impropriety of the individual States attempting to contravene, or even discuss stipulations, which had been

sanctioned by their General Government, the Congress further declare, "they have deliberately and dispassionately examined and considered the several facts and matters urged by Great Britain as infractions of the treaty of peace, on the part of America; and regret, that, in some of the States, too little attention appears to have been paid to the public faith, pledged by the treaty."

It is observable that Congress, neither in this proclamation nor recommendation, take any notice of the fourth article of the treaty of peace, by which it was *agreed* that creditors on either side should meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts, theretofore contracted; nor does either the proclamation or recommendation extend to the stipulations in the close of the fifth article, whereby it was *agreed* that all persons who have any interests in confiscated lands, either by debts, marriage settlements, or otherwise, should meet with no lawful impediment in the prosecution of their just rights.

This omission of these essential points can only be ascribed to the conviction that Congress entertained, that it was totally unnecessary to specify them, as they were stipulations positive and obligatory upon the individual States, and that no local regulation was competent either to confirm or invalidate them. It does not, however, appear that this proclamation and recommendation had any general and extensive effect upon the Legislatures of the respective States, as, in consequence thereof, even the formality of a municipal adoption of the treaty, either in the nature of a repeal of existing laws, repugnant to the treaty of peace, or of a declaratory law, establishing the treaty of peace as the supreme law of the land, seems to have been confined to a small portion of the several States.

Having thus stated the measures pursued by Congress to give validity and effect to the engagements contained in the treaty of peace, it is now expedient to specify in detail the particular acts which Great Britain considers as infractions of the treaty on the part of the United States; and it will tend to simplify the discussion, to make the following arrangement:

I. To define what Congress has enforced or omitted.

II. To advert to the conduct observed by the individual States generally, in respect to the treaty of peace—

In not repealing laws that existed antecedently to the pacification;

In enacting laws, subsequent to the peace, in contravention of the treaty;

And in the decisions of the State courts upon questions affecting the rights of British subjects.

As to the first of these points, it cannot be presumed that the commissioners, who negotiated the treaty of peace, would engage in behalf of Congress to make recommendations to the Legislatures of the respective States, which they did not expect to be effectual, or enter into direct stipulations, which they had not the power to enforce. And yet the laws were not repealed which Congress recommended to be repealed, nor were the stipulations enforced which Congress was absolutely pledged to fulfil. It does not appear that any of the State Legislatures repealed their confiscation laws, or provided for the restitution of all estates, rights, and properties, of real British subjects, which had been confiscated, and of persons resident in districts in the possession of his Majesty's arms, who had not borne arms against the United States; that persons of other descriptions were at liberty to remain twelve months in the United States, unmolested in their endeavors to obtain the restoration of their confiscated estates, rights, and properties; that the acts of the several States which respected confiscations, were in many of the States reconsidered or revised; nor, finally, have British creditors been countenanced or supported, either by the respective Legislatures, or by the State courts, in their endeavors to recover the full value of debts, contracted antecedently to the treaty of peace. On the contrary, in some of the States, the confiscation laws have been acted upon since the peace, and new legislative regulations have been established to carry them into effect. In many of the States, the subjects of the crown, in endeavoring to obtain the restitution of their forfeited estates and property, upon refunding the price to the purchasers, have been treated with indignity, menaced, exposed to personal danger, and in some instances imprisoned. Prosecutions have been commenced against his Majesty's subjects for the part which they had taken in the late war. In many of the States, laws have actually passed, delaying the legal investigation of just claims, and abridging the demands of British merchants. Local regulations, in respect to the tender of property, in discharge of just debts, have prevailed to such an extent, as to amount to a prohibition of suits. Paper money, emitted by particular States, has been made, at its nominal value, legal tender and payment for all debts, for the recovery of which actions were commenced at the time when money of that description was greatly depreciated. Creditors, too, in some of the States, were exposed to the necessity of taking real or personal property, at a valuation made by a partial, prejudiced, or interested neighborhood, while, in other States, when the question of alienage has been under discussion, the courts of law and equity have determined, that a subject of Great Britain, residing within the King's dominions, at and after the declaration of independence, was not competent to acquire or hold real property within the United States. In many of the State courts, decisions have taken place, reducing the amount of British debts, in violation of the terms of the original contracts, and some of those courts have positively refused to take cognizance of suits instituted for the recovery of British debts. These facts will be more fully illustrated under the next head of arrangement.

II. To advert to the conduct observed by the individual States, generally, in respect to the treaty of peace.

1st. In not repealing the laws that existed antecedently to the pacification.

During the war, the respective Legislatures of the United States passed laws to confiscate and sell, to sequester, take possession of, and lease, the estates of the loyalists, and to apply the proceeds thereof towards the redemption of certificates and bills of credit, or towards defraying the expenses of the war; to enable debtors to pay into the State treasuries, or loan offices, paper money, then exceedingly depreciated, in discharge of their debts. Under some of the laws, many individuals were attainted by name, others were banished for ever from the country, and, if found within the State, declared felons, without benefit of clergy. In some States, the estates and rights of married women, of widows, and of minors, and of persons who had died within the territories possessed by the British arms, were forfeited. Authority also was given to the Executive department, to require persons who adhered to the crown to surrender themselves, by a given day, and to abide their trials for high treason; in failure of which, the parties so required were attainted, were subject to, and suffered, all the pains, penalties, and forfeitures, awarded against persons attainted of high treason. In one State, (New York) a power was vested in the courts to prefer bills of indictment against persons alive or dead, who had adhered to the King, or joined his fleets or armies, if in full life, and generally reputed to hold or claim, or, if dead, to have held or claimed, at the time of their decease, real or personal estate. And upon notice or neglect to appear and traverse the indictment, or, upon trial and conviction, the persons charged in the indictment, whether *in full life or deceased*, were respectively declared guilty of the offences charged, and their estates were forfeited, whether in possession, reversion, or remainder. In some of the States, confiscated property was applied to the purposes of public buildings and improvements; in others, was appropriated as rewards to individuals for military services rendered during the war; and, in one instance, property mortgaged to a British creditor was liberated from the incumbrance by a special act of the Legislature, as a provision for the representatives of the mortgagor, who had fallen in battle.

A general repeal of these laws, under the stipulated exceptions, would have been a compliance with the terms of the treaty of peace. But the restitution of the estates, rights, and properties, of real British subjects, or of persons resident in districts in possession of his Majesty's arms, and who had not borne arms against the United States, was not provided for by any local law, or general regulation, nor did any such law or regulation prevail, to support persons of other descriptions in their endeavors to obtain the restitution of such of their estates, rights, and properties, as had been confiscated. Some of the State Legislatures, it is true, soon after the peace, passed acts, in conformity to the treaty, to provide against further confiscations, and to deliver up, under certain conditions and assessments, such lands and tenements, the property of persons described in confiscation laws, as had not been confiscated by process of law. Other States have, in certain instances, upon application of the children of friends of attainted persons, passed laws to restore the ownership of forfeited estates, upon the payment of a given price in depreciated certificates, and, in others, without exacting any consideration for the property restored. Acts of pardon and oblivion are also to be found in the statute book of some of the States, but fettered with such qualifications, exceptions, and restraints, as to exclude effectually from the hope of recovery or restitution, numbers who were expressly within the meaning and intention of the treaty.

2d. In enacting laws subsequent to the peace in contravention of the treaty.

In stating the particular acts that relate to this head of arrangement, it will be proper to place them in three classes.

1. Such as relate to the estates of the loyalists.
2. Such as respect their persons; and lastly,
3. Such as obstruct the recovery of debts due to the subjects of the crown.

1. Many of the confiscated estates being undisposed of, not only at the time the preliminary articles of peace were signed, but even after the conclusion of the definitive treaty, it would have been perfectly consistent with justice, and that spirit of conciliation which ought to have prevailed upon the return of the blessings of peace, to have suspended the sales of property not then disposed of, to have repealed the laws of confiscation, under certain limitations, and to have restored the rights of married women, of widows, and of minors; and though the policy of the different State Governments might exact a rigid adherence to forfeitures, incurred by persons who had actually borne arms during the war, yet such a suspension of sales, repeal of laws, and restitution of property, might have been effected with great convenience in a number of instances, and might have been liberally extended to real British subjects, and to persons who had not borne arms against the United States, but who, from local residence, were liable to the imputation of offence, and to the operation of severe penal laws.

But, immediately after the preliminary articles were signed, and for many years subsequent to the peace, acts passed the different Legislatures of the United States to confirm forfeitures and confiscations made by virtue of former laws; to secure in their possessions persons who had purchased forfeited lands, tenements, goods, and chattels; to sell confiscated property that remained unsold; to resell such as had been already sold, and to which no title had been given; and to release from their bargains persons who had misconceived the modes of payment. In one State, (Georgia) many years subsequent to the peace, an act passed to compel, under severe penalties, the discovery of debts due to merchants and subjects of the crown of Great Britain, that had been sequestered by particular regulations. Under this act, the auditor of that State has published a formal notice, manifesting his determination to pursue the rigid letter of the law, and to sequester British debts, in defiance of the solemnity of national engagements. In another State, (Maryland) offers have even been held out by legislative authority to persons who, within limited periods, should make discovery of British property, to compound for the same by granting certain portions of such as should be discovered; and these legislative acts extended to forfeited rights and property generally, without discrimination or distinctions of persons plainly defined in the treaty, distinctions which the spirit of conciliation and the feelings of humanity most forcibly recommended, and which the respective States were fully competent to establish and enforce, when applied to estates and property, either unsold at the period of the peace, or for which (owing to the default of the purchasers) no titles had been given.

2. In respect to the persons who, under the treaty of peace, were to have free liberty to come to any part of the United States. The permission in their favor was in terms the most general and unqualified; and, though the period in which persons of one description were to remain in this country was restricted, none, however exceptionable their political conduct might have been considered by the United States, were debarred from the means of personal application, and of endeavoring to obtain the restitution of such of their estates, rights, and properties, as had been confiscated. As to those who, under the appellation of British subjects, had incurred no other imputation of criminality than that of adherence to their sovereign, and as to others who, though resident in districts in possession of his Majesty's forces, had not borne arms against the United States, the express provision in the treaty for the restitution of the estates and properties of persons of both these descriptions, certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship. This virtual acquiescence may be justly assumed as an argument in favor even of those who had borne arms against the United States, and who, if any instances of this kind existed, had been successful in their endeavors to obtain the restoration of their confiscated estates on refunding to the purchasers the bona fide price that had been paid. Acts, however, of proscription, attainder, and banishment, which had passed during the war, and which extended, not only to those who had borne arms against the United States, but also to those who had borne arms against their allies; to persons who had left particular States, and gone off with the fleets or armies of Great Britain; to those who had attached themselves to, adhered to, or taken the protection of the Government, fleets, or armies, of Great Britain, who were, and still remained, absent from the States, who had withdrawn themselves from, and still resided beyond, the limits of the United States, though repealed as to certain individuals therein named, remained in full force against numbers of every description of persons defined in the treaty. And, subsequent to the peace, acts passed several of the State Legislatures, for the purpose of asserting the rights of the States for preserving their independence, and expelling such aliens as might be dangerous to the peace and good order of government; whereby persons who had left the States, gone off to, or taken the protection of, the Government, fleet, or armies, of Great Britain, or aided, assisted, or abetted the same, or had borne arms, exercised or accepted military commands, or owned, or fitted out armed vessels to cruise against the United States, or their allies, or had been joined to the fleets or armies, or to any volunteer corps of the King, or had held any office, at particular boards instituted during the war, and all other absentees named in divers acts of confiscation, or who had been banished, or sent out of the States, were forbidden to return without licence, at their peril, or were subject to disqualifications, to prosecution, and tedious imprisonment, if they remained after notice given to depart the State. In some States, the ceremony of notice was dispensed with, and the parties, upon being found therein, were liable to imprisonment, to the confiscation of the property they possessed, and, in other States, to the penalty of death. In some of the States, it is true, permission was given to certain individuals to return unconditionally; but, in others, the indulgence was of momentary duration, and the unfortunate objects of it were then banished from their connexions and friends forever.

To this it may be added, that, though the treaty of peace expressly declares that no future confiscations shall be made, nor any prosecutions commenced against any persons for or by reason of the part which they might have taken during the war, confiscation acts have passed since the preliminary articles were signed, and sales have been made of confiscated estates long since the peace. Acts have also passed for granting effectual relief in cases of trespass, and pointing out modes for the recovery of property acquired while the King's troops occupied particular districts, whereby it was made lawful for any inhabitants of the State, who had left their places of abode, and had not since voluntarily put themselves into the power of the King's troops, to bring actions of trespass against any person who had occupied, injured, or destroyed their estate, either real or personal, within the power of the King's troops, or against persons who had received or purchased such goods or effects; and the purchasers of property, under sales made in districts occupied by the royal army, were required to restore and deliver up the same, under the penalty of forfeiting treble the value of such property so obtained, and neglected to be delivered or restored, to the great inconvenience of many who had used, possessed, or acquired real and personal property, under the sanction of the only authority existing in the districts where the property was situated—an authority justified by the laws and usages of nations, and confirmed by the letter and spirit of the treaty of peace. The persons who were the objects of the trespass law were still more oppressed by its operation, in consequence of a subsequent act, suspending prosecutions for acts done to promote the American cause, which was manifestly levelled at the friends of the crown, and deprived them of the means of satisfaction for those acts of outrage, which had involved them in loss and ruin. And, in order to provide for the enforcement of these trespass laws against absentees, the remedy of attachment against absconding debtors was extended to the recovery of damages sustained by the injury, destruction, or occupancy, of real or personal estates during the war, whereby absentees, though in a state of legal exile, were considered as absconding debtors.

3. The securing of the enormous debt due from the citizens of the United States to the merchants of Great Britain, being an object of important consideration to his Majesty's Government, in arranging and discussing the terms of the treaty of peace, was expressly provided for in it; though stipulations of that nature are not usual in treaties between independent nations; as the engagements of individuals of different countries are not liable to the intervention of partial local regulations, but rest upon the sacred and permanent basis of universal justice. The magnitude of this object cannot, therefore, be better ascertained than by this circumstance; and, accordingly, a solemn and unequivocal stipulation was introduced into the treaty, "That creditors on either side should meet with no law-

ful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted;" a stipulation as precise and definite as to the measure and mode of recovery and payment, as it was general and unqualified in respect to the debts to be recovered. "The full value in sterling money" could only mean the value, to be ascertained by the nature and terms of the original contract between debtor and creditor, and to be paid in sterling money, according to the rate of exchange prevailing between the two countries. "All bona fide debts heretofore contracted" comprehended every species of debt due to the creditors on either side, contracted antecedent to, and which remained unpaid at, the period of concluding the treaty of peace.

Hitherto Great Britain has anxiously, though in vain, expected, from the United States, the fulfilment of this article, in behalf of her suffering merchants; but prohibitions of suits, and personal disabilities, created during the war, to commence actions, remained unrepealed, and have been protracted to periods subsequent to the peace. Acts, too, have passed since the peace, suspending, for a time, the recovery of debts and the issuing of executions. Courts have been authorized by law to direct and admit the reduction of interest; and the absolute reduction of interest, for a limited number of years, has been provided for. Laws which existed before the war, compelling creditors to take the debtor's land, at an appraised value, remained unrepealed, notwithstanding the change of circumstances in the two countries had, in some of the State courts, tended to establish principles of alienage which have been carried to so rigorous an extent, applied to British subjects, as to inspire doubts of their competency to acquire or hold real property within the United States. New tender and valuation laws have been passed subsequent to the peace, by the operation of which creditors were reduced to the alternative, either of accepting under partial appraisal, resulting from prescribed modes of valuation, real and personal property which bore no proportion to the value of the original debt, and for which they could command no price whatsoever, or of having the persons of their debtors protected from arrests, or discharged from executions. British subjects and their agents were compelled to give security to pay all just debts due from the creditors to any citizen of the State, as far as the amount of the debts to be collected, before any debtor could be compelled to make payment. Paper money, emitted and made current, for a number of years, was constituted legal tender for payment and discharge of any debt, bargain, or sale, bond, mortgage, specialty, or contract whatsoever, "already made or hereafter to be made," either *for sterling money*, silver money, dollars, or any species of gold or silver. Instalment laws have passed, restraining, for a time, the commencement of suits, and then limiting the modes of recovering all debts due previous to the month of February, 1782, and of obligations taken since that time for debts previously incurred, to three annual payments, of one third of the principal and interest, in each successive year. These restrictions and limitations were afterwards extended to all debts contracted previous to the 1st of January, 1787; and when these limitations, in which the British merchants most patiently and benevolently acquiesced, were about to expire, a new instalment law was passed, protracting the period of payments five years longer, and restraining the recovery even of bonds or notes given, payable according to the instalments prescribed by the former acts, to the manner directed in the last instalment law.

It is worthy of observation, that this latter instalment law passed subsequent to the formation of the Federal constitution, which ordains that all treaties made, or which should be made, under the authority of the United States, should be the supreme law of the land, that the judges in each State should be bound thereby, and every senator and representative of the United States, members of the several State Legislatures, and all the executive and judicial officers, both of the United States and of the several States, were to be bound by oath or affirmation to support that constitution.

3. The last point of discussion relates to the decisions of State courts upon questions affecting the rights of British subjects; in respect to which, the dispensations of law have, for the most part, been as unpropitious to the subjects of the crown as the legislative acts of the different assemblies throughout this continent: It must, however, be allowed that in one State, (Massachusetts Bay) where great property was at stake, justice has been liberally dispensed, and, notwithstanding a particular regulation of the State warranted the deduction of that portion of the interest on British debts which accrued during the war, the courts, in conformity to the plain terms of the treaty, have admitted and directed the quantum of the demand to be regulated by the original contract; and where the contract bore interest, or the custom of the trade justified the charge, the full interest has been allowed to British creditors, notwithstanding the intervention of war. On the other hand, it is to be lamented that, in a more distant State, (Georgia) it was a received principle, inculcated by an opinion of the highest judicial authority there, that as no legislative act of the State existed, confirming the treaty of peace with Great Britain, war still continued between the two countries—a principle which may perhaps still continue, in that State, as it is one of those that have not to this moment paid any municipal regard to the different recommendations of Congress to the several Legislatures, to repeal all laws inconsistent with the treaty of peace.

The decisions of the State courts having affected the claims and persons of British subjects, a short view will be taken of some of the most important decisions, under these two heads.

1st. In the prosecution of claims, instituted by British merchants for debts contracted previous to the war, proof of the usage of the trade to allow interest after the expiration of a year on the amount of the goods shipped, or of the specific contract between the debtor and creditor, has been uniformly established, the full value of the debt to be recovered, ought consequently to have been nothing short of the debt and interest according to the usage of the trade or to the terms of the contract; but under the direction of many of the courts, juries have invariably abated interest on British debts for seven years and a half. Even the solemnity of obligations has not been found of sufficient force to secure the creditor from this deduction; it having been determined that obligations, which, on the face of the contract itself, bore interest, were upon no better footing in this respect than book-debts, in which the intervention of war and the prohibitory resolves of Congress were deemed sufficient grounds to destroy the usage between the British and American trader by abating the interest for the period the war continued; and that, as the debtor was deprived of the means of making payment, unless by a violation of a positive restrictive law, prohibiting remittances as a means of strengthening the enemy, and as it would have been criminal to have remitted during the war, no man should suffer for his obedience to the laws, or be answerable for the interest, while the laws of the land restrained him from remitting the principal. The treaty of peace, too, has been considered as having no effect upon this question, it having been held that the treaty only secured the mutual recovery of debts, when the amount was ascertained; but the amount of the debts was to be settled by the laws of the land.

In one State particularly, in which the claim of interest has been generally involved in the recovery of British debts, that had been paid, in consequence of legislative acts, into the State treasury, the superior court of the State determined, that the construction of the treaty and the acts of the State entitled the creditor to recover the principal of his debt and all interest thereon, which had not arisen during the war, and that, as, by the intervention of war, the means of recovering British debts were suspended, the claim of interest, during the suspension, was inadmissible.

It was admitted that, notwithstanding the payments into the treasury, the treaty of peace restored the right of action; but interest was recoverable only from the date of the definitive treaty.

In one of the southern States (Virginia) where debts to a very considerable amount are depending, the suits that have been instituted for their recovery have been referred to the district courts of the State, and some of the causes, having stood for several years under a more formal continuance upon the records, have been adjourned, for difficulty, to the general court, wherein they still remain undecided, and others, it is said, have been actually dismissed. The delay of justice, operating equally as a denial of justice, would have been effectually reformed in that State by the provisions of a particular law, giving summary relief in determining disputes wherein subjects of those countries, which had acknowledged or should hereafter recognise the independence of the United States, were parties against the citizens of that State; but, unfortunately for the British creditors, upon the conclusion of peace, it was soon found that this summary relief extended to British debts in common with the claims of other foreigners, whose sovereigns had recognised the independence of the United States, and that some of the judges favored the idea; and so much of the act as points out and authorizes the mode of proceeding in suits wherein foreigners were parties, was repealed, and, at this moment, the means of recovery depend solely upon limitations and conditions created

by local regulations, which are in direct opposition to the recommendatory resolves of Congress, and palpable infractions of the fourth article of the treaty of peace.

The few attempts to recover British debts in the county courts of that State, have universally failed; and these are the courts, wherein, from the smallness of the sum, a considerable number of debts can only be recovered.

A further hardship, under which the British creditors labor, is, that they are answerable and proceeded against by course of law for every claim brought against them; when at this moment it is not a settled point, whether even the Federal court, in that district, will entertain in their behalf suits to which that jurisdiction is competent, the circuit court of the United States, after very solemn argument, having adjourned the question.

In addition to these observations, it is necessary to mention, that, in some others of the southern States, there does not exist a single instance of the recovery of a British debt in their courts, though so many years have expired since the establishment of peace between the two countries.

2d. The proceedings of the State courts upon points, which affected the persons of British subjects, have been equally repugnant to the terms of the treaty. In one State, suits have been instituted under the acts for granting a more effectual relief in cases of certain trespasses, for the recovery of damages resulting from the occupancy of estates held in districts in the possession of his Majesty's arms, by virtue of licence and permission from the commanders-in-chief; and though the licence and permission were pleaded, and it was stated upon the record, that after the declaration of independence by Congress, there was open war between the two countries, that the place where the estates were situate continued in the uninterrupted possession of the royal army during the whole period they were occupied under such licence and permission, and as long as the same remained in force; that, by the treaty of peace, the claim which the subjects or citizens of either of the contracting parties had to recompense or retribution for injuries done to each other, in consequence of, or relating to the war, were mutually relinquished and released; that the parties, against whom the suits were instituted, were subjects of the crown, residing in a district occupied by the royal army, where the estate in question was situate, under the protection of the king, then at war with this country. These pleas were overruled by the court, as insufficient, and damages have been awarded against the parties for the time the estates were so occupied by them, to the great injury of numbers, who had, during the war, actually paid a competent rent for the property they occupied under the authority of the commander-in-chief.

In another State, an indictment has lately been preferred against a subject of the crown, for the murder of a citizen of the United States, found under suspicious circumstances, within the royal lines. Though the grand jury did not find the bill of indictment against the party, as the facts alleged were not sufficiently proved, they postponed a farther inquiry to a future time, to give the prosecutor an opportunity of producing farther testimony, in which the court acquiesced, and refused to discharge the prisoner, observing, when the counsel moved for his discharge, that the commission for holding the court of oyer and terminer did not expire for some months, and the court would again sit before the period expired. The prisoner was, however, admitted to bail, upon his own recognisance in £500, and two sureties in £250 each; but as his friends doubted the disposition of the court to determine according to the terms of treaty, they thought it more prudent to suffer the forfeiture of the recognisances, than to put his life again into jeopardy.

In that State, also, actions of trespass have been instituted, for taking and driving off cattle during the war, converting indictable offences into civil suits, with a view of eluding the stipulations of the treaty; but with what success has not been ascertained.

Upon this last head of arrangement, it is only necessary farther to observe, that the prosecutions, in the cases specified, are all direct and positive violations of the 6th article of the treaty of peace.

From the foregoing detail, it is evident, that the recommendations of Congress to the respective State Legislatures have, in some of the States, been totally disregarded, and in none have produced that complete and extensive effect, which Great Britain, from the stipulations of the treaty, was perfectly justifiable in expecting and requiring; that, since the peace, many of the States have passed laws in direct contravention of the definitive treaty, and essentially injurious to the estates, rights, and properties, of British subjects, in whose favor precise distinctions were clearly defined and expressed in the treaty; that, although some of the States may have repealed their exceptionable laws partially or generally, yet, in a majority of the States, they still exist in full force and validity; and that, in some of the State courts, actions have been commenced and prosecuted with success, against individuals, for the part they had taken in the war, which actions were, in their origin, positive contraventions of the 6th article of the treaty, and, in their consequences, materially detrimental to the rights and property of many subjects of the crown of Great Britain. In consequence of the violation of the treaty in these particulars, great numbers of his Majesty's subjects have been reduced to a state of penury and distress, and the nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained.

It is further manifest, that the stipulation of the fourth article of the treaty, which provides for the recovery of the debts due to the subjects of the two countries respectively, has been not only evaded in many of the States, but that municipal regulations have been established in them, in avowed contravention of it, and that, in many instances, the means and prospect of obtaining redress are nearly as remote as ever; since, in one State, in which a sum far exceeding one million sterling, is still due to British creditors, the supreme federal court has thought proper to suspend, for many months, the final judgment on an action of debt brought by a British creditor; and, since, in the same State, the county courts (which alone can take cognizance of debts of a limited amount) have uniformly rejected all suits instituted for the recovery of sums due to the subjects of the crown of Great Britain.

The delay which has arisen in the administration of justice, has, with equal propriety, been stated as equivalent to an infraction of the treaty; for, by the effect of that delay, many descriptions of his Majesty's subjects have been exposed, not only to material inconvenience, but, in various cases, to the ruin and absolute loss of their property.

The conduct of Great Britain, in all these respects, has been widely different from that which has been observed by the United States. In the former country, the legislature has never harbored the intention of enacting regulations which might invalidate a national compact, or affect the sacred tenor of engagements contracted between individuals. And, in the courts of law, the citizens of the United States have experienced, without exception, the same protection and impartial distribution of justice, as the subjects of the crown. Examples can be adduced of judgment having been given in favor of American creditors, in actions of debt brought even against loyalists, the whole of whose property had been seized by legislative acts of the States in which it was situated, and appropriated, in the first instance, to the liquidation of the very description of debts, for which these suits were commenced against them in England.

Such is the nature of the specific facts which the King, my master, has considered as infractions of the treaty on the part of the United States, and, in consequence of which, his Majesty has deemed it expedient to suspend the full execution, on his part, of the 7th article of that treaty. On this head, also, it is necessary to premise the following evident distinction: that the King has contented himself with a mere suspension of that article of the treaty; whereas, the United States have not only withheld from subjects of the crown that redress to which they were entitled, under the terms of the treaty, but, also, many of the States have, subsequent to the peace, passed new legislative regulations, in violation of the treaty, and imposing additional hardships on individuals, whom the national faith of the United States was pledged, under precise and solemn stipulations, to ensure and protect from future injury.

On the grounds, therefore, of the irreparable injury which many classes of his subjects have sustained, and of the heavy expense to which the British nation has been subjected by the non-performance of their engagements, on the part of the United States, the measure that the King has adopted (of delaying his compliance with the 7th article of the treaty) is perfectly justifiable. Nevertheless, his Majesty's sincere desire to remove every occasion of misunderstanding, has induced him to direct me to express his readiness to enter into a negotiation with respect to those articles of the treaty, which have not been executed by the two countries, respectively, and to consent to such

arrangements upon the subject, as, after due examination, may now be found to be of mutual convenience, and not inconsistent with the just claims and rights of his subjects.

I have the honor to be, &c.

GEO. HAMMOND.

APPENDIX A.

- No. 1. Act of New Hampshire, to confiscate estates of sundry persons therein named. Passed Nov. 28, 1778.
2. Act of Massachusetts Bay, to prevent the return of certain persons therein named, and others who had left that state, or either of the United States, and joined the enemies thereof. Passed in 1778.
3. Act of Massachusetts Bay, to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now State of Massachusetts Bay. Passed in 1779.
4. Act of Rhode Island, to confiscate and sequester estates, and banish persons of certain descriptions. Passed October, 1775. February, March, May, June, July, August, October, 1776. February and October, 1778. February, May, August, September, October, 1779. July, September, October, 1780. January, May, 1781. June, October, November, 1782. *February, May, June, October, 1783.*
5. Act of Connecticut, directing certain confiscated estates to be sold. Connecticut laws, fol. 56.
6. Act of New York, for the forfeiture and sales of the estates of persons who have adhered to the enemies of the State. Passed 22d October, 1779.
7. Act of New York, for the immediate sale of part of the confiscated estates. Passed March 10, 1780.
8. Act of New York, approving the act of Congress relative to the finances of the United States, and making provision for redeeming that State's proportion of bills of credit to be emitted. Passed 15 June, 1780.
9. Act of New York, to procure a sum in specie, for the purpose of redeeming a portion of the bills emitted, &c. Passed 7 October, 1780.
10. Act of New Jersey, to punish traitors and disaffected persons. Passed 4 October, 1776.
11. Act of New Jersey, for taking charge of and leasing the real estates, and for forfeiting personal estates of certain fugitives and offenders. Passed April 18, 1778.
12. Act of New Jersey, for forfeiting to, and vesting in the State, the real estates of certain fugitives and offenders. Passed 11 December, 1778.
13. Act of New Jersey, supplemental to the act (No. 10) to punish traitors and disaffected persons. Passed October 3, 1782.
14. Act of Pennsylvania, for the attainder of divers traitors, and for vesting their estates in the Commonwealth, if they render not themselves by a certain day. 6 March, 1778.
15. Act of Delaware, declaring estates of certain persons forfeited, and themselves incapable of being elected to any office. Passed 5 February, 1778.
16. Act of Maryland, for calling out of circulation the quota of the State, of the bills of credit issued by Congress. October, 1780.
By the 11th section of this act, persons indebted to creditors, who had not become subjects and residents of the State, or had an agent constantly residing within the State, were, under certain regulations, authorized to pay these debts into the treasury in certain species of depreciated paper money, and the treasurer's receipt was declared good evidence, in law and equity, of the payment of such debt.
17. Act of Maryland, to seize, confiscate, and appropriate all British property within the State. Passed October, 1780.
18. Act of Maryland, to appoint commissioners to preserve confiscated British property. Passed October, 1780.
19. Act of Maryland, to procure a loan, and for the sale of escheat lands and the confiscated British property, therein mentioned. Passed October, 1780.
20. Act of Virginia, for sequestering British property, enabling those indebted to British subjects to pay off such debts, &c. Passed October, 1777.
21. Act of Virginia, concerning escheats and forfeitures from British subjects. May, 1779.
22. Act of Virginia, to amend the act concerning escheats, &c. Passed May, 1779.
23. Act of Virginia, to amend the act concerning escheats and forfeitures. Passed October, 1779.
24. Act of Virginia, to adjust and regulate pay and account of officers of Virginia line. Passed November, 1781.
25. Act of Virginia, for providing more effectual funds for redemption of certificates. Passed May, 1782.
26. Act of North Carolina, for confiscating the property of all such persons as are inimical to the United States, &c. Passed November, 1777.
27. Act of North Carolina, to carry into effect the last mentioned act. Passed January, 1779.
28. Act of South Carolina, for disposing of certain estates and banishing certain persons therein mentioned. Passed 26 February, 1782.
29. Act of South Carolina, to amend the last mentioned act. Passed 16 March, 1683.
30. Act of Georgia, for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned. Passed May 4, 1782.
31. Act of South Carolina, to vest one hundred and eighty acres of land, late property of James Holmes, in certain persons in trust for the benefit of a public school. Passed 15 August, 1783.
32. Act of Virginia, for removal of seat of government. Passed May session, 1779—see No. 21.
33. Act of New Jersey, to appropriate a certain forfeited estate. Passed 23 December, 1783.
34. Act of Maryland, for the benefit of the children of Major Andrew Leitch. Passed 15th June, 1782.

APPENDIX B.

- No. 1. Act of Massachusetts, in addition to an act made and passed the present year, (1784) entitled, An act for repealing two laws of this state. Passed November 10, 1784—see appendix C, No. 2.
2. Act of North Carolina, to secure and quiet in their possessions, all such as have, or may purchase, lands, goods, &c. sold, or hereafter to be sold, by the commissioners of forfeited estates. Passed December 29, 1785.
3. Act of North Carolina, directing the sale of confiscated property. Passed October session, 1784.
4. Act of Georgia, to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates. Passed February 22, 1785.
5. Ordinance of South Carolina, for amending and explaining the confiscation act. Passed March 26, 1784.
6. Act of South Carolina, to amend the confiscation act, and for other purposes therein mentioned. Passed March 22, 1786.
7. Act of Georgia, releasing certain persons from their bargains, &c. Passed July 29, 1783.
8. Act of Georgia, to compel the settlement of public accounts, for inflicting penalties, and for vesting auditor with certain powers. Passed February 10, 1787.
9. Act of Maryland, to vest certain powers in the Governor and council. Sect. 3d. Passed November session, 1785.
10. Act of Maryland, to empower Governor and council to compound with the discoverers of British property, and for other purposes. Passed November session, 1788.

APPENDIX C.

See Acts of Confiscation, Banishment, &c. referred to in Appendix A, No. 1 to 30 inclusive.

- No. 1. Act of North Carolina, of pardon and oblivion. Passed April session, 1788.
 2. Act of Massachusetts Bay, for repealing two laws of the State, and for asserting the rights of that free and sovereign commonwealth, to expel such aliens as may be dangerous to the peace and good order of government. Passed March 24, 1784.
 3. Act of Georgia, for ascertaining the rights of aliens, and pointing out a mode for the admission of citizens. Passed February 7, 1785.
 4. Act of New York, to preserve the freedom and independence of the State, and for other purposes therein mentioned. Passed May 12, 1784.
 5. Act of Virginia, prohibiting the migration of certain persons to that commonwealth, and for other purposes therein mentioned. Passed October session, 1783.
 6. Act of Virginia, to explain, amend, and reduce into one act, the several acts for the admission of emigrants to the rights of citizenship, and prohibiting the migration of certain persons to that commonwealth. Passed October session, 1786.
 7. Act of North Carolina, to describe and ascertain such persons as owed allegiance to the State, and to impose certain disqualifications on certain persons therein named. Passed October session, 1784.
 8. Act of North Carolina, to amend the last mentioned act. Passed November session, 1785.
 9. Act of South Carolina, restoring to certain persons their estates, and for permitting the said persons to return, and for other purposes. March 26, 1784.
 10. See appendix A, No. 28. By act of February 26, 1782, penalties of confiscation and banishment were inflicted on certain persons described in lists 1, 2, 3, 4, 5; and though it appears by the foregoing act, that the persons named in lists No. 1, 2, 3, were restored to their estates under certain assessments and limitations, and permitted to return and reside in the State under certain disqualifications, the penalties of the act of February 26, 1782, still prevail against those persons mentioned in the lists No. 4 and 5, who are liable to suffer death, if they return to the State after being sent out of it.
 11. Act of Rhode Island, to send out of the State, N. Spink and John Underwood, who had formerly joined the enemy, and were returned into Rhode Island. Passed May 27, 1783.
 12. Act of Rhode Island, to send William Young, theretofore banished, out of the State, and forbidden to return at his peril. Passed June 8, 1783.
 13. Act of Rhode Island, allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return. Passed June 12, 1783.
 14. Act of Rhode Island, to banish S. Knowles, (whose estate had been forfeited,) on pain of death if he return. Passed October, 1783.
 15. Act of Pennsylvania, to attain Henry Gordon, unless he surrender himself by a given day, (July 24, 1783,) and the seizure of his estates, by the agents of forfeited estates, confirmed. Passed January 31, 1783.
- This act passed after the provisional articles were signed, and the time limited for the surrender of Mr. Gordon's person was many months after the account reached the United States. Part of Mr. Gordon's real estate was sold, in consequence of an order of the executive council of Pennsylvania, made in the year 1790.
16. Act of New York, for granting a more effectual relief in cases of certain trespasses. Passed March 17, 1783.
 17. Act of Georgia, to point out the mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the rightful owners, and for other purposes. Passed February 17, 1783.
 18. Act of New York, for suspending the prosecutions therein mentioned. Passed March 21, 1783.
 19. Act of New York, to amend an act, entitled "An act for relief against absconding and absent debtors," and to extend the remedy of the act, entitled "An act for granting a more effectual relief in cases of certain trespasses, and for other purposes therein mentioned." Passed May 4, 1784.

APPENDIX D.

1. Act of North Carolina, for establishing courts of law, and for regulating the proceedings therein—sect. 101. Passed November session, 1777.
2. Act of Virginia, for directing the mode of adjusting and settling the payment of certain debts and contracts. Passed November session, 1781.
3. Act of Virginia, to repeal so much of a former act as suspends the issuing executions upon certain judgments, until December, 1783. Passed May session, 1782.
4. Act of Virginia, to amend an act, entitled "An act to repeal so much of a former act as suspends the issuing executions on certain judgments, until December, 1783." Passed October session, 1782.
5. Act of Virginia, to revive and continue the several acts of assembly, for suspending the issuing executions on certain judgments, until December, 1783. Passed October session, 1783.
6. Act of Maryland, to prevent suits on certain debts, for a limited time. Passed April session, 1782.
7. Ordinance of South Carolina respecting suits for the recovery of debts. Passed March 26, 1784.
8. Act of Connecticut, relative to debts due to persons who have been and remained within the enemy's power, or lines, during the late war. Passed May session, 1784.
9. Act of Massachusetts Bay, directing the justices of the courts of judicature to suspend rendering judgment for any interest that might have accrued between the 19th April, 1775, and the 20th January, 1783, on debts due to British subjects. Passed November 9, 1784.
10. Old act of Maryland.
11. { Case of Thomas Harrison's representatives, in the chancery court of Maryland.
Case of Bayard and Singleton, decided in North Carolina.
12. Act of Rhode Island, to enable any debtor in jail on execution, at the suit of any creditor, to tender real, or certain specific articles of personal estate. Passed March, 1786.
13. Act of New Jersey, to direct modes of proceeding on writs of fieri facias, and for transferring lands and chattels for payment of debt. Passed March 23, 1786.
14. Act of South Carolina, for regulating sales under executions, and for other purposes therein mentioned. Passed October 12, 1783.
15. Act of Maryland, for the settlement of public accounts, and to appoint persons to collect the debts due to persons convicted of treason, and for a specific performance of certain contracts, made by British subjects previous to the Revolution. Passed November session, 1786.
16. Acts of Rhode Island, of May and June, 1775; of January, July, and September, 1776; of February, 1777; and of May, 1786.
17. Act of New Jersey, for making bills, emitted by the act for raising a revenue, of 3,159*l.* 5*s.* per annum, for twenty-five years, legal tender. Passed June 1, 1786.
18. Act of New Jersey, for striking and making current, 100,000*l.* in bills of credit, to be let out on loan. Passed May 26, 1786.

19. Act of Georgia, for emitting the sum of 50,000*l.* in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned. Passed August 14, 1786.
 20. Ordinance of South Carolina, respecting suits for the recovery of debts. Passed March 26, 1784.
 21. Act of South Carolina, to regulate the recovery and payment of debts, and prohibiting the importation of negroes, &c. Passed March 28, 1787.
 22. Act of South Carolina, to regulate the payment and recovery of debts, and to prohibit the importation of negroes, for the time therein limited. Passed November 4, 1788.

APPENDIX E.

- No. 1. Case of William Neale's executors, against Comfort Sands. Decided in the Supreme Court of New York.
 2. Case of Osborne against Mifflin's executors. Decided in the Supreme Court of Pennsylvania.
 3. Case of Hoare against Allen. Decided in the same court.
 4. Case of Stewardson, administrator of Mildred, against Dorsey. Decided in the General Court of Maryland.
 5. Act of Virginia, for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. October session, 1779.
 6. Act of Virginia, to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. Passed December 31, 1787.
 7. Act of Virginia, to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts. Passed December 12, 1787.
 8. Case of Rutgers against Waddington. Decided in the Mayor's court of New York.
 9. Case of John Smith Hatfield, at a court of Oyer and Terminer, held at Bergen, in the State of New Jersey, in August, 1789.

Mr. Jefferson, Secretary of State of the United States, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, March 30, 1792.

SIR: A constant course of business has as yet put it out of my power to prepare an answer to your letter of the 5th instant. In the mean time I have been taking measures to procure copies of the several acts therein complained of, that I might save you the trouble of producing proofs of them. My endeavors have failed in the instances below cited, of which, therefore, I am constrained to ask you to furnish the documents. I have prefixed to them your own marks of reference, that you may the more easily find them. I beg you to be assured that I would not have given you the trouble to produce any proofs which I could have obtained myself; and I hope it will be considered as an evidence of this, that the list subjoined is only of 13 out of 94 numbers which your appendix specifies. Of all the rest I either have, or expect copies in consequence of the measures I have taken.

I have the honor to be, &c.

TH: JEFFERSON.

- A. 4. Act of Rhode Island to confiscate and sequester estates and banish persons of certain descriptions, passed October, 1775. February, March, May, June, July, August, October, 1775. February, May, June, October, 1783.
 C. 11. Act of Rhode Island to send out of the State, N. Spink, and John Underwood, &c.
 12. ditto to send Wm. Young, theretofore banished, out of the State, &c.
 13. Act of Rhode Island allowing Wm. Brenton to visit his family, &c.
 14. ditto to banish S. Knowles, &c.
 D. 10. Old act of Maryland.
 16. Act of Rhode Island of May, 1786.
 E. 1, 2, 3, 4, 8, 9. The cases of *Neale v. executors*, *Osborne v. Mifflin's executors*, *Hoare v. Allen*, *Stewardson v. Dorsey*, *Rutgers v. Waddington*, *John Smith Hatfield*.
 The records of these cannot be dispensed with.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, April 6, 1792.

SIR: I have been so much engaged for the last five or six days, that I have not had it in my power sooner to acknowledge the receipt of your letter of the 30th March. I have, however, now the honor of submitting to your consideration some few remarks on the several points contained in my statement, of which you require an explanation.

With respect to the laws of Rhode Island, they are so blended with the journal of the general proceedings of the Legislature of the State, that it was a matter of some difficulty to separate the legislative acts from the other transactions of the assembly; I, therefore, cannot but regret that, in selecting these instances, I could make a reference only to the *dates* of the particular years in which they were passed; these last will, I trust, upon recurring to the collection of the laws of Rhode Island, (which book is no longer in my possession) be found to be faithfully stated. By the expression, *the old act of Maryland*, I meant to combine the statute of the 5th of George the II. (declaring lands in the plantations to be personal estate for the payment of debts due the British merchants) with the act of assembly of that State of 1716, ch. xvi. sect. 2. (pointing out the mode of appraisement and delivery of the debtor's lands in common with his personal property.) This statute and colonial law have, I understand, been acted upon in the State courts of Maryland, since the establishment of its independence; but from the strict application of the principle of alienage, mentioned in the text to which this note refers, British creditors are incompetent to the holding of real estates, assigned under these valuation laws, in payment of their debts.

All the cases to which you have alluded (excepting that of *Rutgers v. Waddington*, which was printed at New York) have been collected from the manuscript notes of a friend, and I have no doubt of their being accurately reported; I wish it were in my power to furnish you with the records of them, but I beg leave to suggest to you, sir, with the utmost deference, whether those documents could not be obtained on application to the courts of the States in which the actions were tried, or the reports be supplied by the gentlemen of the law, employed in the several suits.

Should this explanation not be satisfactory to you, sir, I will certainly endeavor to obtain some farther information upon the several points to which you have referred, as, after the very polite and obliging manner, in which you have been pleased to express your desire of saving me trouble, I certainly feel it an act of reciprocal attention due from me to facilitate, by all the means in my power, your investigation of any part of the statement which I delivered to you.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson, Secretary of State of the United States, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, May 29, 1792.

SIR:

Your favor of March 5th has been longer unanswered than consisted with my wishes, to forward as much as possible explanations of the several matters it contained. But these matters were very various, and the evidence of them not easily to be obtained, even where it could be obtained at all. It has been a work of time and trouble, to collect from the different States all the acts themselves, of which you had cited the titles, and to investigate the judiciary decisions which were classed with those acts as infractions of the treaty of peace. To these causes of delay may be added the daily duties of my office, necessarily multiplied during the sessions of the Legislature.

Section 1. I can assure you with truth, that we meet you on this occasion, with the sincerest dispositions to remove from between the two countries those obstacles to a cordial friendship, which have arisen from an inexecution of some articles of the treaty of peace. The desire entertained by this country, to be on the best terms with yours, has been constant, and has manifested itself through its different forms of administration, by repeated overtures to enter into such explanations and arrangements as should be right and necessary to bring about a complete execution of the treaty. The same dispositions lead us to wish, that the occasion now presented should not be defeated by useless recapitulations of what had taken place anterior to that instrument. It was with concern, therefore, I observed that you had thought it necessary to go back to the very commencement of the war, and in several parts of your letter to enumerate and comment on all the acts of our different Legislatures, passed during the whole course of it, in order to deduce from thence, imputations which your justice would have suppressed, had the whole truth been presented to your view, instead of particular traits, detached from the ground on which they stood. However easy it would be to justify our country, by bringing into view the whole ground, on both sides, to show that Legislative warfare began with the British Parliament; that when they levelled at persons or property, it was against entire towns or countries, without discrimination of cause or conduct, while we touched individuals only; naming them man by man, after due consideration of each case, and careful attention not to confound the innocent with the guilty; however advantageously we might compare the distant and tranquil situation of their Legislature with the scenes in the midst of which ours were obliged to legislate; and might then ask, whether the difference of circumstance and situation would not have justified a contrary difference of conduct, and whether the wonder ought to be, that our Legislatures had done so much, or so little? we will waive all this, because it would lead to recollections, as unprofitable as unconciliating. The titles of some of your acts, and a single clause of one of them only, shall be thrown among the documents at the end of this letter, No. 1, 2, and with this we will drop forever the curtain on this tragedy!

Sect. 2. We now come together to consider that instrument which was to heal our wounds, and begin a new chapter in our history. The state in which that found things, is to be considered as rightful: so says the law of nations, "L'état où les choses se trouvent au moment du traité doit passer pour légitime; et si l'on veut y apporter du changement il faut que le traité en fasse une mention expresse. Par conséquent toutes les choses dont le traité ne dit rien, doivent demeurer dans l'état où elles se trouvent lors de sa conclusion." Vattel, l. 4, s. 21. † "De quibus nihil dictum, ea manent quo sunt loco." Wolf, 1222. No alterations then are to be claimed on either side, but those which the treaty has provided. The moment, too, to which it refers, as a rule of conduct for this country at large, was the moment of its notification to the country at large. Vattel, l. 4, s. 24. ‡ "Le traité de paix oblige les parties contractantes du moment qu'il est conclu aussitôt qu'il a reçu toute sa forme; et elles doivent procurer nécessairement l'exécution; mais ce traité n'oblige les sujets que du moment qu'il leur est notifié." And s. 25. "Le traité devient par la publication, une loi pour les sujets, et ils sont obligés de se conformer désormais aux dispositions dont on y est convenu." And another author as pointedly says, § "Pactio pacis paciscentes statim obligat quam primum perfecta, cum ex pacto veniat obligatio. Subditos vero et milites, quam primum isdem fuerit publicata; cum de ea ante publicationem ipsis certo constare non possit." Wolf, s. 1229. It was stipulated, indeed, by the ninth article, that "if, before its arrival in America," any place or territory, belonging to either party, should be conquered by the arms of the other, it should be restored. This was the only case in which transactions, intervening between the signature and publication, were to be nullified.

Congress, on the 24th of March, 1783, received informal intelligence from the Marquis de la Fayette, that provisional articles were concluded; and, on the same day, they received a copy of the articles, in a letter of March 19th, from General Carleton and Admiral Digby. They immediately gave orders for recalling all armed vessels, and communicated the orders to those officers, who answered, on the 26th and 27th, that they were not authorized to concur in the recall of armed vessels, on their part. On the 11th of April, Congress receive an official copy of these articles from Doctor Franklin, with notice that a preliminary treaty was now signed between France, Spain, and England. The event having now taken place on which the provisional articles were to come into effect, on the usual footing of preliminaries, Congress immediately proclaim them, and, on the 19th of April, a cessation of hostilities is published by the commander-in-chief. These particulars place all acts preceding the 11th of April out of the present discussion, and confine it to the treaty itself, and the circumstances attending its execution. I have therefore taken the liberty of extracting from your list of American acts all of those preceding that epoch, and of throwing them together in the paper No. 6, as things out of question. The subsequent acts shall be distributed, according to their several subjects, of I. Exile and confiscation: II. Debts: and III. Interest on those debts:

Beginning, I. with those of exile and confiscation, which will be considered together, because blended together in most of the acts, and blended also in the same article of the treaty.

Sect. 3. It cannot be denied that the state of war strictly permits a nation to seize the property of its enemies found within its own limits, or taken in war, and in whatever form it exists, whether in action or possession. This is so perspicuously laid down by one of the most respectable writers on subjects of this kind, that I shall use his words, § "Cum ea sit belli conditio, ut hostes sint omni jure spoliati, rationis est, quascunque res hostium apud

* "The state in which things are found at the moment of the treaty, should be considered as lawful; and if it is meant to make any change in it, the treaty must expressly mention it. Consequently, all things, about which the treaty is silent, must remain in the state in which they are found at its conclusion." Vattel, l. 4, s. 21.

† "Those things of which nothing is said, remain in the state in which they are." Wolf, 1222.

‡ Vattel, l. 4, s. 24.—"The treaty of peace binds the contracting parties from the moment it is concluded, as soon as it has received its whole form, and they ought immediately to have it executed. But this treaty does not bind the subjects, but from the moment it is notified to them." And s. 25.—"The treaty becomes, by its publication, a law for the subjects, and they are obliged, *therefore*, to conform themselves to the stipulations therein agreed on."

§ "The paction of the peace binds the contractors immediately, as it is *perfect*, since the obligation is derived from the pact; but the subjects and soldiers, as soon as it is *published* to them; since they cannot have certain evidence of it before its publication." Wolf, s. 1229.

¶ "Since it is a condition of war, that enemies may be deprived of all their rights, it is reasonable that every thing of an enemy's, found among his enemies, should change its owner, and go to the treasury. It is, moreover, usually directed, in all declarations of war, that the goods of enemies, as well those found among us, as those taken in war, shall be confiscated. If we follow the mere right of war, even *immoveable* property may be sold, and its price carried into the treasury, as is the custom with moveable property. But in almost all Europe, it is only notified that their profits, during the war, shall be received by the treasury; and the war being ended, the *immoveable* property itself is restored, by agreement, to the former owner." Bynk. Quest. Jur. Pub. l. 1, c. 7.

hostes inventas dominum mutare, et fisco cedere. Solet præterea in singulis fere belli indictionibus constitui, ut bona hostium, tam *apud nos reperia*, quam capta bello publicentur. Si merum jus belli sequamur, etiam *immobilia* possent vendi, et eorum pretium in fisco redigi, ut in mobilibus obtinet. Sed in omni fere Europa sola fit annotatio, ut eorum fructus, durante bello, percipiat fiscus, finito autem bello, ipsa immobilia ex pactis restituantur pristinis dominis." Bynkersh. Quest. Jur. Pub. l. 1, c. 7. Every nation, indeed, would wish to pursue the latter practice, if under circumstances leaving them their usual resources. But the circumstances of our war were without example; excluded from all commerce, even with neutral nations, without arms, money, or the means of getting them abroad, we were obliged to avail ourselves of such resources as we found at home. Great Britain, too, did not consider it as an ordinary war, but a rebellion; she did not conduct it according to the rules of war, established by the law of nations, but according to her acts of parliament, made from time to time, to suit circumstances. She would not admit our title even to the *strict rights* of ordinary war; she cannot then claim from us its *liberalities*; yet the confiscations of property were by no means universal, and that of debts still less so. What effect was to be produced on them by the treaty, will be seen by the words of the fifth article, which are as follows:

Sect. 4. "ART. V. It is agreed, that the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties, of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated: and that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail: and that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of such last mentioned persons, shall be restored to them, they refunding to any persons, who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights."

"ART. VI. That there shall be no future confiscations made."

Sect. 5. Observe, that in every other article, the parties agree expressly, that such and such things *shall be done*; in this, they only agree to *recommend* that they shall be done. You are pleased to say, (page 7) "It cannot be presumed, that the Commissioners, who negotiated the treaty of peace, would engage, in behalf of Congress, to make *recommendations* to the Legislatures of the respective States, which they did not expect to be effectual, or enter into direct stipulations which they had not the power to enforce." On the contrary, we may fairly presume, that, if they had had the power to *enforce*, they would not merely have *recommended*. When, in every other article, they agree expressly to *do*, why in this do they change the style suddenly, and agree only to *recommend*? Because the things here proposed to be done were retrospective in their nature—would tear up the laws of the several States, and the contracts and transactions, private and public, which had taken place under them; and retrospective laws were forbidden by the constitutions of several of the States. Between persons whose native language is that of this treaty, it is unnecessary to explain the difference between *enacting* a thing to be done, and *recommending* it to be done; the words themselves being as well understood as any by which they could be explained. But it may not be unnecessary to observe, that *recommendations* to the people, instead of *laws*, had been introduced among us, and were rendered familiar in the interval between discontinuing the old, and establishing the new governments. The conventions and committees who then assembled, to guide the conduct of the People, having no authority to oblige them by law, took up the practice of simply recommending measures to them. These recommendations they either complied with or not, at their pleasure. If they refused, there was complaint, but no compulsion. So, after organizing the Governments, if at any time it became expedient that a thing should be done, which Congress, or any other of the organized bodies, were not authorized to ordain, they simply recommended, and left to the People, or their Legislatures, to comply, or not, as they pleased. It was impossible that the negotiators, on either side, should have been ignorant of the difference between agreeing to *do* a thing, and agreeing only to *recommend* it to be done. The import of the terms is so different, that no deception or surprise could be supposed, even if there were no evidence that the difference was attended to, explained, and understood.

Sect. 6. But the evidence on this occasion removes all question. It is well known, that the British court had it extremely at heart, to procure a restitution of the estates of the refugees who had gone over to their side; that they proposed it in the first conferences, and insisted on it to the last; that our commissioners, on the other hand, refused it from first to last, urging, 1st. That it was unreasonable to restore the confiscated property of the refugees, unless they would reimburse the destruction of the property of our citizens, committed on their part; and 2ndly, That it was beyond the powers of the commissioners to stipulate, or of Congress to enforce. On this point, the treaty hung long. It was the subject of a special mission of a confidential agent of the British negotiator from Paris to London. It was still insisted on, on his return, and still protested against, by our commissioners; and when they were urged to agree only, that Congress should *recommend* to the State Legislatures to restore the estates, &c. of the refugees, they were expressly told that the Legislatures would not regard the recommendation. In proof of this, I subjoin extracts from the letters and journals of Mr. Adams and Dr. Franklin, two of our commissioners, the originals of which are among the records of the Department of State, and shall be open to you for a verification of the copies. These prove, beyond all question, that the difference between an express agreement to do a thing, and to recommend it to be done, was well understood by both parties, and that the British negotiators were put on their guard by those on our part, not only that the Legislatures would be free to refuse, but that they probably would refuse. And it is evident, from all circumstances, that Mr. Oswald accepted the *recommendation* merely to have something to oppose to the clamors of the refugees—to keep alive a hope in them, that they might yet get their property from the State Legislatures; and that, if they should fail in this, they would have ground to demand indemnification from their own Government; and he might think it a circumstance of present relief at least, that the question of indemnification by them should be kept out of sight, till time and events should open it upon the nation insensibly.

Sect. 7. The same was perfectly understood by the British ministry, and by the members of both Houses of Parliament, as well those who advocated as those who opposed the treaty; the latter of whom, being out of the secrets of the negotiation, must have formed their judgments on the mere import of the terms. That all parties concurred in this exposition, will appear by the following extracts from the parliamentary register; a work, which, without pretending to give what is spoken with verbal accuracy, may yet be relied on, we presume, for the general reasoning and opinions of the speakers.

HOUSE OF COMMONS.—*The preliminary articles under consideration: 1783, February 17th.*

Mr. Thomas Pitt.—"That the interests of the sincere loyalists were as dear to him, as to any man; but that he could never think it would have been promoted by carrying on that unfortunate war, which Parliament had in fact suspended before the beginning of the treaty; that it was impossible, after the part Congress was pleased to take in it, to conceive that their *recommendation* would not have its proper influence on the different Legislatures; that he did not himself see what more could have been done on their behalf, except by renewing the war for their sakes, and increasing our and their calamities."—9 *Debrett's Parl. Register*, 233.

Mr. *Wilberforce*.—"When he considered the case of the loyalists, he confessed he felt himself there conquered; there he saw his country humiliated; he saw her at the feet of America! Still he was induced to believe, that Congress would religiously comply with the article, and that the loyalists would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated. Ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed, had obtained the best terms they possibly could for them."—*Ib.* 236.

Mr. *Secretary Townsend*.—"He was ready to admit, that many of the loyalists had the strongest claims upon this country; and he trusted, should the recommendation of Congress to the American States prove unsuccessful, which he flattered himself would not be the case, this country would feel itself bound in honor to make them full compensation for their losses."—*Ib.* 262.

HOUSE OF LORDS.—February 17, 1783.

Lord *Shelburne*.—"A part must be wounded, that the whole of the empire may not perish. If better terms could be had, think you, my lords, that I would not have embraced them? You all know my creed. You all know my steadiness. If it were possible to put aside the bitter cup the adversities of this country presented to me, you know I would have done it; but you called for peace. I had 'but the alternative, either to accept the terms (said Congress) of our recommendation to the States in favor of the colonists, or continue the war. It is in our power to do no more than recommend.' Is there any man who hears me, who will clap his hand on his heart, and step forward and say, I ought to have broken off the treaty? If there be, I am sure he neither knows the state of the country, nor yet has he paid any attention to the wishes of it. But say the worst, and that, after all, this estimable set of men are not received and cherished in the bosom of their own country—is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? Who can be so base as to think she will refuse it to them? Surely it cannot be that noble minded man, who would plunge his country again knee deep in blood, and saddle it with an expense of twenty millions, for the purpose of restoring them. Without one drop of blood spilt, and without one fifth of the expense of one year's campaign, happiness and ease can be given the loyalists in as ample a manner as these blessings were ever in their enjoyment; therefore, let the outcry cease on this head."—*Ib.* 70, 71.

Lord *Hawke*.—"In America," said he, "Congress had engaged to recommend their [the loyalists'] cause to the Legislatures of the country. What other term could they adopt? He had searched the journals of Congress on this subject: what other term did they, or do they ever adopt in their requisitions to the different provinces? It is an undertaking on the part of Congress: that body, like the King here, is the executive power in America. Can the crown undertake for the two Houses of Parliament? It can only recommend. He flattered himself that recommendation would be attended with success; but, said he, state the case, that it will not, the liberality of Great Britain is still open to them. Ministers had pledged themselves to indemnify them; not only in the address now moved for, but even in the last address, and in the speech from the throne."

Lord *Walsingham*.—"We had only the recommendation of Congress to trust to, and how often had their recommendations been fruitless? There were many cases in point in which provincial assemblies had peremptorily refused the recommendations of Congress. It was but the other day the States refused money on the recommendations of Congress. Rhode Island unanimously refused, when the Congress desired to be authorized to lay a duty of 5 per cent, because the funds had failed. Many other circumstances might be produced of the failure of the recommendations of Congress, and therefore we ought not, in negotiating for the loyalists, to have trusted to the recommendations of Congress. Nothing but the repeal of the acts existing against them ought to have sufficed, as nothing else could give effect to the treaty; repeal was not mentioned. They had only stipulated to revise and reconsider them."—11 *Debrell's Parl. Reg.* 44.

Lord *Sackville*.—"The King's ministers had weakly imagined, that the recommendation of Congress was a sufficient security for these unhappy men. For his own part, so far from believing that this would be sufficient, or any thing like sufficient, for their protection, he was of a direct contrary opinion; and if they entertained any notions of this sort, he would put an end to their idle hopes at once, by reading from a paper in his pocket, a resolution, which the assembly of Virginia had come to, so late as on the 17th of December last. The resolution was as follows: 'That all demands or requests of the British court for the restitution of property, confiscated by this State, being neither supported by law, equity, or policy, are wholly inadmissible; and that our delegates in Congress be instructed to move Congress, that they may direct their deputies, who shall represent these States in the general Congress, for adjusting a peace or truce, neither to agree to any such restitution, or submit that the laws made by any independent State in this Union, be subjected to the adjudication of any power or powers on earth.'"—*Ib.* pages 62, 63.

Some of the speakers seem to have had not very accurate ideas of our government. All of them, however, have perfectly understood, that a recommendation was a matter, not of obligation or coercion, but of persuasion and influence, merely. They appear to have entertained greater or less degrees of hope or doubt, as to its effect on the Legislatures, and though willing to see the result of this chance, yet, if it failed, they were prepared to take the work of indemnification on themselves.

SECT. 8. The agreement then being only that Congress should recommend to the State Legislatures a restitution of estates, and liberty to remain a twelve month for the purpose of soliciting the restitution, and to recommend a revision of all acts regarding the premises, Congress did, immediately on the receipt of the definitive articles, to wit, on the 14th of January, 1784, come to the following resolution, viz: "Resolved unanimously, nine States being present, that it be, and it is hereby, earnestly recommended to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also, of the estates, rights, and properties, of persons resident in districts which were in the possession of his Britannic Majesty's arms, at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and it is also hereby earnestly recommended to the several States, to reconsider and revise all their acts or laws, regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States, that the estates, rights, and properties, of such last mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid, on purchasing any of the said lands, rights, or properties, since the confiscation.

"Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several States by the Secretary."

SECT. 9. The British negotiators had been told by ours, that all the States would refuse to comply with this recommendation; one only, however, refused altogether. The others complied in a greater or less degree, according to the circumstances and dispositions in which the events of the war had left them; but, had all of them refused, it would have been no violation of the 5th article, but an exercise of that freedom of will, which was reserved to them, and so understood by all parties.

The following are the acts of your catalogue which belong to this head, with such short observations as are necessary to explain them; beginning at that end of the Union, where, the war having raged most, we shall meet with the most repugnance to favor.

Sect. 10. *Georgia*.—1783, July 29. An act releasing certain persons from their bargains. A law had been passed during the war, to wit: in 1782, [A. 30.] confiscating the estates of persons therein named, and directing them to be sold; they were sold; but some misunderstanding happened to prevail among the purchasers, as to the mode of payment. This act of 1783, therefore, permits such persons to relinquish their bargains, and authorizes a new sale; the lands remaining confiscated under the law made previous to the peace.

1785, Feb. 22. An act to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates. In the same law of confiscations made during the war, it had been provided that the estates confiscated should be subject to pay the debts of their former owner. This law of 1785, gave authority to the auditor to settle with, and pay the creditors, and to sell the remaining part of the estate confiscated as before.

1787, Feb. 10. An act to compel the settlement of public accounts, for inflicting penalties, and vesting the auditor with certain powers. This law also is founded on the same confiscation law of 1782, requiring the auditor to press the settlement with the creditors, &c.

1784, Feb. 7. An act for ascertaining the rights of aliens, and pointing out the mode for the admission of citizens. It first describes what persons shall be free to become citizens, and then declares none shall be capable of that character who had been named in any confiscation law, or banished, or had borne arms against them. This act does not prohibit either the refugees, or real British subjects, from coming into the State to pursue their lawful affairs. It only excludes the former from the right of citizenship, and it is to be observed, that this recommendatory article does not say a word about giving them a right to become citizens. If the conduct of Georgia should appear to have been peculiarly unbecoming, it must be remembered that that State had peculiarly suffered; that the British army had entirely overrun it; had held possession of it for some years; and that all the inhabitants had been obliged either to abandon their estates and fly their country, or to remain in it under a military government.

Sect. 11. *South Carolina*.—1783, August 15th. An act to vest 180 acres of land, late the property of James Holmes, in certain persons, in trust for the benefit of a public school. These lands had been confiscated and sold during the war. The present law prescribes certain proceedings as to the purchasers, and provides for paying the debts of the former proprietors.

1786, March 22. An act to amend the confiscation act, and for other purposes therein mentioned. This relates only to estates which had been confiscated before the peace. It makes some provision towards a final settlement, and relieves a number of persons from the amercements which had been imposed on them during the war, for the part they had taken.

1784, March 26. An act restoring to certain persons their estates, and permitting the said persons to return, and for other purposes. This act recites, that certain estates had been confiscated, and the owners, 124 in number, banished by former laws; that Congress had earnestly recommended in the terms of the treaty—it therefore distributes them into three lists or classes, restoring to all of them the lands themselves, where they remained unsold, and the price, where sold, requiring from those in lists, No. 1, and 3, to pay 12 per cent. on the value of what was restored, and No. 2, nothing; and it permits all of them to return, only disqualifying those of No. 1 and 3, who had borne military commissions against them, from holding any office for seven years.

Governor Moultrie's letter of June 21, 1786, informs us, that most of the confiscations had been restored; that the value of those not restored, was far less than that of the property of their citizens carried off by the British, and that fifteen, instead of twelve months had been allowed to the persons for whom permission was recommended to come and solicit restitution.

Sect. 12. *North Carolina*.—1784, October. An act directing the sale of confiscated property;

1783, Dec. 29. An act to secure and quiet in their possessions, the purchasers of lands, goods, &c. sold, or to be sold by the commissioners of forfeited estates. These two acts relate expressly to property "heretofore confiscated," and secure purchasers under those former confiscations.

1790, The case of Bayard, v. Singleton, adjudged in a court of judicature in North Carolina. Bayard was a purchaser of part of an estate confiscated during the war, and the court adjudged his title valid; and it is difficult to conceive on what principle that adjudication can be complained of, as an infraction of the treaty.

1785, Nov. 19. An act was passed to restore a confiscated estate to the former proprietor, Edward Bridgen.

1784, Oct. An act to describe and ascertain such persons as owed allegiance to the State, and impose certain disqualifications on certain persons therein named.

1785, Nov. An act to amend the preceding act.

1786, April. An act of pardon and oblivion. The two first of these acts exercised the right of the State to describe who should be its citizens, and who should be disqualified from holding offices. The last, entitled An act of pardon and oblivion; I have not been able to see; but, so far as it pardons, it is a compliance with the recommendation of Congress under the treaty, and so far as it excepts persons out of the pardon, it is a refusal to comply with the recommendation, which it had a right to do. It does not appear that there has been any obstruction to the return of those persons who had claims to prosecute.

Sect. 13. *Virginia*.—The catalogue under examination, presents no act of this State subsequent to the treaty of peace, on the subject of confiscations. By one of October 18, 1784, they declared there should be no future confiscations. But they did not choose to comply with the recommendation of Congress, as to the restoration of property which had been already confiscated: with respect to persons, the first assembly which met after the peace, passed—

1783, October. The act prohibiting the migration of certain persons to this commonwealth, and for other purposes therein mentioned, which was afterwards amended by,

1786, October. An act to explain and amend the preceding. These acts, after declaring who shall not have a right to migrate to, or become citizens of, the State, have each an express proviso, that *nothing contained in them shall be so construed as to contravene the treaty of peace with Great Britain*; and a great number of the refugees having come into the State, under the protection of the first law, and it being understood that a party was forming in the State to ill-treat them, the Governor, July 26, 1784, published the proclamation, No. 14, enjoining all magistrates and other civil officers, to protect them, and secure to them, the rights derived from the treaty, and acts of assembly aforesaid, and to bring to punishment all who should offend herein, in consequence of which, those persons remained quietly in the State; and many of them have remained to this day.

Sect. 14. *Maryland*.—1785, Nov. An act to vest certain powers in the Governor and council. Sec. 3;

1788, Nov. An act to empower the Governor and council to compound with the discoverers of British property and for other purposes. These acts relate purely to property which had been confiscated during the war; and the State not choosing to restore it, as recommended by Congress, passed them for bringing to a conclusion the settlement of all transactions relative to the confiscated property.

I do not find any law of this State, which could prohibit the free return of their refugees, or the reception of the subjects of Great Britain, or of any other country. And I find that they passed, in

1786, Nov. An act to repeal that part of the act for the security of their government, which disqualified non-jurors from holding offices, and voting at elections.

1790. The case of Harrison's representatives, in the court of chancery of Maryland, is in the list of infractions. These representatives being British subjects, and the laws of this country, like those of England, not permitting aliens to hold lands, the question was, whether British subjects were aliens. They decided that they were; consequently, that they could not take lands; and consequently, also, that the lands in this case escheated to the State. Whereupon, the Legislature immediately interposed, and passed a special act, allowing the benefits of the succession to the representatives. But had they not relieved them, the case would not have come under the treaty: for there is no stipulation in that, doing away the laws of alienage, and enabling the members of each nation to inherit or hold lands in the other.

Sect. 15. *Delaware*.—This State, in the year 1778, passed an act of confiscation against forty-six citizens by name, who had joined in arms against them, unless they should come in by a given day, and stand their trial. The estates of those who did not, were sold, and the whole business soon closed. They never passed any other act on the subject, either before or after the peace. There was no restitution, because there was nothing to restore, their debts having more than exhausted the proceeds of the sales of their property, as appears by Mr. Read's letter, and that all persons were permitted to return, and such as chose it, have remained there in quiet, to this day.

Sect. 16. *Pennsylvania*.—The catalogue furnishes no transaction of this State subsequent to the arrival of the treaty of peace, on the subject of confiscation, except 1790, August. An order of the executive council, to sell part of Harry Gordon's real estate, under the act of January 31, 1783. This person had been summoned by proclamation, by the name of Henry Gordon, to appear before the 1st day of November, 1781, and failing, his estate was seized by the commissioners for forfeitures, and most of it sold. The act of 1783, January 31, cured the misnomer, and directed what remained of his estate, to be sold. The confiscation being complete, it was for them to say whether they would restore it, in compliance with the recommendation of Congress. They did not, and the executive completed the sale, as they were bound to do. All persons were permitted to return to this State, and you see many of them living here to this day in quiet and esteem.

Sect. 17. *New Jersey*.—The only act alleged against this State, as to the recommendatory article, is, 1783, December 23, An act to appropriate certain forfeited estates. This was the estate of John Zabriski, which had been forfeited during the war, and the act gives it to Major General Baron Steuben, in reward for his services. The confiscation being complete, the Legislature were free to do this. Governor Livingston's letter is an additional testimony of the moderation of this State, after the proclamation of peace, and from that we have a right to conclude, that no persons were prevented from returning and remaining indefinitely.

Sect. 18. *New York*.—This State had been among the first invaded; the greatest part of it had been possessed by the enemy through the war; it was the last evacuated; its inhabitants had in great numbers been driven off their farms; their property wasted, and themselves living in exile and penury, and reduced from affluence to want, it is not to be wondered at, if their sensations were among the most lively; accordingly, they, in the very first moment, gave a flat refusal to the recommendation, as to the restoration of property. See document No. 17, containing their reasons. They passed, however, 1784, May 12, the act to preserve the freedom and independence of this State, and for other purposes therein mentioned, in which, after disqualifying refugees from offices, they permit them to come, and remain as long as may be absolutely necessary to defend their estates.

Sect. 19. *Connecticut*.—A single act only on the same subject is alleged against this State, after the treaty of peace. This was

1790, An act directing certain confiscated estates to be sold. The title shows, they were old confiscations, not new ones, and Governor Huntington's letter informs us, that all confiscations and prosecutions were stopped on the peace; that some restoration of property took place, and all persons were free to return.

Sect. 20. *Rhode Island*.—The titles of four acts of this State are cited in your Appendix, to wit:

1783, May 27. An act to send out of the State, N. Spink and L. Underwood, who had formerly joined the enemy, and were returned to Rhode Island.

1783, June 8. An act to send William Young, theretofore banished out of the State, and forbidden to return at his peril.

1783, June 12. An act allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return.

1783, October. An act to banish S. Knowles, (whose estate had been forfeited) on pain of death if he return. Mr. Channing, the attorney of the United States for that district, says, in his letter, "he had sent me all the acts of that Legislature, that affect either the debts, or the persons of British subjects, or American refugees. The acts above cited are not among them. In the answer of April 6, which you were pleased to give to mine of March 30, desiring copies of these, among other papers, you say the book is no longer in your possession. These circumstances will, I hope, excuse my not answering or admitting these acts, and justify my proceeding to observe, that nothing is produced against this State, on the subject, after the treaty; and the district attorney's letter, before cited, informs us, that their courts considered the treaty as paramount to the laws of the State, and decided accordingly, both as to persons and property, and that the estates of all British subjects, seized by the State, had been restored, and the rents and profits accounted for. Governor Collins's letter, No. 20, is a further evidence of the compliance of this State.

Sect. 21. *Massachusetts*.—1784, March 24. This State passed an act for repealing two laws of this State, and for asserting the right of this free and sovereign commonwealth to expel such aliens as may be dangerous to the peace and good order of government, the effect of which was to reject the recommendation of Congress, as to the return of persons, but to restore to them such of their lands as were not confiscated, unless they were pledged for debt; and by—

1784, November 10. An act in addition to an act for repealing two laws of this State, they allowed them to redeem their lands pledged for debt, by paying the debt.

Sect. 22. *New Hampshire*.—Against New Hampshire nothing is alleged; that State having not been invaded at all, was not induced to exercise any acts of rigor against the subjects or adherents of their enemies.

The acts, then, which have been complained of as violations of the 5th article, were such as the States were free to pass, notwithstanding the recommendation; such as it was well understood they would be free to pass without any imputation of infraction, and may therefore be put entirely out of question.

Sect. 23. And we may further observe, with respect to the same acts, that they have been considered as infractions not only of the 5th article, which recommended the restoration of the confiscations which *had taken place during the war*, but also of that part of the 6th article which forbade *future* confiscations. But not one of them touched an estate which had not been before confiscated: for you will observe, that an act of the Legislature, confiscating lands, stands in place of an *office found* in ordinary cases; and that, on the *passage of the act*, as on the *finding of the office*, the State stands, *ipso facto*, possessed of the lands, without a formal entry. The confiscation then is complete by the passage of the act. Both the title and possession being divested out of the former proprietor, and vested in the State, no subsequent proceedings relative to the lands are acts of confiscation, but are mere exercises of ownership, whether by levying profits, conveying for a time, by lease, or in perpetuo, by an absolute deed. I believe, therefore, it may be said with truth, that there was not a single confiscation made in any one of the United States, after notification of the treaty; and consequently, it will not be necessary to notice again this part of the 6th article.

Sect. 24. Before quitting the recommendatory article, two passages in the letter are to be noted, which, applying to all the States in general, could not have been properly answered under any one of them in particular. In page 16 is the following passage: "The express provision in the treaty, for the restitution of the estates and properties of persons of both these descriptions [British subjects and Americans who had staid within the British lines, but had not borne arms] certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship." Here seems to be a double error, first in supposing an express provision, whereas the words of the article, and the collateral testimony adduced, have shown that the provision was neither *express*, nor meant to be so. And secondly, in inferring, from a restitution of the estate, a virtual acquiescence in the right of the party to reside where the estate is. Nothing is more frequent, than for a sovereign to banish the person, and leave him possessed of his estate. The inference in the present case, too, is contradicted, as to the *refugees*, by the recommendation to permit their residence twelve months; and as to British subjects, by

the silence of the article, and the improbability that the British plenipotentiary meant to stipulate a right for British subjects to emigrate and become members of another community.

Sect. 25. Again, in page 34, it is said, "The nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained." It has been before proved, that Mr. Oswald understood perfectly, that no indemnification was claimable from us; that, on the contrary, we had a counter claim of indemnification to much larger amount. It has been supposed, and not without grounds, that the glimmering of hope, provided by the recommendatory article, was to quiet, for the present, the clamors of the sufferers, and to keep their weight out of the scale of opposition to the peace, trusting to time and events for an oblivion of these claims, or a gradual ripening of the public mind to meet and satisfy them at a moment of less embarrassment: the latter is the turn which the thing took. The claimants continued their importunities, and the Government determined at length to indemnify them for their losses; and, open-handedly as they went to work, it cost them less than to have settled with us the just account of mutual indemnification urged by our commissioners. It may be well doubted, whether there were not single States of our Union to which the four millions you have paid would have been no indemnification for the losses of property sustained contrary even to the laws of war; and what sum would have indemnified the whole thirteen, and, consequently, to what sum our whole losses of this description have amounted, would be difficult to say. However, though in no wise interested in the sums you thought proper to give to the refugees, we could not be inattentive to the measure in which they were dealt out. Those who were on the spot, and who knew intimately the state of affairs with the individuals of this description, who knew that their debts often exceeded their possessions, inasmuch that the most faithful administration made them pay but a few shillings in the pound, heard with wonder of the sums given, and could not but conclude, that those largesses were meant for something more than loss of property—that services and other circumstances must have had great influence. The sum paid is therefore no imputation on us. We have borne our own losses. We have even lessened yours, by numerous restitutions, where circumstances admitted them; and we have much the worst of the bargain by the alternative you chose to accept, of indemnifying your own sufferers, rather than ours.

Sect. 26. II. The article of debts is next in order; but to place on their true grounds our proceedings relative to them, it will be necessary to take a view of the British proceedings, which are the subject of complaint in my letter of December 15.

In the 7th article, it was stipulated, that his Britannic Majesty should withdraw his armies, garrisons, and fleets, without carrying away any negroes, or other property of the American inhabitants. This stipulation was known to the British commanding officers, before the 19th of March, 1783, as *provisionally* agreed; and on the 5th of April they received official notice from their court of the conclusion and ratification of the preliminary articles between France, Spain, and Great Britain, which gave activity to ours, as appears by the letter of Sir Guy Carleton to Gen. Washington, dated April 6, 1783. Document No. 21. From this time, then, surely, no negroes could be carried away without a violation of the treaty. Yet we find that, so early as May 6, a *large* number of them had already been embarked for Nova Scotia, of which, as contrary to an express stipulation in the treaty, Gen. Washington declared to him his sense and his surprise. In the letter of Sir Guy Carleton of May 12, (annexed to mine to you of the 15th of December) he admits the fact; palliates it by saying he had no right to deprive the negroes of that liberty he found them *possessed of*; that it was unfriendly to suppose that the King's minister could stipulate to be guilty of a notorious breach of the public faith towards the negroes; and that, *if it was his intention, it must be adjusted by compensation*, restoration being utterly impracticable, where inseparable from a breach of public faith. But surely, sir, an officer of the King is not to question the validity of the King's engagements, nor violate his solemn treaties, on his own scruples about the public faith. Under this pretext, however, General Carleton went on in daily infractions, embarking, from time to time, between his notice of the treaty, the 5th of April, and the evacuation of New York, November 23, 3,000 negroes, of whom our commissioners had inspection, and a very large number more, in public and private vessels, of whom they were not permitted to have inspection. Here, then was a direct, unequivocal, and avowed violation of this part of the 7th article, in the first moments of its being known; an article which had been of extreme solicitude on our part, on the fulfilment of which depended the means of paying debts, in proportion to the number of laborers withdrawn; and when in the very act of violation, we warn, and put the commanding officer on his guard, he says, directly, he will go through with the act, and leave it to his court to adjust it by compensation.

Sect. 27. By the same article, his Britannic Majesty stipulates, that he will, *with all convenient speed*, withdraw his garrisons from *every* post within the United States. "When no precise term, says a writer on the Law of Nations, [Vattel, l. 4. c. 26.] has been marked for the accomplishment of a treaty, and for the execution of each of its articles, good sense determines that every point should be executed *as soon as possible*. This is, without doubt, what was understood."* The term in the treaty, *with all convenient speed*, amounts to the same thing, and clearly excludes all unnecessary delay. The general pacification being signed on the 20th of January, some time would be requisite for the orders for evacuation to come over to America, for the removal of stores, property, and persons, and finally, for the act of evacuation. The larger the post, the longer the time necessary to remove all its contents; the smaller, the sooner done. Hence, though General Carleton received his orders to evacuate New York, in the month of April, the evacuation was not completed till late in November. It had been the principal place of arms and stores; the seat, as it were, of their general government, and the asylum of those who had fled to them. A great quantity of shipping was necessary, therefore, for the removal, and the general was obliged to call for a part from foreign countries. These causes of delay were duly respected on our part. But the posts of Michillimackinac, † Detroit, Niagara, Oswego, Oswegatchie, Point-au-Fer, Dutchman's Point, were not of this magnitude. The orders for evacuation, which reached general Carleton, in New York, early in April, might have gone, in one month more, to the most remote of these posts. Some of them might have been evacuated in a few days after, and the largest in a few weeks. Certainly they might all have been delivered, without any *inconvenient speed* in the operations, by the end of May, from the known facility furnished by the lakes, and the water connecting them; or by crossing immediately over into their own territory, and availing themselves of the season for making new establishments there, if that was intended. Or, whatever time might, in event, have been necessary for their evacuation, certainly the order for it should have been given from England, and might have been given as early as that from New York. Was any order ever given? Would not an *unnecessary delay* of the order, producing an equal delay in the evacuation, be an infraction of the treaty? Let us investigate this matter.

On the 3d of August, 1783, Major General Baron Steuben, by orders from General Washington, having repaired to Canada for this purpose, wrote the letter, No. 22, to General Haldimand, Governor of the province, and received from him the answer of August 13, No. 23. Wherein he says, "The orders I have received, direct a discontinuance of every hostile measure *only*," &c. And in his conference with Baron Steuben, he says expressly, "That he *had not received any orders* for making the least arrangement for the evacuation of a single post." The orders, then, which might have been with him by the last of April, were unknown, if they existed, the middle of August. See Baron Steuben's letter, No. 24.

Again, on the 19th of March, 1784, Governor Clinton, of New York, within the limits of which State some of these posts are, writes to General Haldimand, the letter No. 25; and that General, answering him, May 10, from Quebec, says, "Not having had the honor to receive orders and instructions relative to withdrawing the garrisons," &c.; fourteen months were now elapsed, and the orders *not yet received*, which might have been received in four.

* "Lors qu'on n'a point marqué de terme pour l'accomplissement du traité, et pour l'exécution de chacun des articles, le bon sens dit que chaque point doit être exécuté *aussitôt qu'il est possible*. C'est sans doute ainsi qu'on l'a entendu."

† Instead of this, Fort Erie was, by error, inserted in my letter of December 15.

Again, on the 12th of July, Colonel Hull, by order from General Knox, the Secretary of War, writes to General Haldimand, the letter No. 27; and General Haldimand gives the answer of the 13th, No. 28, wherein he says, "Though I am now informed, by his Majesty's ministers, of the ratification, &c. I remain, &c. *not having received any orders to evacuate the posts which are without the limits,*" &c. And this is eighteen months after the signature of the general pacification! Now, is it not fair to conclude, if the order was not arrived on the 13th of August, 1783, if it was not arrived on the 10th of May, 1784, nor yet on the 13th of July, in the same year, that, in truth, the order had never been given? and if it had never been given, may we not conclude that it never had been intended to be given? From what moment is it we are to date this infraction? From that, at which, with convenient speed, the order to evacuate the upper posts might have been given. No legitimate reason can be assigned, why that order might not have been given as early, and at the same time, as the order to evacuate New York; and *all delay, after this, was in contravention of the treaty.*

Sect. 28. Was this delay merely innocent and unimportant to us, setting aside all considerations but of interest and safety? 1. It cut us off from the fur trade, which before the war had been always of great importance as a branch of commerce, and as a source of remittance for the payment of our debts to Great Britain: for, the injury of withholding our posts, they added the obstruction of all passage along the lakes and their communications. 2. It secluded us from connexion with the northwestern Indians, from all opportunity of keeping up with them friendly and neighborly intercourse, brought on us consequently, from their known dispositions, constant and expensive war, in which numbers of men, women, and children, have been, and still are, daily falling victims to the scalping knife, and to which there will be no period, but in our possession of the posts which command their country.

It may safely be said, then, that the treaty was violated in England, before it was known in America, and in America, as soon as it was known, and that too, in points so essential, as that, without them, it would never have been concluded.

Sect. 29. And what was the effect of these infractions on the American mind? On the breach of any article of a treaty by the one party, the other has its election to declare it dissolved in all its articles, or to compensate itself by withholding execution of equivalent articles; or to waive notice of the breach altogether.

Congress being informed that the British commanding officer was carrying away the negroes from New York, in avowed violation of the treaty, and against the repeated remonstrances of General Washington, they take up the subject on the 26th of May, 1783; they declare that it is contrary to the treaty; direct that the proper papers be sent to their ministers plenipotentiary in Europe to remonstrate, and demand reparation, and that, in the mean time, General Washington continue his remonstrances to the British commanding officer, and insist on the discontinuance of the measure. See document No. 29.

Sect. 30. The State of Virginia, materially affected by this infraction, because the laborers thus carried away were chiefly from thence, while heavy debts were now to be paid to the very nation which was depriving them of the means, took up the subject in December, 1783, that is to say, seven months after that particular infraction, and four months after the first refusal to deliver up the posts, and instead of arresting the debts absolutely, in reprisal for their negroes carried away, they passed [D. 5.] the act to revive and continue the several acts for suspending the issuing executions on certain judgments until December, 1783, that is to say, they revived, till their next meeting, two acts passed during the war, which suspended all *voluntary and fraudulent* assignments of debt, and as to *others*, allowed real and personal estate to be tendered in discharge of executions; the effect of which was to relieve the body of the debtor from prison, by authorizing him to deliver property in discharge of the debt. In June following, thirteen months after the violation last mentioned, and after a second refusal by the British commanding officer to deliver up the posts, they came to the resolution No. 30, reciting specially the infraction respecting their negroes, instructing their delegates in Congress to press for reparation; and resolving, that the courts shall be opened to British suits, as soon as *reparation shall be made*, or otherwise, *as soon as Congress shall judge it indispensably necessary*. And in 1787, they passed [C. 7.] the act to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts; and, at the same time [E. 6.] the act to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. The former was not to be in force till the evacuation of the posts, and reparation for the negroes carried away. The latter requires particular explanation. The small supplies of European goods, which reached us during the war, were frequently brought by captains of vessels and supercargoes, who, as soon as they had sold their goods, were to return to Europe with their vessels. To persons under such circumstances, it was necessary to give a summary remedy for the recovery of the proceeds of their sale. This had been done by the law for the protection and encouragement of the commerce of nations acknowledging the independence of the United States, which was meant but as a temporary thing, to continue while the same circumstances continued. On the return of peace, the supplies of foreign goods were made, as before the war, by merchants resident here. There was no longer reason to continue to them the summary remedy, which had been provided for the transient vender of goods. And, indeed, it would have been unequal to have given the resident merchant instantaneous judgment against a farmer or tradesman, while the farmer or tradesman, could pursue those who owed him money but in the ordinary way, and with the ordinary delay. The British creditor had no such unequal privilege while we were under British government, and had no title to it, in justice, or by the treaty, after the war. When the Legislature proceeded, then, to repeal the law, as to other nations, it would have been extraordinary to have continued it for Great Britain.

Sect. 31. South Carolina was the second State which moved in consequence of the British infractions, urged thereto by the desolated condition in which their armies had left that country, by the debts they owed, and the almost entire destruction of the means of paying them. They passed [D. 7. 20.] 1784, March 26, an ordinance respecting the recovery of debts, suspending the recovery of all actions, as well American as British, for nine months, and then allowing them to recover payment at four equal and annual instalments only, requiring the debtor in the mean time, to give good security for his debt, or otherwise refusing him the benefit of the act, by—

[D. 21.] 1787, Mar. 28, An act to regulate the recovery and payment of debts, and prohibiting the importation of negroes, they extended the instalments, a year further in a very few cases. I have not been able to procure the two following acts [D. 14.] 1785, Oct. 12, An act for regulating sales under executions, and for other purposes therein mentioned; and

[D. 22.] 1788, Nov. 4, An act to regulate the payment and recovery of debts, and to prohibit the importation of negroes for the time therein limited; and I know nothing of their effect, or their existence, but from your letter, which says, their effect was to deliver property in execution, in relief of the body of the debtor, and still further to postpone the instalments. If, during the existence of material infractions on the part of Great Britain, it were necessary to apologize for these modifications of the proceedings of the debtor, grounds might be found in the peculiar distresses of that State, and the liberality with which they had complied with the recommendatory articles, notwithstanding their sufferings might have inspired other dispositions, having pardoned every body, received every body, restored all confiscated lands not sold, and the prices of those sold.

Sect. 32. Rhode Island next acted on the British infractions, and imposed modifications in favor of such debtors as should be pursued by their creditors, permitting them to relieve their bodies from execution by the payment of paper money, or delivery of property. This was the effect of [D. 12.] 1786, March, An act to enable any debtor in jail, on execution at the suit of any creditor, to tender real, or certain specific articles of personal estate; and

[D. 16.] 1786, May, An act making paper money a legal tender. But observe, that this was not till *three years* after the infractions by Great Britain, and repeated and constant refusals of compliance on their part.

Sect. 33. New Jersey did the same thing, by—

[D. 13.] 1786, Mar. 23, An act to direct the modes of proceedings on writs of fieri facias, and for transferring lands and chattels for payment of debts; and

[D. 18.] 1786, May 26, An act for striking, and making current £100,000 in bills of credit, to be let out on loan; and

[D. 17.] 1786, June 1, An act for making bills, emitted by the act for raising a revenue of £31,259 5s. per annum, for twenty-five years, a legal tender; and

Sect. 34. Georgia, by [D. 19.] 1786, August 14, An act for emitting the sum of £50,000 in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned, made paper money also a legal tender.

These are the only States which appear, by the acts cited in your letter, to have modified the recovery of debts. But I believe that North Carolina also emitted a sum of paper money, and made it a tender in discharge of executions; though, not having seen the act, I cannot affirm it with certainty. I have not mentioned, because I do not view the act of Maryland [D. 15.] 1786, Nov. c. 29, for the settlement of public accounts, &c. as a modification of the recovery of debts. It obliged the British subject, before he could recover what was due to him within the State, to give bond for the payment of what he owed therein. It is reasonable that every one, who asks justice, should do justice; and it is usual to consider the property of a foreigner, in any country, as a fund appropriated to the payment of what he owes in that country, exclusively. It is a care which most nations take of their own citizens, not to let the property, which is to answer their demands, be withdrawn from its jurisdiction, and send them to seek it in foreign countries, and before foreign tribunals.

Sect. 35. With respect to the obstacles thus opposed to the British creditor, besides their general justification, as being produced by the previous infractions on the part of Great Britain, each of them admits of a special apology. They are, 1st. Delay of judgment; 2d. Liberating the body from execution, on the delivery of property; 3d. Admitting executions to be discharged in paper money. As to the 1st, let it be considered, that, from the nature of the commerce carried on between these States and Great Britain, they were generally kept in debt; that a great part of the country, and most particularly Georgia, South Carolina, North Carolina, Virginia, New York, and Rhode Island, had been ravaged by an enemy, moveable property carried off, houses burnt, lands abandoned, the proprietors forced off into exile and poverty. When the peace permitted them to return again to their lands, naked and desolate as they were, was instant payment practicable? The contrary was so palpable, that the British creditors themselves were sensible, that, were they to rush to judgment immediately against their debtors, it would involve the debtor in total ruin, without relieving the creditor. It is a fact, for which we may appeal to the knowledge of one member at least of the British administration of 1783, that the chairman of the North American merchants, conferring on behalf of those merchants with the American ministers then in London, was so sensible that time was necessary, as well to save the creditor as debtor, that he declared there would not be a moment's hesitation, on the part of the creditors, to allow payment by instalments annually for seven years, and that this arrangement was not made, was neither his fault nor ours.

To the necessities for some delay in the payment of debts may be added the British commercial regulations, lessening our means of payment, by prohibiting us from carrying in our own bottoms our own produce to their dominions in our neighborhood, and excluding valuable branches of it from their home markets by prohibitory duties. The means of payment constitute one of the motives to purchase, at the moment of purchasing. If these means are taken away, by the creditor himself, he ought not in conscience to complain of a mere retardation of his debt, which is the effect of his own act, and the least injurious of those it is capable of producing. The instalment acts before enumerated have been much less general, and for a shorter term than what the chairman of the American merchants thought reasonable. Most of them required the debtor to give security, in the mean time, to his creditor, and provided complete indemnification of the delay by the payment of interest, which was enjoined in every case.

Sect. 36. The second species of obstacle was the admitting the debtor to relieve his body from imprisonment, by the delivery of lands or goods to his creditor. And is this idea original, and peculiar to us? or whence have we taken it? From England, from Europe, from natural right and reason. For it may be safely affirmed, that neither natural right nor reason subjects the body of a man to restraint for debt. It is one of the abuses introduced by commerce and credit, and which even the most commercial nations have been obliged to relax, in certain cases. The Roman law, the principles of which are the nearest to natural reason of those of any municipal code hitherto known, allowed imprisonment of the body in criminal cases only, or those wherein the party had expressly submitted himself to it. The French laws allow it only in criminal or commercial cases. The laws of England, in certain descriptions of cases, (as bankruptcy) release the body. Many of the United States do the same in all cases, on a cession of property by the debtor. The *levari facias*, an execution affording only the *profits of lands*, is the only one allowed in England, in certain cases. The *elegit*, another execution of that and this country, attaches first on a man's chattels, which are not to be sold, but to be *delivered to the plaintiff*, on a *reasonable appraisement*, in part of satisfaction for his debt, and if not sufficient, one half only of his lands are then to be delivered to the plaintiff, till the *profits* shall have satisfied him. The tender laws of these States were generally more favorable than the execution by *elegit*, because they not only gave, as that does, the whole property in chattels, but also the *whole property* in the lands, and not merely the *profits* of them. It is, therefore, an execution framed on the model of the English *elegit*, or rather an amendment of that writ, taking away, indeed, the election of the party against the *body* of his debtor, but giving him, in exchange for it, much more complete remedy against his *lands*. Let it be observed, too, that this proceeding was allowed against citizens, as well as foreigners; and it may be questioned, whether the treaty is not satisfied, while the same measure is dealt out to British subjects, as to foreigners of all other nations, and to natives themselves. For it would seem, that all a friend can expect, is to be treated as a native citizen.

Sect. 37. The third obstacle was the allowing paper money to be paid for goods sold under execution. The complaint on this head is only against Georgia, South Carolina, Jersey, and Rhode Island; and this obstruction, like the two others, sprung out of the peculiar nature of the war: for those will form very false conclusions, who reason, as to this war, from the circumstances which have attended other wars, and other nations. When any nation of Europe is attacked by another, it has neighbors, with whom its accustomed commerce goes on, without interruption; and its commerce with more distant nations is carried on by sea, in foreign bottoms, at least under protection of the laws of neutrality. The produce of its soil can be exchanged for money, as usual, and the stock of that medium of circulation is not at all diminished by war; so that property sells as readily and as well, for real money, at the close, as at the commencement of the war. But how different was our case: on the north and south, were our enemies; on the west, deserts inhabited by savages in league with them; on the east, an ocean of one thousand leagues, beyond which, indeed, were nations, who might have purchased the produce of our soil, and have given us real money in exchange, and thus kept up our stock of money, but who were deterred from coming to us by threats of war on the part of our enemies, if they should presume to consider us as a people, entitled to partake the benefit of that law of war, which allows commerce with neutral nations. What were the consequences? The stock of hard money, which we possessed in an ample degree, at the beginning of the war, soon flowed into Europe for supplies of arms, ammunition, and other necessities, which we were not in the habit of manufacturing for ourselves. The produce of our soil, attempted to be carried in our own bottoms to Europe, fell, two-thirds of it, into the hands of our enemies, who were masters of the sea; the other third illly sufficed to procure the necessary implements of war; so that no returns of money supplied the place of that which had gone off. We were reduced, then, to the resource of a paper medium, and that completed the exile of the hard money; so that, in the latter stages of the war, we were, for years together, without seeing a single coin of the precious metals in circulation. It was closed with a stipulation that we should pay a large mass of debt, in such coin. If the whole soil of the United States had been offered for sale for ready coin, it would not have raised as much as would have satisfied this stipulation. The thing, then, was impossible,

and reason and authority declare, "Si l'empêchement est réel, il faut donner du tems; car nul n'est tenu à l'impossible." * Vattel, l. 4, s. 51. We should, with confidence, have referred the case to the arbiter proposed by another jurist, who lays it down that a party, "Non ultra obligari, quam in quantum facere potest; et an possit, permittendum alteris principis, quo boni viri arbitrio." † Bynk. Q. J. P. l. 2, c. 10. That four of the States should resort, under such circumstances, to very small emissions of paper money, is not wonderful: that all did not, proves their firmness under sufferance, and that they were disposed to bear whatever could be borne, rather than contravene, even by way of equivalent, stipulations which had been authoritatively entered into for them. And even in the four States, which emitted paper money, it was in such small sums, and so secured, as to suffer only a short lived, and not great depreciation of value; nor did they continue its quality as a tender, after the first paroxysms of distress were over. Here, too, it is to be observed, that natives were to receive this species of payment, equally with British subjects.

So that, when it is considered, that the other party had broken the treaty, from the beginning, and that, too, in points which lessened our ability to pay their debts, it was a proof of the moderation of our nation, to make no other use of the opportunity of retaliation presented to them, than to indulge the debtors with that time for discharging their debts, which their distresses called for, and the interests and the reason of their creditors approved.

Sect. 38. It is to be observed, that, during all this time, Congress, who alone possessed the power of peace and war, of making treaties, and, consequently, of declaring their infractions, had abstained from every public declaration, and had confined itself to the resolution of May 26th, 1783, and to repeated efforts, through their minister plenipotentiary at the court of London, to lead that court into a compliance on their part, and reparation of the breach they had committed. But the other party now laid hold of those very proceedings of our States, which their previous infractions had produced, as a ground for further refusal; and inverting the natural order of cause and effect, alleged that these proceedings of ours were the causes of the infractions, which they had committed months and years before. Thus the British minister for foreign affairs, in his answer of February 28th, 1786, to Mr. Adams's memorial, says, "The engagements entered into by treaty ought to be mutual, and equally binding on the respective contracting parties. It would, therefore, be the height of folly, as well as injustice, to suppose one party alone obliged to a strict observance of the public faith, while the other might remain free to deviate from its own engagements, as often as convenience might render such deviation necessary, though at the expense of its own national credit and importance: I flatter myself, however, sir, that justice will speedily be done to British creditors; and I can assure you, sir, that whenever America shall manifest a real intention to fulfil her part of the treaty, Great Britain will not hesitate to prove her sincerity to co-operate in whatever points depend upon her, for carrying every article of it into real and complete effect." Facts will furnish the best commentary on this letter. Let us pursue them.

The Secretary for Foreign Affairs of the United States, by order of Congress, immediately wrote circular letters to the Governors of the several States, dated May 3, 1786, No. 31, to obtain information how far they had complied with the proclamation of January 14th, 1784, and the recommendation accompanying it; and April 13, 1787, Congress, desirous of removing every pretext which might continue to cloak the inexecution of the treaty, wrote a circular letter to the several States, in which, in order to produce more surely the effect desired, they demonstrate that Congress alone possess the right of interpreting, restraining, impeding, or counteracting the operation and execution of treaties, which, on being constitutionally made, become, by the confederation, a part of the law of the land, and, as such, independent of the will and power of the Legislatures; that, in this point of view, the State acts, establishing provisions relative to the same objects, and incompatible with it, must be improper; resolving that all such acts now existing ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of the treaty, as to avoid the disagreeable necessity of discussing their validity; recommending, in order to obviate all future disputes and questions, that every State, as well those which had passed no such acts as those which had, should pass an act, repealing, in general terms, all acts and parts of acts repugnant to the treaty; and encouraging them to do this, by informing them that they had the strongest assurances that an exact compliance with the treaty on our part, would be followed by a punctual performance of it on the part of Great Britain.

Sect. 39. In consequence of these letters, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, and North Carolina, passed the acts No. 32, 33, 34, 35, 36, 37, 38, 39, 40. New Jersey and Pennsylvania declared that no law existed with them repugnant to the treaty—see documents No. 41, 42, 43. Georgia had no law existing against the treaty. South Carolina, indeed, had a law existing, which subjected all persons, foreign or native, No. 44, to certain modifications of recovery and payment. But the liberality of her conduct on the other points is a proof she would have conformed in this also, had it appeared that the fullest conformity would have moved Great Britain to compliance, and had an express repeal been really necessary.

Sect. 40. For indeed all this was supererogation. It resulted from the instrument of confederation among the States, that treaties made by Congress, according to the confederation, were superior to the laws of the States. The circular letter of Congress had declared and demonstrated it, and the several States, by their acts and explanations before mentioned, had shown it to be their own sense, as we may safely affirm it to have been the general sense of those, at least, who were of the profession of the law. Besides the proof of this, drawn from the act of confederation itself, the declaration of Congress, and the acts of the States before mentioned, the same principle will be found acknowledged in several of the documents hereto annexed for other purposes. Thus, in Rhode Island, Governor Collins, in his letter, No. 20, says, "The treaty, in all its absolute parts, has been fully complied with, and to those parts that are merely recommendatory, and depend upon the legislative discretion, the most candid attention hath been paid." Plainly implying that the absolute parts did not depend upon the legislative discretion. Mr. Channing, the attorney for the United States in that State, No. 19, speaking of an act passed before the treaty, says, "This act was considered by our courts as annulled by the treaty of peace, and subsequent to the ratification thereof no proceedings have been had thereon." The Governor of Connecticut, in his letter, No. 18, says, "The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it as a principle of law. No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued." Thus, prosecutions going on, under the law of the State, were discontinued, by the treaty operating as a repeal of the law. In Pennsylvania, Mr. Lewis, attorney for the United States, says, in his letter, No. 60, "The judges have, uniformly and without hesitation, declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground, they have not only discharged attainted traitors from arrest, but have frequently declared that they were entitled by the treaty to protection." The case of the Commonwealth, vs. Gordon, January, 1788, Dallas's Reports, 233, is a proof of this. In Maryland, in the case of Mildred vs. Dorsey, cited in your letter [E. 4.] a law of the State, made during the war, had compelled those who owed debts to British subjects to pay them into the treasury of that State. This had been done by Dorsey, before the date of the treaty; yet the judges of the State general court decided that the treaty not only repealed the law for the future, but for the past also, and decreed that the defendant should pay the money over again to the British creditor. In Virginia, Mr. Monroe, one of the senators of that State in Congress, and a lawyer of eminence, tells us, No. 52, that both court and counsel there avowed the opinion, that the treaty would control any law of the State opposed to it. And the Legislature itself, in an act of October, 1787, c. 36, concerning moneys carried into the public loan office, in payment of British debts, uses these expressions: "And whereas it belongs not to the Legislature to decide particular questions, of which the judiciary have cognizance, and it is, therefore, unfit

* "If the obstacle be real, time must be given, for no one is bound to an impossibility." Vattel l. 4, s. 51.

† "No one is bound beyond what he can do, and whether he can, may be left to the decision of the other prince, as an honest man." Bynk. Q. J. P. l. 2, c. 10.

for them to determine whether the payments so made into the loan office be good or void between the creditor and debtor." In New York, Mr. Harrison, attorney for the United States in that district, assures us, No. 45, that the act of 1782, of that State, relative to debts due to persons within the enemy's lines, was, immediately after the treaty, restrained by the superior courts of the State from operating on British creditors, and that he did not know a single instance to the contrary—a full proof that they considered the treaty as a law of the land, paramount to the law of their State.

Sect. 41. The very case of *Rutgers, vs. Waddington*, [E. 8.] which is a subject of complaint in your letter, is a proof that the courts consider the treaty as paramount to the laws of the States. Some parts of your information, as to that case, have been inexact. The State of New York had, during the war, passed an act [C. 16.] declaring that, in any action by the proprietor of a house or tenement against the occupant, for rent or damage, no military order should be a justification; and, May 4, 1784, after the refusal of the British to deliver up the posts in the State of New York, that Legislature revived the same act. [C. 19.] Waddington, a British subject, had occupied a brew-house in New York, belonging to Rutgers, an American, while the British were in possession of New York. During a part of the time he had only permission from the quartermaster general; for another part he had an order of the commanding officer to authorize his possession. After the evacuation of the city, Rutgers, under the authority of this law of the State, brought an action against Waddington for rent and damages, in the mayor's court of New York. Waddington pleaded the treaty, and the court declared the treaty a justification, in opposition to the law of the State, for that portion of the time authorized by the commanding officer, his authority being competent, and gave judgment for that part in favor of the defendants; but, for the time he held the house under permission of the quartermaster general only, they gave judgment against the defendant, considering the permission of that officer incompetent, according to the regulations of the existing powers. From this part of the judgment the defendant appealed. The first part, however, was an unequivocal decision of the superior authority of the treaty over the law. The latter part could only have been founded in an opinion of the sense of the treaty in that part of the 6th article which declares, "There shall be no future prosecutions against any person for the part he may have taken in the war, and that no person should, on that account, suffer any future loss or damage in their property," &c. They must have understood this as only protecting actions which were conformable with the laws and authority existing at the time and place. The tenure of the defendant under the quartermaster general was not so conformable. That under the commanding officer was. Some may think that murders, and other crimes and offences, characterized as such by the authority of the time and place where committed, were meant to be protected by this paragraph of the treaty; and, perhaps, for peace sake, this construction may be the most convenient. The mayor's court, however, seems to have revolted at it. The defendant appealed, and the question would have been authoritatively decided by the superior court, had not an amicable compromise taken place between the parties. See Mr. Hamilton's statement of this case, No. 46.

Sect. 42. The same kind of doubt brought on the arrest of John Smith Hatfield, in New Jersey, whose case [E. 9.] is another ground of complaint in your letter. A refugee, sent out by the British as a spy, was taken within the American lines, regularly tried by a court martial, found guilty, and executed. There was one Ball, an inhabitant of the American part of Jersey, who, contrary to the laws of his country, was in the habit of secretly supplying the British camp in Staten Island with provisions. The first time Ball went over, after the execution of the spy, of which it does not appear he had any knowledge, and certainly no agency in his prosecution, John Smith Hatfield, a refugee also from Jersey, and some others of the same description, seized him, against the express orders of the British commanding officer, brought him out of the British lines, and Hatfield hung him with his own hands. The British officer sent a message to the Americans, disavowing this act, declaring that the British had nothing to do with it, and that those who had perpetrated the crime ought alone to suffer for it. The right to punish the guilty individual seems to have been yielded by the one party, and accepted by the other, in exchange for that of retaliation on an innocent person; an exchange, which humanity would wish to see habitual. The criminal came afterwards into the very neighborhood, a member of which he had murdered. Peace, indeed, had now been made; but the magistrate, thinking, probably, that it was for the honest soldier and citizen only, and not for the murderer, and supposing, with the mayor's court of New York, that the paragraph of the treaty against future prosecutions meant to cover authorized acts only, and not murders and other atrocities, disavowed by the existing authority, arrested Hatfield. At the court which met for his trial, the witnesses failed to attend. The court released the criminal from confinement, on his giving the security required by law for his appearance at another court. He fled; and you say that, "as his friends doubted the disposition of the court to determine according to the terms of the treaty, they thought it more prudent to suffer the forfeiture of the recognizances, than to put his life again into jeopardy." But your information in this, sir, has not been exact. The recognizances are not forfeited. His friends, confident in the opinion of their counsel, and the integrity of the judges, have determined to plead the treaty, and not even give themselves the trouble of asking a release from the Legislature; and the case is now depending. See the letter of Mr. Boudinot, member of Congress for Jersey, No. 47.

Sect. 43. In Georgia, Judge Walton, in a charge to a grand jury, says, "The State of Rhode Island having acceded to the Federal Constitution, the union and government have become complete. To comprehend the extent of the General Government, and to discern the relation between that and those of the States, will be equally our interest and duty. The constitution, laws, and treaties of the Union are paramount." And in the same State, in their last federal circuit court, we learn from the public papers, that, in a case wherein the plaintiffs were Brailsford and others, British subjects, whose debts had been sequestered (not confiscated) by an act of the State during the war, the judges declared the treaty of peace a repeal of the act of the State, and gave judgment for the plaintiffs.

Sect. 44. The integrity of those opinions and proceedings of the several courts should have shielded them from the insinuations hazarded against them. In page 9 and 10, it is said, "That during the war, the Legislatures passed laws to confiscate the estates of the loyalists, to enable debtors to pay into the State treasuries paper money, then exceedingly depreciated, in discharge of their debts." And page 24, "The dispensations of law by the State courts have been as unpropitious to the subjects of the crown, as the legislative acts of the different assemblies." Let us compare, if you please, sir, these unpropitious opinions of our State courts with those of foreign lawyers' writing on the same subject. * "Quod dixi de actionibus recto publicandis ita demum obtinet: si quod subditū nostri hostibus nostris debent, principes a subditis suis revera exegerit. Si exegerit, recte solutum est, si non exegerit, pace facta, reviviscit jus pristinum creditoris; secundum, hæc inter gentes fere convenit, ut nominibus bello publicatis, pace deinde facta, exacta censeantur perisse, et maneat extincta; non autem exacta reviviscant et restituantur veris creditoribus." Bynk. Q. J. P. l. 1. c. 7. But what said the judges of the State court of Maryland in the case of Mildred and Dorsey? That a debt forced from an American debtor into the treasury of his sovereign is not extinct, but shall be paid over again to his British creditor. Which is most propitious, the unbiased foreign jurist, or the American judge, charged with dispensing justice with favor and partiality? But from this, you say, there is an appeal. Is that the fault of the judge, or the fault of any body? Is there a country on earth, or ought there to be one, allowing no appeal from the first errors of their courts? and if allowed from errors, how will those from just judgments be prevented? In England, as in other countries, an appeal is admitted to the party thinking him-

* "What I have said of things in action being rightly confiscated holds thus: If the prince really exacts from his subjects what they owed to our enemies, if he shall have exacted it, it is rightfully paid, if he shall not have exacted it, peace being made, the former right of the creditor revives; accordingly, it is for the most part agreed among nations, that things in action being confiscated in war, the peace being made, those which were paid are deemed to have perished, and remain extinct; but those not paid, revive, and are restored to their true creditors."—Bynk. Q. J. P. l. 1. c. 7.

self injured; and here, had the judgment been against the British creditor, and an appeal denied, there would have been better cause of complaint than for not having denied it to his adversary. If an *illegal* judgment be ultimately rendered on the appeal, then will arise the right to question its propriety.

Sect. 45. Again, it is said, page 34, "In one State the *supreme federal court* has thought proper to suspend for many months the final judgment on an action of debt, brought by a British creditor." If by the *supreme federal court* be meant the *supreme court of the United States*, I have had their records examined, in order to know what may be the case here alluded to; and I am authorized to say, there neither does, nor ever did exist any cause before that court, between a British subject and a citizen of the United States. See the certificate of the clerk of the court, No. 48. If by the *supreme federal court* be meant *one of the circuit courts of the United States*, then which circuit, in which State, and what case is meant? In the course of inquiries I have been obliged to make, to find whether there exists any case, in any district of any circuit court of the United States, which might have given rise to this complaint, I have learnt, that an action was brought to issue, and argued in the circuit court of the United States, in Virginia, at their last term, between Jones, a British subject, plaintiff, and Walker, an American, defendant; wherein the question was the same as in the case of Mildred and Dorsey, to wit: Whether a payment into the treasury, during the war, under a law of the State, discharged the debtor? One of the judges retiring from court, in the midst of the argument, on the accident of the death of an only son, and the case being *prime impressionis* in that court, it was adjourned, for consideration, till the ensuing term. Had the two remaining judges felt no motive but of predilection to one of the parties; had they considered only to which party their wishes were propitious or unpropitious; they possibly might have decided that question on the spot. But, learned enough in their science to see difficulties which escape others, and having characters and consciences to satisfy, they followed the example so habitually and so laudably set by the courts of your country, and of every country, where law, and not favor, is the rule of decision, of taking time to consider. Time and consideration are favorable to the right cause—precipitation to the wrong one.

Sect. 46. You say again, p. 29, "The few attempts to recover British debts, in the county courts of Virginia, have *universally* failed, and these are the courts wherein, from the smallness of the sum, a considerable number of debts can only be recovered." And again, p. 34, "In the same State, county courts (which alone can take cognizance of debts of limited amount) have *uniformly rejected* all suits instituted for the recovery of sums due to the subjects of the crown of Great Britain." In the first place, the county courts, till of late, have had exclusive jurisdiction only of sums below 10*l*. and it is known, that a very inconsiderable proportion of the British debt consists in demands below that sum. A late law, we are told, requires, that actions below 30*l*. shall be commenced in those courts: but allows, at the same time, an appeal to correct any errors into which they may fall. In the second place, the evidence of gentlemen who are in the way of knowing the fact, No. 52, 53, is, that though there have been accidental checks in some of the subordinate courts, arising from the chicanery of the debtors, and sometimes, perhaps, a moment of error in the court itself, yet these particular instances have been immediately rectified, either in the same or the superior court, while the great mass of suits for the recovery of sums due to the subjects of the crown of Great Britain, have been uniformly sustained to judgment and execution.

Sect. 47. A much broader assertion is hazarded, page 29. "In some of the Southern States, there does not exist a single instance of the recovery of a British debt in their courts, though many years have expired since the establishment of peace between the two countries." The particular States are not specified. I have, therefore, thought it my duty to extend my inquiries to all the States which could be designated under the description of Southern, to wit: Maryland, and those to the south of that.

As to Maryland, the joint certificate of the senators and delegates of the State in Congress, the letter of Mr. Tilghman, a gentleman of the law in the same State, and that of Mr. Gwinn, clerk of their general court, prove that British suits have been maintained in the superior and inferior courts throughout the State without any obstruction; that British claimants have, in every instance, enjoyed every facility in the tribunals of justice equally with their own citizens; and have recovered in due course of law, and remitted large debts, as well under contracts previous, as subsequent to the war.

In Virginia, the letters of Mr. Monroe and Mr. Giles, members of Congress from that State, and lawyers of eminence in it, prove that the courts of law in that state have been open and freely resorted to by the British creditors, who have recovered and levied their moneys without obstruction: for we have no right to consider as obstructions the dilatory pleas of here and there a debtor, distressed perhaps for time, or even an accidental error of opinion in a subordinate court, when such pleas have been overruled, and such errors corrected in a due course of proceeding marked out by the laws in such cases. The general fact suffices to show that the assertion under examination cannot be applied to this State.

In North Carolina, Mr. Johnston, one of the senators for that State, tells us he has heard indeed but of few suits brought by British creditors in that State; but that he never heard that any one had failed of a recovery because he was a British subject; and he names a particular case, of *Elmesley v. Lee's* executors, "of the recovery of a British debt in the superior court at Edenton." See Mr. Johnston's letter, No. 54.

In South Carolina, we learn, from No. 55, of particular judgments rendered, and prosecutions carried on, without obstacle, by British creditors, and that the courts are open to them there as elsewhere. As to the modifications of the execution heretofore made by the State law having been the same for foreigner and citizen, a court would decide whether the treaty is satisfied by this equal measure; and if the British creditor is privileged by that against even the same modifications to which citizens and foreigners of all other nations were equally subjected, then the law imposing them was a mere nullity.

In Georgia, the letter of the senators and representatives in Congress, No. 56, assures us that, though they do not know of any recovery of a British debt, in their State, neither do they know of a denial to recover since the ratification of the treaty, the creditors having mostly preferred amicable settlements; and that the federal court is as open and unobstructed to British creditors there, as in any other of the United States; and this is further proved by the late recovery of Brailsford and others, before cited.

Sect. 48. You say more particularly of that State, page 25, "It is to be lamented, that, in a more distant State, (Georgia) it was a received principle, inculcated by an opinion of the highest judicial authority there, that as no legislative act of the State existed, confirming the treaty of peace with Great Britain, war still continued between the two countries—a principle which may perhaps still continue in that state." No judge, no case, no time, is named. Imputations on the judiciary of a country are too serious to be neglected. I have thought it my duty, therefore, to spare no endeavors to find on what fact this censure was meant to be affixed. I have found that Judge Walton of Georgia, in the summer of 1783, the definitive treaty not yet signed in Europe, much less known and ratified here, set aside a writ in the case of *Thompson (a British subject) v. Thompson*, assigning for reasons, 1st. "That there was no law authorizing a subject of England to sue a citizen of that State; 2d. That the war had not been *definitively* concluded; or 3d. If concluded, the treaty *not known to, or ratified by*, the Legislature; nor 4th. Was it in any manner ascertained how those debts were to be liquidated." With respect to the last reason, it was generally expected that some more specific arrangements, as to the manner of liquidating and times of paying British debts would have been settled in the definitive treaty. No. 58 shows, that such arrangements were under contemplation. And the judge seems to have been of opinion that it was necessary the treaty should be *definitively* concluded, before it could become a law of the land, so as to change the legal character of an *alien enemy*, who cannot maintain an action, into that of an *alien friend*, who may. Without entering into the question, whether, between the provisional and definitive treaties, a subject of either party could maintain an action in the courts of the other (a question of no consequence, considering how short the interval was, and this, probably, the only action essayed) we must admit that, if the judge was right in his opinion, that a *definitive* conclusion was necessary, he was right in his consequence that it should be *made known* to the Legislature of the State, or, in other words, to the State; and that,

till that *notification*, it was not a law authorizing a subject of England to sue a citizen of that State. The subsequent doctrine of the same judge, Walton, with respect to the treaties, *when duly completed*, that they are paramount to the laws of the several States, as has been seen in his charge to a grand jury, before spoken of, (Sec. 43,) will relieve your doubts whether the "principle still continues in that State, of the *continuance of war between the two countries*."

Sect. 49. The latter part of the quotation before made, merits notice also, to wit, where, after saying not a single instance exists of the recovery of a British debt, it is added, "though many years have expired since the establishment of peace between the two countries." It is evident from the preceding testimony, that many suits have been brought, and with effect; yet it has often been matter of surprise that more were not brought, and earlier, since it is most certain that the courts would have sustained their actions and given them judgments. This abstinence on the part of the creditors has excited a suspicion that they wished rather to recur to the treasury of their own country; and to have color for this, they would have it believed that there were obstructions here to bringing their suits. Their testimony is in fact the sole, to which your court till now, has given access. Had the opportunity now presented been given us sooner, they should sooner have known that the courts of the United States, whenever the creditors would choose that recourse, and would press, if necessary, to the highest tribunals, would be found as open to their suits, and as impartial to their subjects, as theirs to ours.

Sect. 50. There is an expression in your letter, page 7, that "British creditors have not been countenanced or supported, either by the respective Legislatures, or by the State courts, in their endeavors to recover the full value of debts contracted antecedently to the treaty of peace." And again, in p. 8, "In many of the States, the subjects of the crown, in endeavoring to obtain the restitution of their forfeited estates and property, have been treated with indignity." From which an inference might be drawn, which I am sure you did not intend, to wit: that the creditors have been deterred from resorting to the courts by popular tumults, and not protected by the laws of the country. I recollect to have heard of one or two attempts, by popular collections, to deter the prosecution of British claims. One of these is mentioned in No. 49. But these were immediately on the close of the war, while its passions had not yet had time to subside, and while the ashes of our houses were still smoking. Since that, say for many years past, nothing like popular interposition, on this subject, has been heard of in any part of our land. There is no country, which is not sometimes subject to irregular interpositions of the People. There is no country able, at all times, to punish them. There is no country, which has less of this to reproach itself with, than the United States, nor any, where the laws have a more regular course, or are more habitually and cheerfully acquiesced in. Confident that your own observation and information will have satisfied you of this truth, I rely that the inference was not intended, which seems to result from these expressions.

Sect. 51. Some notice is to be taken, as to the great deficiencies in collection urged on behalf of the British merchants. The course of our commerce with Great Britain was ever for the merchant there to give his correspondent here a year's credit; so that we were regularly indebted from a year to a year and a half's amount of our exports. It is the opinion of judicious merchants, that it never exceeded the latter term, and that it did not exceed the former at the commencement of the war. Let the holders then of this debt be classed into, 1st. Those who were insolvent at that time. 2d. Those solvent then, who became insolvent during the operations of the war—a numerous class. 3d. Those solvent at the close of the war, but insolvent now. 4th. Those solvent at the close of the war, who have since paid or settled satisfactorily with their creditors—a numerous class also. 5th. Those solvent then and now, who have neither paid, nor made satisfactory arrangements with their creditors. This last class, the only one now in question, is little numerous, and the amount of their debts but a moderate proportion of the aggregate which was due at the commencement of the war; inasmuch, that it is the opinion, that we do not owe to Great Britain, at this moment, of separate debts, old and new, more than a year, or a year and a quarter's exports, the ordinary amount of the debt resulting from the common course of dealings.

Sect. 52. In drawing a comparison between the proceedings of Great Britain and the United States, you say, page 35, "The conduct of Great Britain, in all these respects, has been widely different from that which has been observed by the United States. In the courts of law of the former country, the citizens of the United States have experienced, *without exception*, the same protection and *impartial* distribution of justice, as the subjects of the crown." No nation can answer for perfect exactitude of proceedings in all their inferior courts. It suffices to provide a supreme judicature, where all error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of considering the administration of justice in Great Britain as extremely pure. With the same qualification, we have no fear to risk every thing which a nation holds dear, on the assertion, that the administration of justice here will be found equally pure. When the citizens of either party complain of the judiciary proceedings of the other, they naturally present but one side of the case to view, and are, therefore, to be listened to with caution. Numerous condemnations have taken place in your courts of vessels taken from us after the expirations of the terms of one and two months stipulated in the armistice. The State of Maryland has been making ineffectual efforts, for nine years, to recover a sum of 55,000*l.* sterling, lodged in the bank of England previous to the war. A judge of the King's bench lately declared, in the case of Greene, an American citizen, *v.* Buchanan and Charnock, British subjects, that a citizen of the United States, who had delivered 43,000*l.* sterling worth of East India goods to a British subject at Ostend, receiving only 18,000*l.* in part payment, is not entitled to maintain an action for the balance in a court of Great Britain, though his debtor is found there, is in custody of the court, and acknowledges the fact. These cases appear strong to us. If your judges have done wrong in them, we expect redress. If right, we expect explanations. Some of them have already been laid before your court. The others will be so in due time. These, and such as these, are the smaller matters between the two nations, which, in my letter of December 15, I had the honor to intimate, that it would be better to refer for settlement through the ordinary channel of our ministers, than embarrass the present important discussions with them. Such cases will be constantly produced by a collision of interests in the dealings of individuals, and will be easily adjusted by a readiness to do right on both sides, regardless of party.

Sect. 53. III. It is made an objection to the proceedings of our Legislative and Judiciary bodies, that they have refused to allow interest to run on debts during the course of the war. The decision of the right to this rests with the Judiciary alone, neither the Legislative nor the Executive having any authority to intermeddle.

The administration of justice is a branch of the sovereignty over a country, and belongs exclusively to the nation inhabiting it. No foreign Power can pretend to participate in their jurisdiction, or that their citizens received there are not subject to it. When a cause has been adjudged according to the rules and forms of the country, its justice ought to be presumed. Even error in the highest court which has been provided as the last means of correcting the errors of others, and whose decrees are, therefore, subject to no further revival, is one of those inconveniences flowing from the imperfection of our faculties, to which every society must submit; because there must be somewhere a last resort, wherein contestations may end. Multiply bodies of revival as you please, their number must still be finite, and they must finish in the hands of fallible men as judges. If the error be evident, palpable, *et in re minime dubia*, it then, indeed, assumes another form; it excites presumption that it was not mere error, but premeditated wrong; and the foreigner, as well as native, suffering by the wrong, may reasonably complain, as for a wrong committed in any other way. In such case, there being no redress in the ordinary forms of the country, a foreign prince may listen to complaint from his subjects injured by the adjudication, may inquire into its principles to prove their criminality, and, according to the magnitude of the wrong, take his measures of redress by reprisal, or by a refusal of right on his part. If the denial of interest, in our case, be justified by law, or even if it be against

* In a matter susceptible of no doubt.

law, but not in that gross, evident, and palpable degree, which proves it to flow from the wickedness of the heart, and not error of the head in the judges, then is it no cause for just complaint, much less for a refusal of right, or self redress in any other way. The reasons on which the denial of interest is grounded shall be stated summarily, yet sufficiently to justify the integrity of the judge, and even to induce a presumption that they might be extended to that of his science also, were that material to the present object.

Sect. 54. The treaty is the text of the law in the present case, and its words are, that there shall be no lawful impediment to the recovery of bona fide debts. Nothing is said of interest on those debts; and the sole question is, whether, where a debt is given, interest thereon flows from the general principles of the law? Interest is not a part of the debt, but something added to the debt by way of damage for the detention of it. This is the definition of the English lawyers themselves, who say, "Interest is recovered by way of damages ratione detentionis debiti." * 2 Salk. 622, 623. Formerly, all interest was considered as unlawful, in every country of Europe; it is still so in Roman Catholic countries, and countries little commercial. From this, as a general rule, a few special cases are excepted. In France, particularly, the exceptions are those of minors, marriage portions, and money, the price of lands. So thoroughly do their laws condemn the allowance of interest, that a party who has paid it voluntarily, may recover it back again whenever he pleases. Yet this has never been taken up as a gross and flagrant denial of justice, authorizing national complaint against those governments. In England, also, all interest was against law, till the stat. 37 H. 8, c. 9. The growing spirit of commerce, no longer restrained by the principles of the Roman church, then first began to tolerate it. The same causes produced the same effect in Holland, and, perhaps, in some other commercial and catholic countries. But, even in England, the allowance of interest is not given by express law, but rests on the discretion of judges and juries, as the arbiters of damages. Sometimes the judge has enlarged the interest to 20 per cent. per annum. [1 Chan. Rep. 57.] In other cases, he fixes it, habitually, one per cent. lower than the legal rate, [2 T. Atk. 343.] and in a multitude of cases he refuses it altogether. As, for instance, no interest is allowed—

1. On arrears of rents, profits, or annuities. 1 Chan. Rep. 184, 2 P. W. 163. Ca. temp. Talbot 2.
2. For maintenance. Vin. Abr. Interest. c. 10.
3. For moneys advanced by executors. 2 Abr. Eq. 531, 15.
4. For goods sold and delivered. 3. Wilson, 206.
5. On book debts, open accounts, or simple contracts. 3 Chan. Rep. 64. Freem. Ch. Rep. 133. Dougl. 376.
6. For money lent without a note. 2 Stra. 910.
7. On an inland bill of exchange, if no protest is taken. 2 Stra. 910.
8. On a bond after 20 years. 2 Vern. 458, or after a tender.
9. On decrees in certain cases. Freem. Ch. Rep. 181.
10. On judgments in certain cases, as battery and slander. Freem. Ch. Rep. 37.
11. On any decrees or judgments in certain courts, as the exchequer chamber. Douglass, 752.
12. On costs. 2 Abr. Eq. 530, 7.

And we may add, once for all, that there is no instrument or title to debt, so formal and sacred, as to give a right to interest on it, under all possible circumstances—the words of Lord Mansfield, Dougl. 753, where he says: "That the question was, what was to be the rule for assessing the damage, and that, in this case, the interest ought to be the measure of the damage, the action being for a debt; but that, in a case of another sort, the rule might be different: his words, Dougl. 376. "That interest might be payable in cases of delay, if a jury, in their discretion, shall think fit to allow it." And the doctrine in *Giles v. Hart*, 2 Salk. 622, that damages, or interest, are but an accessory to the debt, which may be barred by circumstances, which do not touch the debt itself, suffice to prove that interest is not a part of the debt, neither comprehended in the thing, nor in the term; that words, which pass the debt, do not give interest necessarily; that the interest depends altogether on the discretion of the judges and juries, who will govern themselves by all existing circumstances, will take the legal interest for the measure of their damages, or more, or less, as they think right; will give it from the date of the contract, or from a year after, or deny it altogether, according as the fault or the sufferings of the one or the other party shall dictate. Our laws are, generally, an adoption of yours, and I do not know that any of the States have changed them in this particular. But there is one rule of your and our law, which, while it proves that every title of debt is liable to a disallowance of interest under special circumstances, is so applicable to our case, that I shall cite it as a text, and apply to it the circumstances of our case. It is laid down in *Vin. Abr. Interest. c. 7*, and 2 Abr. Eq. 5293, and elsewhere, in these words: "Where, by a general and national calamity, nothing is made out of lands, which are assigned for payment of interest, it ought not to run on during the time of such calamity." This is exactly the case in question. Can a more general national calamity be conceived, than that universal devastation which took place in many of these States during the war? Was it ever more exactly the case any where, that nothing was made out of the lands which were to pay the interest? The produce of those lands, for want of the opportunity of exporting it safely, was down to almost nothing in real money, e. g. tobacco was less than a dollar the hundred weight. Imported articles of clothing or consumption were from four to eight times their usual price. A bushel of salt was usually sold for 100 lbs. of tobacco. At the same time, these lands, and other property, in which the money of the British creditor was vested, were paying high taxes for their own protection, and the debtor, as nominal holder, stood ultimate insurer of their value to the creditor, who was the real proprietor, because they were bought with his money. And who will estimate the value of this insurance, or say what would have been the forfeit, in a contrary event of the war? Who will say, that the risk of the property was not worth the interest of its price? General calamity, then, prevented profit, and, consequently, stopped interest, which is in lieu of profit. The creditor says, indeed, he has laid out of his money; he has, therefore, lost the use of it. The debtor replies, that, if the creditor has lost, he has not gained it; that this may be a question between two parties, both of whom have lost. In that case, the courts will not double the loss of the one, to save all loss from the other. That it is a rule of natural, as well as municipal law, that in questions "de damno evitando melior est conditio possidentis." If this maxim be just, where each party is equally innocent, how much more so, where the loss has been produced by the act of the creditor? For, a nation, as a society, forms a moral person, and every member of it is personally responsible for his society. It was the act of the lender, or of his nation, which annihilated the profits of the money lent; he cannot, then, demand profits which he either prevented from coming into existence, or burnt, or otherwise destroyed, after they were produced. If, then, there be no instrument or title of debt so formal and sacred as to give right to interest under all possible circumstances, and if circumstances of exemption, stronger than in the present case, cannot possibly be found, then, no instrument, or title of debt, however formal or sacred, can give right to interest under the circumstances of our case. Let us present the question in another point of view. Your own law forbade the payment of interest, when it forbade the receipt of American produce into Great Britain, and made that produce fair prize on its way from the debtor to the creditor, or to any other, for his use or reimbursement. All personal access between creditor and debtor, was made illegal; and the debtor, who endeavored to make a remittance of his debt, or interest, must have done it three times, to answer its getting once to hand: for two out of three vessels were generally taken by the creditor nation, and, sometimes, by the creditor himself, as many of them turned their trading vessels into privateers. Where no place has been agreed on for the payment of a debt, the laws of England oblige the debtor to seek his creditor wheresoever he is to be found within the realm—Coke Lit. 210, b. but do not bind him to go out of the realm in search of him. This is our law too. The first act, generally, of the creditors and their agents here, was, to withdraw from the United States with their books and papers. The creditor thus withdrawing from his debtor, so as to render payment impossible, either of the principal or interest, makes it like the common case of a tender and refusal of money, after which, interest stops, both by your laws and ours. We see, too, from the letter of Mr. Adams, June 16, 1786, No. 57, that the British Secretary for Foreign Affairs, was sen-

* On account of the detention of the debt.

sible that a British statute, having rendered criminal all intercourse between the debtor and creditor, had placed the article of interest, on a different footing from the principal. And the letter of our plenipotentiaries to Mr. Hartley, the British plenipotentiary, for forming the definitive treaty, No. 58, shows, that the omission to express *interest* in the treaty, was not, merely, an oversight of the parties; that its allowance was considered by our plenipotentiaries as a thing not to be intended in the treaty, was declared against by Congress, and that declaration communicated to Mr. Hartley. After such an explanation, the omission is a proof of acquiescence, and an intention not to claim it. It appears, then, that the *debt*, and *interest* on that debt, are separate things in every country, and under separate rules. That, in every country, a *debt* is recoverable, while, in most countries, interest is refused in all cases; in others, given or refused, diminished or augmented, at the discretion of the judge; no where given in all cases, indiscriminately, and, consequently, no where so incorporated with the *debt*, as to pass with that, *ex vi termini*, or otherwise to be considered as a determinate and *vested* thing.

While the taking *interest on money* has thus been considered, in some countries, as morally wrong in all cases, in others made legally right but in particular cases, the taking *profits from lands*, or rents in lieu of profits, has been allowed every where, and at all times, both in morality and law. Hence it is laid down as a general rule, Wolf, s. 229 "Si quis fundum alienum possidet, domini est quantum valet usus fundi, et possessoris quantum valet ejus cultura et cura."* But even in the case of lands restored by a treaty, the *arrears of profits* or rents are never restored, unless they be particularly stipulated. "Si res vi pacis restituenda, restituendi quoque sunt fructus a die *concessionis*,"† say Wolf, s. 1224; and Grotius, "cui pace res conceditur, ei et fructus conceduntur a tempore *concessionis*: non retro,"‡ l. 3. c. 20. s. 22. To place the right to interest on money on a level with the right to profits on land, is placing it more advantageously than has been hitherto authorized; and if, as we have seen, a stipulation to restore lands does not include a stipulation to restore the *back profits*, we may certainly conclude, *a fortiori*, that the restitution of debts does not include an allowance of *back interest* on them.

These reasons, and others like these, have probably operated on the different courts to produce decisions, that "no interest should run during the time this general and national calamity lasted;" and they seem sufficient at least to rescue their decisions from that flagrant denial of right, which can alone authorize one nation to come forward with complaints against the judiciary proceedings of another.

Sect. 55. The States have been uniform in the allowance of interest before and since the war, but not of that claimed during the war. Thus we know by [E. 1.] the case of Neate's executors v. Sands, in New York, and Mildred v. Dorsey, in Maryland, that in those States, interest during the war is disallowed by the courts. By [D. 8.] 1784, May, the act relating to debts due to persons who have been, and remained within the enemy's power or lines during the late war. That Connecticut left it to their court of chancery to determine the matter according to the rules of equity, or to leave it to referees; by [E. 2.] the case of Osborn v. Mifflin's executors, and [E. 3.] Hare v. Allen, explained in the letter of Mr. Rawle, attorney of the United States, No. 59. And by the letter of Mr. Lewis, judge of the district court of the United States, No. 60, that in Pennsylvania the rule is, that where neither the creditor nor any agent was within the State, no interest was allowed; where either remained, they gave interest. In all the other States I believe it is left discretionary in the courts and juries. In Massachusetts, the practice has varied. In November, 1784, they instruct their Delegates in Congress to ask the determination of Congress, whether they understood the word "debts" in the treaty as including interest? and whether it is their opinion, that interest during the war should be paid? and at the same time they pass [D. 9.] the act directing the courts to suspend rendering judgment for any interest that might have accrued between April 19, 1775, and January 20, 1783. But in 1787, when there was a general compliance enacted through all the United States, in order to see if that would produce a counter compliance, their Legislature passed the act repealing all laws repugnant to the treaty, No. 33, and their courts, on their part, changed their rule relative to interest during the war, which they have uniformly allowed since that time. The circuit court of the United States, at their sessions at ———, in 1790, determined in like manner that interest should be allowed during the war. So that, on the whole, we see that, in one State interest during the war is given in every case; in another it is given wherever the creditor, or any agent for him, remained in the country, so as to be accessible; in the others, it is left to the courts and juries to decide according to their discretion and the circumstances of the case.

TO RECAPITULATE.

Sect. 56. I have, by way of preliminary, placed out of the present discussion all acts and proceedings prior to the treaty of peace, considering them as settled by that instrument, and that the then state of things was adopted by the parties, with such alterations only as that instrument provided.

I have then taken up the subsequent acts and proceedings, of which you complain as infractions, distributing them according to their subjects, to wit:

- I. Exile and confiscations.
- II. Debts.
- III. Interest.

I. Exile and confiscations.

After premising, that these are lawful acts of war, I have shown that the 5th article was *recommendatory* only, its stipulations being, not to *restore* the confiscations and exiles, but to *recommend* to the State Legislatures to restore them:

That this word, having but one meaning, establishes the intent of the parties; and moreover, that it was particularly explained by the American negotiators, that the Legislatures would be free to comply with the recommendation or not, and probably would not comply:

That the British *negotiators* so understood it:

That the British *ministry* so understood it:

And the members of both Houses of *Parliament*, as well those who approved, as who disapproved the article.

I have shown, that Congress did recommend, earnestly and bona fide:

That the States refused or complied, in a greater or less degree, according to circumstances, but more of them, and in a greater degree, than was expected:

And that compensation, by the British treasury, to British sufferers, was the alternative of her own choice, our negotiators having offered to do that, if she would compensate such losses as we had sustained by acts unauthorized by the modern and moderate principles of war.

II. Before entering on the subject of debts, it was necessary—

1st. To review the British infractions, and refer them to their exact dates.

To show that the carrying away of the negroes preceded the 6th of May, 1783.

That instead of evacuating the *upper posts with all convenient speed*, no order had been received for the evacuation, August 13, 1783.

* "If any one is in possession of another's land, so much belongs to the owner as the use of the land is worth, and so much to the possessor as his labor and care are worth."

† "If things are to be restored by virtue of the peace, the profits are also to be restored from the day of the cession."

‡ "To whomsoever a thing is conceded by the peace, to him also the profits are conceded, from the time of the concession, *non retro*."

None had been received May 10, 1784.

None had been received July 13, 1784.

From whence I conclude none had ever been given,

And thence, that none had ever been intended.

In the latter case, this infraction would date from the signature of the treaty. But founding it on the *not giving the order with convenient speed*, it dates from April, 1783, when the order for evacuating New York was given, as there can be no reason why it should have been inconvenient to give this order as early.

The infraction, then, respecting the upper posts, was before the treaty was known in America.

That respecting the negroes, was as soon as it was known.

I have observed that these infractions were highly injurious.

The first, by depriving us of our fur trade, profitable in itself, and valuable as a means of remittance for paying the debts; by intercepting our friendly and neighborly intercourse with the Indian nations, and consequently keeping us in constant, expensive, and barbarous war with them.

The second, by withdrawing the cultivators of the soil, the produce of which was to pay the debts.

2d. After fixing the date of the British infractions, I have shown,

That, as they preceded, so they produced the acts on our part complained of, as obstacles to the recovery of the debts.

That when one party breaks any stipulation of a treaty, the other is free to break it also, either in the whole, or in equivalent parts, at its pleasure.

That Congress having made no elections,

Four of the States assumed, separately, to modify the recovery of debts—

1. By indulging their citizens with longer and more practicable times of payment.

2. By liberating their bodies from execution, on their delivering property to the creditor, to the full amount of his demand, on a fair appraisement, as practised always under the *electio*.

3. By admitting, during the first moments of the non-existence of coin among us, a discharge of executions, by payment in paper money.

That the first of these acts of retaliation, was in December, 1783, nine months after the infractions committed by the other party.

And all of them were so moderate, of so short duration, the result of such necessities, and so produced, that we might, with confidence, have referred them, *alterius principis, quo boni viri, arbitrio*.

3. That induced, at length, by assurances from the British court, that they would concur in a fulfilment of the treaty.

Congress, in 1787, declared to the States its will, that even the appearance of obstacle, raised by their acts, should no longer continue;

And required a formal repeal of every act of that nature; and to avoid question, required it as well from those who had not, as from those who had passed such acts; which was complied with so fully, that no such laws remained in any State of the Union, except one;

And even that one could not have forborne, if any symptom of compliance from the opposite party had rendered a reiterated requisition from Congress important.

4. That, indeed, the requiring such a repeal, was only to take away pretext:

For, that it was at all times perfectly understood, that treaties controlled the laws of the States—

The confederation having made them obligatory on the whole:

Congress having so declared and demonstrated them:

The Legislatures and Executives of most of the States having admitted it:

And the Judiciaries, both of the separate and General Governments, so deciding.

That the courts are open every where upon this principle:

That the British creditors have, for some time, been in the habit and course of recovering their debts at law:

That the class of separate and unsettled debts contracted before the war, forms now but a small proportion of the original amount:

That the integrity and independence of the courts of justice in the United States, are liable to no reproach:

Nor have popular tumults furnished any ground for suggesting, that either courts or creditors are overawed by them in their proceedings.

III. Proceeding to the article of interest, I have observed:

That the decision, whether it shall or shall not be allowed *during the war*, rests, by our constitution, with the courts altogether.

That if these have generally decided against the allowance, the reasons of their decision appear so weighty, as to clear them from the charge of that palpable degree of wrong, which may authorize national complaint, or give a right of refusing execution of the treaty, by way of reprisal.

To vindicate them, I have stated shortly, some of the reasons which support their opinion.

That interest during the war, was not *expressly* given by the treaty:

That the revival of debts did not, *ex vi termini*, give interest on them:

That interest is not a part of the debt, but damages for the detention of the debt:

That it is disallowed habitually in most countries;

Yet has never been deemed a ground of national complaint against them:

That in England also, it was formerly unlawful in all cases:

That at this day it is denied there, in such a variety of instances, as to protect from it a great part of the transactions of life:

That, in fact, there is not a single *title* to debt, so formal and sacred, as to give a right to *interest*, under all possible circumstances, either there or here:

That of these circumstances, judges and jurors are to decide, *in their discretion*, and are accordingly in the habit of augmenting, diminishing, or refusing interest, in every case, according to their discretion:

That the circumstances against the allowance, are unquestionably of the strongest in our case:

That a great national calamity rendering the lands unproductive, which were to pay the interest, has been adjudged a sufficient cause of itself, to suspend interest:

That, were both plaintiff and defendant equally innocent of that cause,

The question, who should avoid loss? would be in favor of the party in possession:

And, *a fortiori*, in his favor, where the calamity was produced by the act of the defendant.

That, moreover, the laws of the party creditor had cut off the *personal* access of his debtor,

And the transportation of his *produce or money* to the country of the creditor, or to any other for him:

And where the creditor prevents payment both of principal and interest, the latter, at least, is justly extinguished.

That the *departure* of the creditor, leaving no agent in the country of the debtor, would have stopped interest of itself.

The debtor not being obliged to go out of the country to seek him.

That the British minister was heretofore sensible of the weight of the objections to the claim of interest:

That the declarations of Congress and our plenipotentiaries, *previous to the definitive treaty*, and the silence of that instrument, afford proof that interest was not intended on our part, nor insisted on, on the other:

That, were we to admit interest on money, to equal favor with profits on land, arrears of profits would not be demandable in the present case, nor consequently arrears of interest:

And, on the whole, without undertaking to say what the law is, which is not the province of the Executive,

We say, that the reasons of those judges, who deny interest during the war, appear sufficiently cogent—

To account for their opinion on honest principles:

To exempt it from the charge of palpable and flagrant wrong, *in re minime dubia*:

And to take away all pretence of withholding execution of the treaty, by way of reprisal for that cause.

Sect. 57. I have now, sir, gone through the several acts and proceedings enumerated in your appendix, as infractions of the treaty, omitting, I believe, not a single one, as may be seen by a table hereto subjoined, wherein every one of them, as marked and numbered in your appendix, is referred to the section of this letter in which it is brought into view; and the result has been, as you have seen—

1. That there was no absolute stipulation to restore *antecedent* confiscations, and that none *subsequent* took place;

2. That the recovery of the debts was obstructed *validly* in none of our States, *invalidly* only in a few, and that not till long after the infractions committed on the other side; and

3. That the decisions of courts and juries against the claims of interest are too probably founded to give cause for questioning their integrity. These things being evident, I cannot but flatter myself, after the assurances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day: that it is to be done so late has been the source of heavy losses, of blood, and treasure, to the United States. Still our desire of friendly accommodation is, and has been, constant. No "*lawful impediment*" has been opposed to the prosecution of the just rights of your citizens." And if any instances of *unlawful* impediment have existed in any of the inferior tribunals, they would, like other unlawful proceedings, have been overruled on appeal to the higher courts. If not overruled there, a complaint to the Government would have been regular, and their interference probably effectual. If your citizens would not prosecute their rights, it was impossible they should recover them, or be denied recovery; and till a denial of right through all the tribunals, there is no ground for complaint, much less for a refusal to comply with solemn stipulations, the execution of which is too important to us ever to be dispensed with. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than he, who has the honor to be, &c.

TH: JEFFERSON.

His Excellency GEORGE HAMMOND, *Minister, &c.*

THE TABLE.

A. 1. \$2.	A. 20. \$2.	B. 5. \$11.	C. 14. \$20.	D. 14. \$31.
2. 2.	21. 2.	6. 11.	15. 2.16.	15. 34.
3. 2.	22. 2.	7. 10.	16. 2.41.	16. 2.32.
4. 2.	23. 2.	8. 10.	17. 2.	17. 33.
5. 19.	24. 2.	9. 14.	18. 2.	18. 33.
6. 2.	25. 2.	10. 14.	19. 41.	19. 34.
7. 2.	26. 2.	C. 1. 12.	D. 1. 2.	20. 31.
8. 2.	27. 2.	2. 21.	2. 2.	21. 31.
9. 2.	28. 2.	3. 10.	3. 2.	22. 31.
10. 2.	29. 2.	4. 18.	4. 2.	E. 1. 55.
11. 2.	30. 2.10.	5. 13.	5. 30.	2. 55.
12. 2.	31. 11.	6. 13.	6. 2.	3. 55.
13. 2.	32. 2.	7. 12.	7. 31.	4. 40.44.
14. 2.	33. 17.	8. 8.	8. 55.	5. 2.
15. 2.	34. 2.	9. 11.	9. 55.	6. 30.
16. 2.	B. 1. 21.	10. 2.	10. 2.	7. 30.
17. 2.	2. 12.	11. 20.	11. 12.14.	8. 41.
18. 2.	3. 12.	12. 20.	12. 32.	9. 42.
19. 2.	4. 10.	13. 20.	13. 33.	

APPENDIX No. 1.

An act for the better securing and preserving his Majesty's dockyards, magazines, ships, ammunition, and stores. See 1 Journal Congress, 68. "Persons charged with committing any offence therein described, in any place out of the realm, may be tried any where within the realm, whereby inhabitants of these colonies may, in sundry cases, by that statute made capital, be deprived of a trial by peers of the vicinage."—1772, 12 G. III. c. 24.

An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America.—1774, 14 G. III. c. 19

An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of the Massachusetts Bay, in New England.—c. 39.

An act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut, and Rhode Island and Providence Plantations, in North America, to Great Britain, Ireland, and the British islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.—1775, 15 G. III. c. 10.

An act to amend and render more effectual in his Majesty's dominions in America, an act, passed in the present session of Parliament, entitled an act for punishing mutiny and desertion, and for the better payment of the army, and their quarters, and for extending the provisions of the said act to his Majesty's marine forces in America.—c. 15.

An act to prohibit all trade and intercourse with the colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion, with the said colonies, respectively: for repealing an act made in the 14th year of the reign of his present Majesty, to discontinue the landing and discharging, lading, or shipping of goods, wares, and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, and also two acts made in the last session of Parliament for restraining the trade and commerce of the colonies, in the said acts respectively mentioned, and to enable any person or persons appointed and authorized by his Majesty to grant pardons, to issue proclamations in the cases and for the purposes therein mentioned.—1776, 16 G. III. c. 5.

An act for enabling the commissioners for executing the office of lord high admiral of Great Britain to grant commissions to the commanders of private ships and vessels employed in trade, or retained in his Majesty's service, to take and make prize of all such ships and vessels, and their cargoes, as are therein mentioned, for a limited time.—c. 7.

An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.—1777, 17 G. III. c. 9.

No. 2.

16 G. III. C. 5. § 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said flag officers, captains, and commanders, respectively, to cause to be taken or put on board any of his Majesty's ships or vessels of war, or on board any other ships or vessels, all and every the masters, crews, and other persons, who shall be found on board such ship and ships as shall be seized and taken as prize as aforesaid, and also to enter the names of such of the said mariners and crews, upon the book or books of his Majesty's said ships or vessels, as they the said flag officers, captains, and commanders, shall respectively think fit; from the time and times of which said entries, respectively, the said mariners and crews shall be considered, and they are hereby declared to belong to, and be as much in the service of, his Majesty, to all intents and purposes, as if the said mariners and crews had entered themselves voluntarily to serve on board his Majesty's said ships and vessels respectively; and also, that it shall and may be lawful to and for the said flag officers, captains, and commanders, respectively, to detain, or cause to be detained, and kept, the masters and other persons, and also such others of the mariners and crews of the said prize ships as shall not be entered upon the books of his Majesty's ships or vessels of war as aforesaid, in and on board any ship or ships, vessel or vessels, whatsoever, until the arrival of such last mentioned ships or vessels in some port in Great Britain or Ireland, or in any port of America, not in rebellion; and upon the arrival of those ships or vessels in any such port, the commanders thereof are hereby respectively authorized and required immediately to set the said last mentioned mariners and crews, and also the said masters and other persons, at liberty on shore there.

No. 3.

NEW YORK, *March 19, 1783.*

SIR:

By the Halifax packet, we have received a despatch from Mr. Townshend, one of his Majesty's principal Secretaries of State, dated the 31st of December, 1782, enclosing a treaty signed at Paris, on the 30th of November, which we are directed to transmit to Congress. Having been thrown, sir, into the course of making all communications to Congress, through your Excellency, we know not how, with more propriety, to make the communication required, than through the accustomed channel; we therefore enclose, in the present letter, this instrument, and are to request of your Excellency, that you will, in the most speedy manner, forward the same to Congress.

We are, sir, &c.

GUY CARLETON,
ROBT. DIGBY.

His Excellency Gen. WASHINGTON.

No. 4.

*Extract of a letter from Sir Guy Carleton to Robert R. Livingston, Esq. dated*NEW YORK, *March 30, 1783.*

SIR:

I have received your letter of the 24th instant, enclosing a resolution of Congress of the same date, taken in consequence of the arrival of the cutter *Triomphe*, commanded by Lieutenant Duquesne, with orders of the 10th of February last, given at Cadiz, by Vice Admiral D'Estaing, for him to put to sea, and cruise on such stations as he shall judge most likely to meet with ships of his nation, and inform them of the happy reconciliation of the belligerent Powers, and to order all their ships of war to cease hostilities against those of Great Britain, the preliminary articles of a general peace being signed the 20th of January; you, thereupon, are pleased to express your expectation, that I would think the information thus conveyed "sufficiently authentic to justify my taking immediate measures to stop the further effusion of blood."

To adopt a measure of this importance, it is necessary I should receive orders from home, which I may reasonably expect every hour, as a cruiser, sent out on other purposes, is already arrived at Philadelphia; and I assure you, sir, I only wait the official certainty of this great event, to assume the language, and the spirit, too, of the most perfect conciliation and peace.

No. 5.

*Copy of a letter from Admiral Digby to Robert R. Livingston, Esq.*NEW YORK, *March 27, 1783.*

SIR:

I have received your letter, enclosing me the resolve of Congress, with a copy of a letter to his Excellency Sir Guy Carleton; but, as I have, as yet, received no official accounts from England, I must wait till you, on your side, relieve our prisoners, before I give that general relief to yours I so much wish. There can be no reason for detaining our prisoners one moment, as Congress must suppose the peace signed. I shall take every precaution in my power, consistent with my duty, to stop any further mischief upon the seas, but should recommend the preventing any vessels sailing, as I have not yet received sufficient authority to enable me to withdraw my cruisers.

I am, &c.

ROBT. DIGBY.

No. 6.

Appendix.

B. 10.	Before the war.	State.	Md.	
16.	1775, May, June, -	R. I.		Act compelling creditors to take the debtor's land, at an appraised value.
	" October, -	R. I.		Paper money made a legal tender.
				Act to confiscate and sequester estates, and banish persons of certain descriptions.
A. 4.	1776, June, July, Sept. -	R. I.		Paper money made a legal tender.
	" Feb. Mar. May, June, July, Aug. -	R. I.		
	" October, -	R. I.		Act to confiscate, sequester, and banish, as before, Oct. 1775.
10.	" October 4, -	R. I.		Act to punish traitors, and disaffected persons.
D. 16.	1777, February, -	R. I.		Paper money made a legal tender.
A. 20.	" October, -	Virg.		Act for sequestering British property; enabling those indebted to British subjects to pay off such debts.
26.	" November, -	N. C.		Act for confiscating the property of all such persons as are inimical to the United States.
D. 1.	" November, -	N. C.		Act for establishing courts of law, and for regulating the proceedings therein—sect. 101.

Appendix.			State.	
A. 2.	1778, - - -	-	Mass.	Act to prevent return of certain persons therein named, and others who had left that State, or either of the United States, and joined the enemies thereof.
A. 4.	1778, February, Oct,	-	R. I.	Act to confiscate, sequester, and banish, as October, 1775.
15.	" February 5,	-	Del.	Act declaring estates of certain persons forfeited, and themselves incapable of being elected to any office.
14.	" March 6,	-	Penn.	Act for the attainder of divers traitors, and for vesting their estates in the commonwealth, if they render not themselves by a certain day.
11.	" April 18,	-	N. J.	Act for taking charge of, and leasing, the real estates, and for forfeiting personal estates of certain fugitives and offenders.
1.	" November 28,	-	N. H.	Act to confiscate estates of sundry persons therein named.
12.	" December 11,	-	N. J.	Act for forfeiting to, and vesting in, the State, the real estates of certain fugitive offenders.
3.	1779, - - -	-	Mass.	Act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State of Massachusetts Bay.
27.	" January, - -	-	N. C.	Act to carry into effect the act of November, 1777, for confiscating, &c.
4.	" Feb. May, Aug. } Sept. October,	-	R. I.	Act to confiscate, sequester, and banish, as before, in Oct. 1775.
21.	" May, - - -	-	Virg.	Act concerning escheats and forfeitures from British subjects.
22.	" May, - - -	-	Virg.	Act to amend the act concerning escheats, &c.
32.	" May, - - -	-	Virg.	Act for the removal of the seat of government.
6.	" October 22,	-	N. Y.	Act for the forfeiture and sales of the estates of persons who have adhered to the enemies of the State.
23.	" October, - -	-	Virg.	Act to amend the act concerning escheats and forfeitures.
E. 5.	" October, - -	-	Virg.	Act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.
A. 7.	1780, March 10,	-	N. Y.	Act for the immediate sale of part of the confiscated estates.
8.	" June 15, - -	-	N. Y.	Act approving the act of Congress, relative to finance of the United States, and making provision for redeeming that State's proportion of bills of credit.
4.	" July, Sept. Oct,	-	R. I.	Act to confiscate, sequester, and banish, as in October, 1775.
9.	" October 7,	-	N. Y.	Act to procure a sum of specie, for the purpose of redeeming the bills emitted, &c.
16.	" October, - -	-	Md.	Act for calling out of circulation the quota of the State, of the bills of credit issued by Congress—sect. 11.
17.	" October, - -	-	Md.	Act to seize, confiscate, and appropriate, all British property within the State.
18.	" October, - -	-	Md.	Act to appoint commissioners to preserve confiscated British property.
A. 19.	1780, October, -	-	Md.	Act to procure a loan, and for the sale of escheat lands, and the confiscated British property therein mentioned.
4.	1781, January, May,	-	R. I.	Act to confiscate, sequester, and banish, as in October, 1775.
24.	" November, - -	-	Virg.	Act to adjust and regulate pay and account of officers of Virginia line.
D. 2.	" November, - -	-	Virg.	Act for directing the mode of adjusting and settling the payment of certain debts and contracts.
A. 28. } C. 10. }	1782, February 26,	-	S. C. }	Act for disposing of certain estates, and banishing certain persons therein mentioned.
D. 6. }	" April, - - -	-	Md. }	Act to prevent suits on certain debts, for a limited time.
A. 30.	" May 4, - - -	-	Geo.	Act for inflicting penalty on, and confiscating the estates of, such persons as are therein declared guilty of treason, and for other purposes therein mentioned.
25.	" May, - - -	-	Virg.	Act for providing more effectual funds for redemption of certificates.
D. 3.	" May, - - -	-	Virg.	Act to repeal so much of former act, as suspends the issuing executions upon certain judgments, until December, 1783.
A. 34.	" June 15, - - -	-	Md.	Act for the benefit of the children of Major Andrew Leitch.
4.	" June, Oct. Nov.	-	R. I.	Act to confiscate, sequester, and banish, as in October, 1775.
13.	" October 3,	-	N. J.	Act supplemental to the act of October 4, 1776, to punish traitors and disaffected persons.
D. 4.	" October, - - -	-	Virg.	Act to amend an act, entitled "An act to repeal so much of a former act as suspends the issuing executions on certain judgments, till December, 1783."
				November 30. <i>The provisional articles between the United States and Great Britain are signed at Paris.</i>
	1783, - - -	-	-	January 20. <i>Preliminary articles, between France and Great Britain are signed at Paris; also, epochs fixed for cessation.</i>
C. 15.	" January 31,	-	Penn.	Act to attain H. Gordon, unless he surrender himself before a given day, (July 24, 1783,) and the seizure of his estates, by the agent of forfeited estates, confirmed.
17.	" February 17,	-	Geo.	Act to point out the mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the right owners, and for other purposes.
A. 4.	" { Feb. May, June, } October,	-	R. I.	Act to confiscate, sequester, and banish, as in October, 1775. [This, of October, 1783, is the same, probably, as C. 14.]
				March 15. <i>The provisional articles are in Oswald's paper, Philadelphia.</i>
29.	" March 16,	-	S. C.	To amend the act of February 26, 1782.
C. 16.	" March 17,	-	N. Y.	Act for granting a more effectual relief, in cases of certain trespasses.
18.	" March 21,	-	N. Y.	Act for suspending the prosecutions therein mentioned.

No. 7.

PARIS, November 4, 1782.

GENTLEMEN:

You may remember, that, from the very first beginning of our negotiation for settling a peace between Great Britain and America, I insisted, that you should positively stipulate for the restoration of the property of all those persons under the denomination of the loyalists, or refugees, who have taken part with Great Britain in the present war; or, if the property had been resold, and passed into such a variety of hands as to render the restoration impracticable, (which you asserted to be the case in many instances) you should stipulate for a compensation, or indemnification, to those persons, adequate to their losses. To those propositions you said you could not accede. Mr. Strachey, since his arrival at Paris, has most strenuously joined me in insisting upon the said restitution, compensation, or indemnification, and in laying before you every argument in favor of those demands, founded upon national honor, and upon the true principles of justice.

These demands you must have understood to extend, not only to all persons of the above mentioned description who have fled to Europe, but, likewise, to all those who may be now in any parts of North America, dwelling under the protection of his Majesty's arms, or otherwise.

We have also insisted upon a mutual stipulation for a general amnesty on both sides; comprehending, thereby, an enlargement of all persons who, on account of offences committed, or supposed to be committed, since the commencement of hostilities, may be now in confinement, and for an immediate repossession of their properties, and peaceable enjoyment thereof, under the government of the United States. To this you have not hitherto given a particular or direct answer.

It is, however, incumbent upon me, as commissioner of the King of Great Britain, to repeat those several demands, and, without going over those arguments upon paper, which we have so often urged in conversation, to press your immediate attention to these subjects, and to urge you to enter into proper stipulations for the restitution, compensation, and amnesty, above mentioned, before we proceed further in this negotiation.

I have the honor to be, &c.

RICHARD OSWALD.

To J. ADAMS, B. FRANKLIN, and J. JAY, Esqrs.

Commissioners from the thirteen United States of America, for treating of peace between the said States and the King of Great Britain.

No. 8.

SIR: In answer to the letter you did us the honor to write on the 4th instant, we beg leave to repeat what we often said in conversation, viz: that the restoration of such of the estates of the refugees as have been confiscated, is impracticable, because they were confiscated by laws of particular States, and, in many instances, have passed, by legal titles, through several hands. Besides, sir, as this is a matter evidently appertaining to the internal polity of the separate States, the Congress, by the nature of our constitution, have no authority to interfere with it.

As to your demand of compensation to those persons, we forbear enumerating our reasons for thinking it illfounded: In the moment of conciliatory overtures, it would not be proper to call certain scenes into view, over which a variety of considerations should induce both parties at present to draw a veil. Permit us, therefore, only to repeat, that we cannot stipulate for such compensation, unless, on your part, it be agreed to make retribution to our citizens for the heavy losses they have sustained, by the unnecessary destruction of private property.

We have already agreed to an amnesty more extensive than justice required, and full as extensive as humanity could demand; we can, therefore, only repeat, that it cannot be extended farther. We should be sorry if the absolute impossibility of our complying further with your propositions, should induce Great Britain to continue the war for the sake of those who caused and prolonged it; but if that should be the case, we hope that the utmost latitude will not be again given to its rigors.

Whatever may be the issue of this negotiation, be assured, sir, that we shall always acknowledge the liberal, manly, and candid manner in which you have conducted it, and that we shall remain with the warmest sentiments of esteem and regard, sir, yours, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

To RICHARD OSWALD, Esq.

His Britannic Majesty's Commissioner for treating of peace with the Commissioners of the United States of America.

No. 9.

Extract from Mr. Adams' Journal respecting Peace.

MONDAY, November 11, 1782.

Mr. Whitefoord, the Secretary of Mr. Oswald, came a second time. We fell soon into politics. I told him the French minister at Philadelphia had made some representations to Congress in favor of a compensation to the royalists, and the Count de Vergennes, no longer than yesterday, said much to me in their favor. The Count probably knows, that we are instructed against it; that Congress are instructed against it, or rather have not constitutional authority to do it; that we can only write about it to Congress, and they to the States, who may, and probably will, deliberate upon it eighteen months before they all decide, and then every one of them will determine against it.

FRIDAY, November 15, 1782.

Mr. Oswald came to visit me, and entered, with some freedom, into conversation. He said he had been reading Mr. Paine's answer to the Abbé Raynal, and found there an excellent argument in favor of the tories. Mr. Paine says, that before the battle of Lexington, we were so blindly prejudiced in favor of the English, and so closely attached to them, that we went to war at any time, and for any object, when they bid us. Now this being habitual to the Americans, it was excusable in the tories, to behave upon this occasion, as all of us had ever done upon all others. He said if he were a member of Congress, he would show a magnanimity upon this occasion, and would say to the refugees, take your property—we scorn to make any use of it in building up our system.

I replied, that we had no power, and Congress had no power, and therefore we must consider how it would be reasoned upon in the several Legislatures of the separate States, if, after being sent by us to Congress, and by them to the several States, in the course of twelve or fifteen months it should be there debated. You must carry on the war six or nine months, certainly for this compensation, and consequently spend, in the prosecution of it, six or nine times the sum necessary to make the compensation: for I presume, this war costs every month to Great Britain, a larger sum than would be necessary to pay for the forfeited estates.

England means, by insisting on our compensating these worst of enemies, to obtain from us a tacit acknowledgment of the right of the war, an implicit acknowledgment that the tories have been justifiable, or at least excusable, and that we, only by a fortunate coincidence of events, have carried a wicked rebellion into a complete revolution.

At the very time when Britain professes to desire peace, reconciliation, perpetual oblivion of all past unkindnesses, can she wish to send in among us, a number of persons, whose very countenances will bring fresh to our remembrance the whole history of the rise and progress of the war, and of all its atrocities? Can she think it conciliatory, to oblige us to lay taxes upon those whose habitations have been consumed, to reward those who have burned them? Upon those whose property has been stolen, to reward the thieves? Upon those whose relations have been cruelly destroyed, to compensate the murderers?

SUNDAY, November 17, 1782.

Mr. Vaughan came to me yesterday, and said that Mr. Oswald had that morning called upon Mr. Jay, and told him, if he had known as much the day before, as he had since learned, he would have written to go home. Mr. V. said, Mr. Fitzherbert had received a letter from Lord Townshend, that the compensation would be insisted on. Mr. Oswald wanted Mr. Jay to go to England—thought he could convince the ministry. Mr. Jay said he must go without the knowledge and advice of the court, and in either case it would give rise to jealousies. He could not go. Mr. Vaughan said he had determined to go, on account of the critical state of his family, his wife being probably a-bed; he should be glad to converse freely with me, and obtain from me all the lights and arguments against the tories, even the history of their worst actions; that in case it should be necessary to run them down, it might be done, or at least expose them: for their true history was little known in England. I told him, I must be excused; it was a subject that I had never been desirous of obtaining information upon; that I pitied those people too much, to be willing to aggravate their sorrows and sufferings, even of those who had deserved the worst. It might not be amiss to reprint the letters of Bernard, Hutchinson, and Oliver, to show the rise. It might not be amiss to read the history of Wyoming, in the Annual Register for 1778 or 9, to recollect the prison ships, and the churches at New York, where the garrisons at Fort Washington were starved, in order to make them enlist in refugee corps; it might not be amiss to recollect the burning of cities, and the thefts of plate, negroes, and tobacco.

I entered into the same arguments with him that I had used with Mr. Oswald, to show that we could do nothing—Congress nothing; the time it would take to consult the States, and the reasons to believe, that all of them would at last decide against it. I showed him that it would be a religious question with some; a moral one with others, and a political one with more; an economical one with very few. I showed him the ill effect which would be produced upon the American mind by this measure; how much it would contribute to perpetuate alienation against England, and how French emissaries might, by means of these men, blow up the flames of animosity and war. I showed him how the whig interest and the opposition might avail themselves of this subject in Parliament, and how they might embarrass the minister.

He went out to Passy for a passport, and in the evening called upon me again; he said he found Dr. Franklin's sentiments to be the same with Mr. Jay's and mine, and hoped he should be able to convince Lord Shelburne; he was pretty confident it would work right; the ministry and nation were not informed upon the subject. Lord Shelburne had told him that no part of his office gave him so much pain as the levee he held for these people, and hearing their stories of their families and estates, their losses, sufferings, and distresses. Mr. Vaughan said he had picked up here a good deal of information about these people, from Mr. Allen and other Americans.

FRIDAY, November 29, 1782.

Met Mr. Fitzherbert, Mr. Oswald, Mr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Strachey, at Mr. Jay's Hotel d'Orleans, and spent the whole day in discussions about the fishery and the tories. I proposed a new article concerning the fishery; it was discussed, and turned in every light. Mr. Fitzherbert said, the argument is in your favor, I must confess; your reasons appear to be good; but Oswald's instructions were such, that he did not see how he could agree with us. I replied to this—the time is not so pressing upon us, but that we can wait till a courier goes to London with your representations upon this subject, and others that remain between us, and I think the ministers must be convinced.

Mr. Fitzherbert said, to send again to London, and have all laid loose before Parliament, was so uncertain a measure, it was going to sea again.

Upon this, Doctor Franklin said, that, if another messenger was to be sent to London, he ought to carry something more respecting a compensation to the sufferers in America. He produced a paper from his pocket, in which he had drawn up a claim, and he said the first principle of the treaty was equality and reciprocity. Now they demanded of us payment of debts, and restitution or compensation to the refugees. If a draper had sold a piece of cloth to a man upon credit, and then sent a servant to take it from him by force, and after bring his action for the debt, would any court of law or equity give him his demand, without obliging him to restore the cloth? Then he stated the carrying off of goods from Boston, Philadelphia, and the Carolinas, Georgia, Virginia, &c. and the burning of the towns, &c. and desired that this might be sent with the rest.

Upon this, I recounted the history of General Gage's agreement with the inhabitants of Boston, that they should remove with their effects, upon condition that they would surrender their arms; but as soon as the arms were secured, the goods were forbid to be carried out, and were finally carried off in large quantities to Halifax. Doctor Franklin mentioned the case of Philadelphia, and the carrying off of effects there—even his own library. Mr. Jay mentioned several other things, and Mr. Laurens added the plunders in Carolina, of negroes, plate, &c.

After hearing all this, Mr. Fitzherbert, Mr. Oswald, and Mr. Strachey retired for some time, and returning, Mr. Fitzherbert said, that, upon consulting together, and weighing every thing as maturely as possible, Mr. Strachey and himself had determined to advise Mr. Oswald to strike with us according to the terms we had proposed as our ultimatum, respecting the fishery and the loyalists. Accordingly, we all sat down and read over the whole treaty, and corrected it, and agreed to meet to-morrow at Mr. Oswald's house, to sign and seal the treaties, which the secretaries were to copy fair in the mean time.

SATURDAY, November 30, St. Andrew's Day.

We met first at Mr. Jay's, then at Mr. Oswald's, examined and compared the treaties. Mr. Strachey had left out the limitation of time, the twelve months, that the refugees were allowed to reside in America, in order to recover their estates, if they could. Doctor Franklin said this was a surprise upon us. Mr. Jay said so too; we never had consented to leave it out, and they insisted upon putting it in, which was done. Then the treaties were signed, sealed, and delivered.

No. 10.

Extracts of letters from Doctor Franklin to the Honorable R. R. Livingston, Esq. Secretary for Foreign Affairs.

PASSY, October 14, 1782.

Something has been mentioned about the refugees and English debts, but not insisted on, as we declared at once that, whatever confiscations had been made in America, being in virtue of the laws of particular States, the Congress had no authority to repeal those laws, and, therefore, could give us none to stipulate for such repeal.

PASSY, December 5, 1782.

The British ministers struggled hard for two points: that the favors granted to the royalists should be extended, and our fishery contracted. We silenced them on the first, by threatening to produce an account of the mischiefs done by those people; and, as to the second, when they told us they could not possibly agree to it as we required it, and must refer it to the ministry in London, we produced a new article, to be referred at the same time, with a note of facts in support of it, which you have, No. 3. Apparently, it seemed, that, to avoid the discussion of this, they suddenly changed their minds, dropt the design of recurring to London, and agreed to allow the fishery as demanded.

Extract of a letter from Doctor Franklin to Richard Oswald, Esq.

PASSY, Nov. 26, 1782.

SIR:

You may well remember, that, in the beginning of our conferences, before the other commissioners arrived, on your mentioning to me a retribution for the loyalists, whose estates had been forfeited, I acquainted you that nothing of that kind could be stipulated by us, the confiscations being made by virtue of laws of particular States, which the Congress had no power to contravene or dispense with, and, therefore, could give us no such authority in our commission. And I gave it as my opinion and advice, honestly and cordially, that, if a reconciliation was intended, no mention should be made, in our negotiations, of those people: for, they having done infinite mischief to our properties, by wantonly burning and destroying farm houses, villages, and towns; if compensation for their losses were insisted on, we should certainly exhibit against it an account of all the ravages they had committed, which would necessarily recall to view scenes of barbarity that must inflame, instead of conciliating, and tend to perpetuate an enmity that we all profess a desire of extinguishing. Understanding, however, from you, that this was a point your ministry had at heart, I wrote concerning it to Congress, and I have lately received the following resolution, viz:

“ BY THE UNITED STATES, IN CONGRESS ASSEMBLED, September 10, 1782.

“ *Resolved*, That the Secretary for Foreign Affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves, and other property, which have been carried off or destroyed, in the course of the war, by the enemy, and to transmit the same to the ministers plenipotentiary for negotiating peace.

“ *Resolved*, That, in the mean time, the Secretary for Foreign Affairs inform the said ministers, that many thousands of slaves, and other property, to a very great amount, have been carried off or destroyed by the enemy; and, that, in the opinion of Congress, the great loss of property which the citizens of the United States have sustained, by the enemy, will be considered by the several States as an insuperable bar to their making restitution, or indemnification, to the former owners of property, which has been or may be forfeited to, or confiscated by, any of the States.”

In consequence of these resolutions, and the circular letters of the Secretary, the Assembly of Pennsylvania, then sitting, passed the following act, viz:

“ An act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents of the King of Great Britain, during the present war.”

We have not yet had time to hear what has been done by the other Assemblies, but I have no doubt that similar acts will be made by all of them, and that the mass of evidence produced by the execution of those acts, not only of the enormities committed by those people, under the direction of British generals, but of those committed by the British troops themselves, will form a record that must render the British name odious in America to the latest generations. In that authentic record will be found, the burning of the fine towns of Charlestown, near Boston, of Falmouth just before winter, when the sick, the aged, the women, and children, were driven to seek shelter where they could hardly find it; of Norfolk, in the midst of winter; of New London, of Fairfield, of Esopus, &c. &c. besides near a hundred and fifty miles of well settled country laid waste, every house and barn burnt, and many hundred of farmers, with their wives and children, butchered and scalped.

The present British ministers, when they reflect a little, will certainly be too equitable to suppose, that their nation has a right to make an *unjust* war, (which they have always allowed this against us to be) and to do all sorts of unnecessary mischief, unjustifiable by the practice of any civilized People, which those they make war with are to suffer, without claiming any satisfaction; but that if Britons, or their adherents, are in return deprived of any property, it is to be restored to them, or they are to be indemnified. The British troops can never excuse their barbarities. They were unprovoked. The loyalists may say, in excuse of theirs, that they were exasperated by the loss of their estates, and it was revenge. They have then had their revenge. Is it right they should have both?

Some of these people may have a merit with regard to Britain; those who espoused her cause from affection; these it may become you to reward. But there are many of them who were waverers, and were only determined to engage in it by some occasional circumstances or appearances; these have not much of either merit or demerit; and there are others who have abundance of demerit, respecting your country, having by their falsehoods and misrepresentations, brought on and encouraged the continuance of the war. These, instead of being recompensed, should be punished.

It is usual among Christian people at war, to profess always a desire of peace. But if the ministers of one of the parties choose to insist particularly on a certain article which they have known the others are not and cannot be empowered to agree to, what credit can they expect should be given to such professions?

Your ministers require that we should receive again into our bosom, those who have been our bitterest enemies, and restore their properties who have destroyed ours; and this, while the wounds they have given us are still bleeding. It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your resentment against them may by this time be abated; yet, if we should propose it, and insist on it as an article of our treaty with you, that that family should be recalled, and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?

I must repeat my opinion, that it is best for you to drop all mention of the refugees. We have proposed indeed nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an article which may provide, that they shall exhibit accounts of their losses, to commissioners hereafter to be appointed, who shall examine the same, together with the accounts now preparing in America, of the damages done by them, and state the account, and that, if a balance appears in their favor, it shall be paid by us to you, and by you divided among them, as you shall think proper. And if the balance is found due to us, it shall be paid by you.

Give me leave, however, to advise you to prevent the necessity of so dreadful a discussion, by dropping the article, that we may write to America, and stop the inquiry.

I have the honor to be, &c.

B. FRANKLIN.

ARTICLE V.—(proposed.)

It is agreed that his Britannic Majesty will earnestly recommend it to his Parliament to provide for, and make compensation to, the merchants and shopkeepers of Boston, whose goods and merchandise were seized and taken out of the stores, warehouses, and shops, by order of General Gage, and others of his commanders or officers there; and also to the inhabitants of Philadelphia, for the goods taken away by his army there, and to make compensation also for the tobacco, rice, indigo and negroes, &c. seized and carried off by his armies under Generals Arnold, Cornwallis, and others, from the States of Virginia, North and South Carolina, and Georgia; and also for all vessels and cargoes belonging to the inhabitants of the said United States, which were stopt, seized, or taken, either in the ports or on the seas, by his Governors, or by his ships of war, before the declaration of war against the said States.

And it is further agreed that his Britannic Majesty will also earnestly recommend it to his Parliament to make compensation for all the towns, villages, and farms, burnt and destroyed by his troops or adherents in the said United States.

FACTS.

There existed a free commerce, upon mutual faith, between Great Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods, on the common expectation that the merchants, having sold the goods, would make the accustomed remittances; that the planters would do the same by the labor of their negroes, and the produce of that labor, tobacco, rice, indigo, &c.

England, before the goods were sold in America, sends an armed force, seizes those goods in the stores, some even in the ships that brought them, and carries them off; seizes also and carries off the tobacco, rice, and indigo, provided by the planters to make returns, and even the negroes, from whose labor they might hope to raise other produce for that purpose.

Britain now demands that the debts shall nevertheless be paid.

Will she, can she, justly refuse making compensation for such seizures?

If a draper who had sold a piece of linen to a neighbor, on credit, should follow him, take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debt, without ordering restitution of the cloth?

Will not the debtors in America cry out that, if this compensation be not made, they were betrayed by the pretended credit, and are now doubly ruined—first by the enemy, and then by the negotiators at Paris; the goods and negroes sold them being taken from them, with all they had besides, and they are now to be obliged to pay for what they have been robbed of.

No. 11.

Extracts from Dr. Franklin's Journal of Negotiations for peace with Great Britain.

Mr. Oswald also gave me a copy of a paper of memorandums written by Lord Shelburne, viz:

That an establishment for the loyalists must always be upon Mr. Oswald's mind, as it is uppermost in Lord Shelburne's, besides other steps in their favor, to influence the several States to agree to a fair restoration or compensation for whatever confiscations have taken place.

As to the loyalists, I repeated what I had said to him when first here, that their estates had been confiscated by the laws made in the particular States where the delinquents had resided, and not by any law of Congress, who indeed had no power either to make such laws, or to repeal them, or to dispense with them; and therefore could give no power to their commissioners to treat of a restoration for those people: that it was an affair appertaining to each State. That if there were justice in compensating them, it must be due from England rather than from America; but, in my opinion, England was not under any very great obligations to them, since it was by their misrepresentations and bad counsels that she had been drawn into this miserable war; and that, if an account was to be brought against us for their losses, we should more than balance it by an account of the ravages they had committed all along the coasts of America. Mr. Oswald agreed to the reasonableness of all this, and said he had, before he came away, told the ministers that he thought no recompense to those people was to be expected from us.

No. 12.

Extract of a letter from the Commissioners of the United States for negotiating peace with Great Britain, to the President of Congress, dated

PASSY, Sept. 10, 1783.

Permit us to observe, that in our opinion the recommendations of Congress, promised in the 5th article, should immediately be made in the terms of it and published; and that the States should be requested to take it into consideration as soon as the evacuation by the enemy shall be completed. It is also much to be wished that the Legislatures may not involve all the Tories in banishment and ruin, but that such discriminations may be made as to entitle the decisions to the approbation of disinterested men, and dispassionate posterity.

No. 13.

VIRGINIA, to wit:

General Assembly, begun and held at the public buildings in the city of Richmond, on Monday, the eighteenth day of October, in the year of our Lord 1784.

An Act respecting future Confiscations.

Whereas it is stipulated by the sixth article of the Treaty of Peace between the United States and the King of Great Britain, that there shall be no future confiscations made,

Be it enacted, That no future confiscations shall be made, any law to the contrary notwithstanding: Provided, that this act shall not extend to any suit depending in any court which commenced prior to the ratification of the Treaty of Peace.

ARCHIBALD CARY, *Speaker of the Senate.*
JOHN TYLER, *Speaker House of Delegates.*

Certified as a true copy from the enrolment.

JOHN BECKLEY, *Clerk House of Delegates.*

No. 14.

By his Excellency BENJAMIN HARRISON, Esq. Governor of the Commonwealth of Virginia, a Proclamation.

Whereas I have received information, that there are, in different parts of this Commonwealth, combinations formed by a number of persons, who, impelled by a turbulent spirit, have manifested a disposition to treat with outrage some of those who have returned to this State under the sanction of the definitive Treaty of Peace, and the acts of Assembly passed in October last: And whereas such a disposition, unless early suppressed by the interposition of Government, might grow into a dangerous evil, disturb the quiet of the Commonwealth, and involve a violation of the public faith and honor, so solemnly pledged for preserving sacred the articles of the treaty, as signed and ratified: To prevent, therefore, effectually, the dangerous consequences to be apprehended from the licentiousness of such persons, I have thought fit, by and with the advice of the Council of State, to issue this my proclamation, strictly enjoining all magistrates and other civil officers to use their utmost vigilance in the preservation of the peace; and particularly to extend the earliest protection to all those who come within the description of the said acts of Assembly, and have reason to apprehend danger from such riotous persons; and to secure to them the enjoyment of those rights which they derive both from the treaty and acts of Assembly aforesaid. And that no person, or description of persons, may presume hereafter, on the hope of escaping with impunity, to do any act which shall contravene the one, or oppose the other, I do farther declare, that, Government being resolved inviolably to support the public honor, and to enforce a pointed execution of the law, will not fail to take the most effectual measures for bringing to condign punishment all those who, senseless to the obligation of a solemn treaty, and unmindful of the dignity and honor of their country, pledged for its support, shall be hardy enough to offend herein.

Given under my hand, and the seal of the Commonwealth, in the Council Chamber at Richmond, this 26th day of July, in the year of our Lord 1784, and of the Commonwealth the ninth.

BENJAMIN HARRISON.

Attest, A. BLAIR, C. C.

A copy from the original proclamation in the office of the Executive.

Attest, SAM. COLEMAN, A. C. C

No. 15.

Extract of a letter from George Read, Jr. Attorney of the United States for the district of Delaware, to the Secretary of State, dated New Castle, on Delaware, November 4, 1790.

From the result of all my inquiries on the subject of your letter, I am induced to believe that no proceedings of any kind have taken place within this State, since the Treaty of Peace, tending in any manner to affect the persons or property of British subjects or American refugees, in contravention to that treaty. Whatever property any British subject might have had within this State, at or after the Declaration of Independence, the same hath been in no wise altered or diminished by any act of the State Legislature; the confiscations of property specially declared by law, extended only to citizens and subjects of the State; and such outstanding debts which British subjects might have had within the State, I have generally understood have been settled by such their debtors as had ability to pay, in a way satisfactory to the creditors, or their agents; and almost the only suits which have been brought, were against persons whose circumstances were declining, or against the representatives of deceased persons; but in no instance that hath come to my knowledge, hath the least clamor or complaint been made or raised against any man of the law for commencing such suits, or any distinction urged, during their pendency in the courts. As to the American refugees, I do not know that the property of any other of them than specially named in the act of Assembly of this State, of the 26th of June, 1778, and transmitted with this, was seized upon and taken as forfeited; and several of these persons have returned since the peace, and resided without disturbance in the neighborhood of their former dwellings, though no instances of any restitution of their property, within my knowledge. As to the State, it derived no benefit from the sales of their estates, they being made for continental paper; and the court of claims, which was established some time after, in favor of the creditors of such, whose property had been declared to be forfeited under the act aforesaid, having allowed the debts of those creditors in specie to an amount exceeding the specie value of the paper received for that property.

From every information I have heretofore had of alleged infractions of the treaty, I never understood the Government in this State, or any executive department thereof, or the conduct of its citizens, with regard to British subjects or American refugees, were at any time included, and such I am told was the decided opinion of the Legislature of this State, at the time of their passing the act of the 2d of February, 1788, herewith also transmitted, "for repealing all acts or parts of acts repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof;" as that act was framed by the late Congress, in the terms in which it is expressed, and passed by our Legislature, upon the special requisition of that body, which was made circular to all the States then in the Union.

I have the honor to be, &c.

GEO. READ, JUN.

The Hon. THOMAS JEFFERSON, Esq.

No. 16.

IN COUNCIL, Philadelphia, Thursday, December 16, 1790.

Upon the report of the committee to whom was referred the letter from the Comptroller General of the 15th September last, informing Council that the following lots, "in the city of Philadelphia, forfeited to the Commonwealth by the attainder of Harry Gordon for high treason, viz. a corner lot on the south side of Walnut street and east side of Fourth street from Delaware river, being in front on Walnut street, 16½ feet, and in depth on Fourth street, 37 feet, with the privilege of a three feet alley at the south end of the lot, subject to a ground rent of thirteen dollars and three eighths of a dollar annually, and considerable arrears; and one other lot adjoining the above lot, bounded on the north by Walnut street, on the east by ground late of Robert Morris, Esq., on the west by Charles Moore's ground, and part by the above described lot and alley, being 16½ feet in front, and 47 feet 10½ inches deep, more or less, subject to an annual rent charge of £5 0s. 3d., with arrears thereof," remains unsold, and submitting it to Council, whether it would not be proper, at this time, to direct the sale of the said lots:

Resolved, That the lots before described be exposed to public sale, according to law.

No. 17.

IN ASSEMBLY, January 31, 1784.

A message from his Excellency the Governor, to the Legislature, (transmitted to this House by the honorable the Senate) was read, and is in the words following, to wit:

"GENTLEMEN:

"It is with pleasure I embrace the earliest opportunity of laying before you a proclamation of the United States, in Congress assembled, under their seal, dated the fourteenth day of January instant, announcing the ratification of the definitive articles of peace and friendship between these States and his Britannic Majesty, and enjoining a due observance thereof.

"I also submit to your consideration the recommendation of the United States, in Congress assembled, in conformity to the said articles, contained in their resolution of the said fourteenth day of January instant.

"GEORGE CLINTON.

"NEW YORK, *January 30, 1784.*"

The papers which accompanied the said message of his Excellency the Governor were also read.
Ordered, That the said message of his Excellency the Governor, and the papers which accompanied the same, be committed to a committee of the whole house.

IN ASSEMBLY, *March 31, 1784.*

A copy of certain resolutions of the honorable the Senate, delivered by Mr. Schuyler, were read, and are in the words following, viz:

"*Resolved*, (if the honorable the House of Assembly concur herein) That it appears to this Legislature, that, in the progress of the late war, the adherents of the King of Great Britain, instead of being restrained by fair and mitigated hostilities, which are only permitted by the laws of nations, have cruelly massacred, without regard to age or sex, many of our citizens, and wantonly desolated and laid waste a very great part of this State, by burning not only single houses, and other buildings, in many parts of this State, but even whole towns and villages, and destroying other property throughout a great extent of country, and in enterprises which had nothing but vengeance for their object.

"And that, in consequence of such unwarrantable operations, great numbers of the citizens of this State have, from affluent circumstances, been reduced to poverty and distress.

"*Resolved*, That it appears to this Legislature, that divers of the inhabitants of this State have continued to adhere to the King of Great Britain, after these States were declared free and independent, and persevered in aiding the said King, his fleets, and armies, to subjugate these United States to bondage.

"*Resolved*, That, as, on the one hand, the rules of justice do not require, so, on the other, the public tranquillity will not permit, that such adherents, who have been attainted, should be restored to the rights of citizenship.

"And that there can be no reason for restoring property which has been confiscated or forfeited, the more especially as no compensation is offered on the part of the said King and his adherents for the damages sustained by this State and its citizens, from the desolation aforesaid.

"*Resolved, therefore*, That, while this Legislature entertain the highest sense of national honor, of the sanction of treaties, and of the deference which is due to the advice of the United States in Congress assembled, they find it inconsistent with their duty to comply with the recommendation of the said United States on the subject matter of the fifth article of the definitive Treaty of Peace."

Resolved, That this House do concur with the honorable the Senate in the said resolutions.

Ordered, That Mr. Gordon and Mr. Lott deliver a copy of the last preceding resolution of concurrence to the honorable the Senate.

STATE OF NEW YORK, 88.

I certify that the foregoing are true extracts from the journals of the Assembly, this 19th day of July, 1786.

ISAAC VAN VLEEK, for
JOHN M'KESSON, *Clerk*.

No. 18.

Copy of a letter from his Excellency Samuel Huntington, Governor of Connecticut, to the Honorable John Jay, Secretary for Foreign Affairs.

COUNCIL CHAMBER, *Hartford, June 12, 1786.*

SIR:

Your letter of the 3d ultimo, addressed to the Governor of Connecticut, requesting information whether, and how far, this State has complied with the recommendation of Congress, pursuant to the treaty of peace with Great Britain, hath been received.

In compliance with your request, I have the satisfaction to inform, that the statutes of this State have all been revised since the peace, and all penal laws which subjected any person to prosecution, by reason of any part he had taken during the war, were repealed; the whole code, as revised, are transmitted to Congress; by examining those acts you may obtain the best possible information on this article; there is nothing in them, we apprehend, inconsistent with the spirit and intent of the treaty.

This State has never confiscated any estate belonging to real British subjects, or had any law existing that would warrant such confiscation.

Where confiscations have taken place against citizens of the United States, who resided in districts in the possession of the British during the war, but had not borne arms, some of them, on application, have obtained a restitution of their estates; and we have no law now existing to prohibit any person from making the like application, or residing among us for that purpose.

The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it as a principle of law. No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued, so far as my knowledge or information extends; and I am satisfied it was universally the case with respect to all persons who could claim the benefit of these articles. I may add, in general terms, that the Legislature of this State, and executive courts, have religiously adhered to the treaty, and, in no instance, as we conceive, contravened any article therein contained.

I have the honor to be, &c.

SAM. HUNTINGTON.

HON. JOHN JAY, Esq.

No. 19.

Extract of a letter from William Channing, Esq. Attorney of the United States for Rhode Island district, to the Honorable Thomas Jefferson, Secretary of State.

NEWPORT, *November 24, A. D. 1790.*

SIR:

The letter you were pleased to honor me with, of the 12th of August, I received soon after the date, and have since attended to the objects it requested. The situation of the records of our State made your commission a business of some difficulty, and a part of it still remains unexecuted. That part, however, is in a prosperous train.

Herewith are transmitted authenticated copies of all the acts of our Legislature that affect either the debts or the persons of British subjects, or American refugees. As to the proceedings of the Judiciary of this State upon these acts, I have to observe, that the one for confiscating of the estates of the persons therein described was early carried into effect, with regard to those who were contemplated by it, the American-refugees; and their estates were confiscated and sold, and the proceeds, after the payment of the debts of the original proprietors, were paid into the treasury of the State.

This act was considered by our courts as annulled by the Treaty of Peace, and subsequent to the ratification thereof no proceedings have been had thereon. Government, during the war, were possessed of the real estates belonging to British subjects, but, on the application of the proprietors, they have been since restored, and the rents and profits accounted for.

The act of banishment has not been formally repealed by the Legislature, but I have not known any instance in which it has been enforced, although many persons, either named or described in the act, have, since the war, resided, and some of them still reside, among us.

The courts of this State have been ever open alike to the British subject and the American citizen; and equally enabled either to recover his just debt, agreeable to contract, until the substituting and paper money acts were made. The first of these acts was repealed soon after the passing of it, but the other continued to operate until September, 1789. But, previous to this, in September, 1787, from an idea that the making the paper money a tender might be considered as an infraction of the treaty with Great Britain, the Legislature passed the resolution declaring the obligation of the treaty sacred and inviolable.

I have the honor to be, &c.

WILLIAM CHANNING.

HON. THOMAS JEFFERSON, Esq.

No. 20.

Copy of a letter from his Excellency John Collins, Governor of Rhode Island, to the Honorable John Jay, Secretary for Foreign Affairs.

NEWPORT, September 4, 1786.

SIR:

Your first letter requesting information of the measures of this State, respecting the Treaty of Peace between the United States and Great Britain, hath been by the Legislature referred, and the report is not made.

However, be pleased to be informed, that, upon the treaty, and the consequent ratification of Congress, being presented to the General Assembly, they immediately requested the Governor to make known the contents thereof to all the citizens, by proclamation, under the authority of the State, requiring a strict compliance therewith; this was done.

All prosecutions against absentees and others for the part they had taken in the war, that had not been finished, were immediately nullified, and no farther confiscations have taken place. All persons residing under the protection of the treaty, and that have applied to the Legislature for the restitution of property, or the rights of citizenship, denization, or even the capacity of prosecuting actions or suits at law, have been heard, and in most instances their requests have been granted. The laws from that moment have been, and still are, open to British subjects, to recover their debts, in the same manner as to citizens of the State. In short, the treaty, in all its absolute parts, has been fully complied with, and to those parts that are merely recommendatory, and depend upon the legislative discretion, the most candid attention hath been paid.

I have the honor of being, &c.

JOHN COLLINS.

His Excellency JOHN JAY, Esq.

No. 21.

Extract of a letter from Sir Guy Carleton, to his Excellency General Washington, dated

NEW YORK, April 6, 1783.

SIR:

A packet from England arrived in this port last night, by which I have despatches from Mr. Townshend, one of his Majesty's principal Secretaries of State, communicating official intelligence, that the preliminary articles of peace with France and Spain were signed at Paris, on the 20th of January last, and that the ratifications have been since exchanged at the same place.

And I am further to inform your Excellency, that an instrument of accession to the suspension of hostilities by the States General of the United Provinces having been received in England, a cessation of arms with those States has been thereupon included in the proclamation.

No. 22.

CHAMBLY, August 3, 1783.

SIR:

The United States of America in Congress, having charged their commander-in-chief with making the necessary arrangements with the commanders-in-chief of the British armies, for receiving the posts now occupied by the troops of his Britannic Majesty, and which are in the United States, for this object, as well as for others relative to the preliminary articles of peace, I am ordered by his Excellency General Washington, to concert such measures with your Excellency, as shall be mutually agreeable.

Major North, my aid-de-camp, will inform your Excellency that I am on my route to Quebec, where I expect, in three or four days, to assure you, that I am, &c.

His Excellency General HALDIMAND.

STEBEN.

No. 23.

ST. JOHN'S, August 13, 1783.

SIR:

In answer to the letter which I had the honor to receive from you yesterday, desiring a final answer, in writing, to the requisitions which you have made in the name of the United States, I very readily comply with that desire, though the sense of my answer can be no more than a repetition of that which I have made to his Excellency General Washington, delivered to you under a flying seal. I have therefore the honor to acquaint you that, however definitive the United States may consider the provisional treaty to be, the sense I have of my duty, and the customs of war, will not permit me to consider a cessation of hostilities in that light. The orders I have received, direct a discontinuance of every hostile act on my part, and an attention to defensive measures only. I have most punctually obeyed them, and shall continue to do so, until I shall receive his Majesty's further commands. I have not a doubt of the wishes, expressed in your letter, of the United States to establish a perfect harmony with Great Britain by making good every engagement on their part. You will, at the same time, allow me to express an equal confidence, that every promise on the part of Great Britain will in due time be fulfilled. But it is not for me to anticipate on this occasion. When the ratification of peace shall be announced to me, I beg you will be assured that it will afford me the highest pleasure to execute every instruction I shall receive relative to it, with the utmost punctuality and despatch; until that event shall arrive, it is totally out of my power to permit you to proceed to the posts in the upper country, or in fact to treat with you on the subject of your mission. Wishing you a safe and agreeable passage, I have the honor to be, &c.

Major General Baron STEBEN.

FRED. HALDIMAND.

No. 24.

Baron Steuben to General Washington.

SARATOGA, August 23, 1783.

SIR:

I have the honor to inform your Excellency, that I arrived here last night, and had my health permitted, should have continued my journey, until I could have had the honor to inform your Excellency in person of the success of my mission. Lieutenant Colonel Villefranche will present this; to him I beg leave to refer for such observations relative to the situation of certain places, as I have been able to make during my tour.

I esteem myself very unfortunate that I could not succeed in the business with which I was charged, and am only consoled by the idea that your Excellency will believe that every thing, which was in my power to do, was done, to answer the wishes of your Excellency and of Congress.

I arrived at Chambly the 2d of August, from whence I sent Major North to announce my arrival to General Haldimand; enclosed is a copy of my letter, and his answer, which did not meet me till I had reached Dechambault.

According to General Haldimand's appointment, we met at Sorel on the 8th, when I presented your Excellency's letter, and opened the business on which I was sent.

To the first proposition which I had in charge to make, General Haldimand replied that he had not received any orders for making the least arrangement for the evacuation of a single post; that he had only received orders to cease hostilities; those he had strictly complied with, not only by restraining the British troops, but also the savages from committing the least hostile act; but that, until he should receive positive orders for that purpose, he would not evacuate an inch of ground.

No. 25.

Copy of a letter from his Excellency Governor Clinton, to his Excellency General Haldimand, dated

NEW YORK, March 19, 1784.

SIR:

I now do myself the honor to transmit to your Excellency the copy of a proclamation of the United States of America in Congress assembled, announcing the ratification of the definitive treaty of peace between these States and his Britannic Majesty, and enjoining a due observance thereof.

Having no doubt that your Excellency will, as soon as the season admits, withdraw the British garrisons under your command from the places they now hold within the United States, agreeable to the 7th article of the treaty, it becomes a part of my duty to make the necessary provision for receiving the post of Niagara and the other posts within the limits of this State, and it is for that purpose I have now to request that your Excellency would give me every possible information of the time when those posts are to be delivered up.

Lieutenant Colonel Fish, who will have the honor to deliver this despatch, is intrusted to confer with your Excellency, and to endeavor to make such arrangements for the transaction of this business as shall tend to promote mutual convenience, and that harmony which it is the interest of both parties, and doubtless their desire to establish.

I have the honor to be, &c.

GEO. CLINTON.

His Excellency General HALDIMAND.

No. 26.

His Excellency General Haldimand's answer to the foregoing letter, dated

QUEBEC, May 10, 1784.

SIR:

Some accident which has befallen the packet or messenger, has hitherto prevented me from receiving from England any notification of the definitive treaty; but, as in consequence of orders which I received last summer, subsequent to the ratification of the preliminary articles, all hostilities ceased, no great inconveniences have hitherto arisen from that misfortune. I only regret, that, not having had the honor to receive orders and instructions relative to withdrawing the garrisons from the upper countries, which are without the limits assigned to the province under my command, by the definitive treaty, I cannot, at present, enter into any arrangements with Lieut. Col. Fish, or give your Excellency the information which you desire.

My duty and my inclination is, to pay cheerful and punctual obedience to the orders and instructions which I shall have the honor to receive; and your Excellency may be assured, that, upon every occasion, I will exert my utmost endeavors to promote harmony and mutual convenience between the subjects of both nations, as well as in my transactions with your Excellency, or the United States of America.

I have the honor to be, &c.

FRED. HALDIMAND.

His Excellency Gov. CLINTON.

No. 27.

Copy of a letter from Lieut. Col. Hull to his Excellency Gen. Haldimand, dated

QUEBEC, July 12, 1784.

SIR:

I am instructed to request of your Excellency, in behalf of the United States of America, the precise time when each of the posts within their territories, now occupied by his Britannic Majesty's forces, will be delivered up, agreeably to the definitive treaty of peace, and to propose, as a matter of mutual convenience, an exchange of certain cannon and stores, now at the posts to be evacuated, for cannon and stores to be delivered at West Point, New York, or some other convenient place. With regard to the first point, as the season of the year is already far advanced, and as much time will be required in furnishing the necessary supplies for the garrisons during the winter, it is an object of very great importance, and I must beg leave to be solicitous with your Excellency to fix a very early period.

As the posts of the above description are numerous, and it being probable that it may not be convenient to withdraw the troops from the whole exactly at the same time, I wish your Excellency to fix the precise period when each will be delivered up.

If your Excellency approves the proposal of exchanging the cannon and stores, it will be necessary to fix on some criterion of their goodness: I would therefore propose, that the particular negotiation be referred to two artillery officers, one from each side, who shall personally inspect the cannon and stores, and, in case of not agreeing, call in a third person.

I have the honor to be, &c.

WM. HULL.

His Excellency GEN. HALDIMAND.

No. 28.

His Excellency General Haldimand's answer to the foregoing letter, dated

QUEBEC, July 13, 1784.

SIR:

I have had the honor of your letter of yesterday, and have communicated to Major General Knox, by the enclosed letter, the reasons which put it out of my power to enter, for the present, into the consideration of the matter mentioned in your letter.

I have the honor to be, &c.

FRED. HALDIMAND.

Lieut. Col. HULL.

No. 28. B.

Copy of a letter from his Excellency General Haldimand to Major General Knox, dated

QUEBEC, July 13, 1784.

SIR:

I have had the honor to receive your letter dated New York, 13th of last June, by Lieutenant Colonel Hull, acquainting me you was directed by Congress, the sovereign authority of the United States, to write to me, in order to ascertain the precise time when each of the posts within the United States, now occupied by the troops of his Britannic Majesty, shall be delivered, agreeable to the definitive Treaty of Peace, and to propose, as a matter of mutual convenience, an exchange of certain cannon and stores, now at these posts, for others to be delivered at West Point, upon Hudson's river, New York, or some other convenient place.

I have the honor to enclose, for your information, copies of letters which passed between his Excellency Governor Clinton and me, upon the first part of your proposition. Though I am now informed by his Majesty's ministers, of the ratification of the definitive Treaty of Peace, I remain, in other respects, in the same situation I then was, not having received any orders to evacuate the posts which are without the limits assigned by the Treaty of Peace to this province.

It is, therefore, impossible for me to ascertain the time when the evacuation of these posts shall commence. I can only assure your Excellency, that I shall lose no time in carrying into execution his Majesty's orders on that head, when I shall have the honor to receive them.

In the mean time I have to acquaint you, that, however desirous I am to consult mutual convenience, I am not at present empowered (and have reason to think I will not in future be empowered) to make the exchange of cannon and stores proposed by you, and for which Lieutenant Colonel Hull was authorized to make the proper arrangements.

I have the honor to be, &c.

FRED. HALDIMAND.

His Excellency Maj. Gen. KNOX.

No. 29.

THE UNITED STATES, IN CONGRESS ASSEMBLED, May 26, 1783.

Whereas, by the articles agreed upon on the 30th of November last, by and between the commissioners of the United States of America for making peace and the commissioner on the part of his Britannic Majesty, it is stipulated that his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same; and whereas a considerable number of negroes, belonging to the citizens of these States, have been carried off therefrom contrary to the true intent and meaning of the said articles:

Resolved, That copies of the letters between the commander-in-chief and Sir Guy Carleton, and other papers on this subject, be transmitted to the ministers plenipotentiary of these States for negotiating a peace in Europe; and that they be directed to remonstrate thereon to the court of Great Britain, and take proper measures for obtaining such reparation as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to the commander in chief; and that he be directed to continue his remonstrances to Sir Guy Carleton, respecting the permitting negroes, belonging to the citizens of these States, to leave New York, and to insist on the discontinuance of that measure.

No 30.

VIRGINIA, to wit: In General Assembly, June 22, 1784.

It appearing to the General Assembly, from a letter from his Excellency General Washington, dated the 7th day of May, 1783, that, in obedience to a resolution of Congress, he had a conference with General Carleton, on the subject of delivering up the slaves and other property belonging to the citizens of the United States, in compliance with the articles of the provisional treaty; that he (General Carleton) appeared to evade a compliance with the said treaty, by a misconstruction of the same, and permitted a large number of the said slaves to be sent off to Nova Scotia: It further appearing to the General Assembly, from the testimony of Thomas Walke, Esq. that he, together with several other persons from the counties of Norfolk and Princess Anne, in or about the month of April, 1783, went to New York, with a view of recovering the slaves which had been taken from them by the British troops during the war; that not being permitted to take possession of those slaves which they found in that city, the said Walke made a personal application to General Carleton, and requested a delivery of the said slaves, in compliance with the 7th article of the treaty, which prohibits the carrying off negroes, or other property, belonging to the inhabitants of the United States; this he peremptorily refused, alleging that he was not authorized to do it, without particular instructions from the British Government; that, at the time of this application, the said Walke was informed by an aid-de-camp of General Carleton, that an agent was appointed to superintend the embarkation, and keep a register of slaves sent to Nova Scotia, and that he afterwards saw the said register, and also saw a large number of negroes embarked to be sent to that country: It farther appearing to the General Assembly, from the testimony of Mr. John Stewart, of the State of Maryland, as well as from a variety of other circumstances, that many applications were made to General Carleton by citizens of America for the restitution of property, which were invariably rejected:

Resolved, That there has been an infraction, on the part of Great Britain, of the 7th article of the Treaty of Peace between the United States of America and Great Britain, in detaining the slaves and other property of the citizens of the United States.

Resolved, That the delegates representing this State in Congress, be instructed to lay before that body the subject matter of the preceding information and resolution, and to request from them a remonstrance to the British court, complaining of the aforesaid infraction of the Treaty of Peace, and desiring a proper reparation of the injuries consequent thereupon; that the said delegates be instructed to inform Congress, that the General Assembly has no

inclination to interfere with the power of making treaties with foreign nations, which the Confederation hath wisely vested in Congress; but, it is conceived that a just regard to the national honor and interest of the citizens of this Commonwealth obliges the Assembly to withhold their co-operation in the complete fulfilment of the said treaty, until the success of the aforementioned remonstrance is known, or Congress shall signify their sentiments touching the premises.

Resolved, That, so soon as reparation is made for the aforesaid infraction, or Congress shall judge it indispensably necessary, such acts of the Legislature, passed during the late war, as inhibit the recovery of British debts, ought to be repealed, and payment thereof made in such time and manner as shall consist with the exhausted situation of this Commonwealth.

Extract from the Journal of Assembly.

JOHN BECKLEY, *Clk. H. D.*

No. 31.

Circular letter to the Governors of the several States.

OFFICE FOR FOREIGN AFFAIRS, *May 3, 1786.*

SIR:

Congress has been pleased to order, that I should "report particularly and specially how far the several States have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive Treaty of Peace between the United States of America and Great Britain."

In order that I may be able to fulfil the expectations of Congress, I must request the favor of your Excellency, to inform me whether, and how far, the State (or Commonwealth) of _____ has complied with the recommendation in question.

I have the honor to be, &c.

JOHN JAY.

No. 32.

STATE OF NEW HAMPSHIRE:

In the year of our Lord one thousand seven hundred and eighty-six.

An act in compliance with the treaty of peace between the United States and his Britannic Majesty, and with the recommendation of Congress, of the 14th of January, 1784, founded thereon.

Whereas several acts and laws, during the late war with Great Britain, were passed by this State, which are found to be incompatible with the definitive Treaty of Peace and Friendship: And whereas Congress did, on the 14th day of January, 1784, earnestly recommend to the Legislatures of the respective States, to reconsider and revise all their acts and laws respecting the premises, so as to render such acts and laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail;

Therefore, *Be it enacted by the Senate and House of Representatives in General Court convened*, That the fourth article of the said definitive treaty, viz: "It is agreed that the creditors on either side, shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted," be complied with, as far as it respects this State; and that the subjects of his Britannic Majesty, shall meet with no lawful impediment to the recovery of any such debts, but shall have a right to recover the same, in the manner and way solemnly stipulated in said article.

And be it further enacted, That, in case any of the estates, rights, and properties, of any real British subjects, or any of the estates, rights, and properties, of any person or persons resident in any district or districts which were in the possession of his Britannic Majesty's arms, between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the United States, shall have been confiscated, the act or acts so confiscating, shall be, and hereby are, repealed; and persons of any other description, shall have free liberty to go to any part or parts of this State, (provided, that, within fourteen days after their first arrival, they lodge their names in the Secretary's office) and to reside in any town, place, or district, herein, during the space of one year, to commence from the day of their first arrival in this State and no longer; and to remain unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as have been confiscated.

And be it further enacted by the authority aforesaid, That the act of this State, passed the 19th day of November, 1778, entitled "An act to prevent the return to this State, of certain persons, therein named, and of others who have left, or shall leave, this State, or either of the United States of America, and have joined, or shall join, the enemies thereof," so far as the same militates with the said articles of peace; also, the act, passed the 28th day of November, 1778, entitled "An act to confiscate the estates of sundry persons therein named," together with the additional acts to the said two acts, and all other acts and resolves of this State, so far as they militate with, or are repugnant to, the spirit and meaning of said Treaty of Peace and Friendship between the United States and his Britannic Majesty, shall be, and hereby are, repealed, and made void.

STATE OF NEW HAMPSHIRE:

IN THE HOUSE OF REPRESENTATIVES, *Sept. 15, 1786.*

The foregoing bill having been read a third time, voted that it pass to be enacted. Sent up for concurrence.

JOHN LANGDON, *Speaker.*

IN SENATE, *the 15th of Sept. 1786.*

This bill having been read a third time, voted that the same be enacted.

JNO. SULLIVAN, *President.*

Copy examined, per

JOSEPH PEARSON, *Sec'y.*

No. 33.

COMMONWEALTH OF MASSACHUSETTS:

In the year of our Lord one thousand seven hundred and eighty-seven.

An act for repealing any acts or parts of acts, heretofore passed by the Legislature of this Commonwealth, which may militate with, or infringe the Treaty of Peace entered into by the United States of America and Great Britain.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the treaty of peace with Great Britain, by reason whereof, not only the good faith of the United

States, pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected:

And whereas justice to Great Britain, as well as regard to the honor and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do, or may be construed to proceed from the laws of this commonwealth, be effectually removed: Therefore,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such of the acts or parts of acts of the Legislature of this Commonwealth, as may be repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof, and so far as they may be repugnant thereto, shall be, and hereby are, repealed; and further, that the courts of law and equity within this Commonwealth be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said acts or parts of acts to the contrary thereof, in any wise notwithstanding.

IN THE HOUSE OF REPRESENTATIVES, *April 30, 1787.*

This bill, having had three several readings, passed to be enacted.

ARTEMAS WARD, *Speaker.*

IN SENATE, *April 30, 1787.*

This bill, having had two several readings, passed to be enacted.

SAMUEL PHILLIPS, JR. *President.*

Approved:

JAMES BOWDOIN.

By the Governor. A true copy. Attest,

JOHN AVERY, JR. *Secretary.*

No. 34.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS:

IN GENERAL ASSEMBLY, *September session, A. D. 1787.*

Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That the treaty of peace entered into between the United States of America and his Britannic Majesty is fully binding upon all the citizens of this State, as a law of the land, and is not in any respect to be receded from, misconstrued, or violated.

A true copy. Witness,

H. SHERBURNE, *Deputy Secretary.*

No. 35.

At a General Assembly of the State of Connecticut, holden at Hartford, on the second Thursday of May, A. D. 1787.

Whereas the United States, in Congress assembled, have, by their resolution of the 13th April, 1787, recommended to the several States to repeal all such acts and parts of acts of their several Legislatures, as may be now existing in any of the said States, repugnant to the Treaty of Peace between the United States and Great Britain, and that each State pass such act of repeal, whether any such exceptional act is existing in such State or not, and that rather by describing than reciting such act, for the purpose of obviating all disputes and questions between the United States and Great Britain relative to said treaty; and although there hath been no complaint or suggestion, officially or otherwise, that there is any act or part of an act existing in this State, repugnant to said treaty, yet this Assembly, being at all times disposed to conform to the true intent and spirit of the Articles of Confederation, and to prevent and remove (so far as to this Assembly doth appertain) all causes of dispute and contention, and every just ground of complaint, have thought fit to enact, and

Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same, That such of the acts or parts of acts of the Legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed.

And be it further enacted by the authority aforesaid, That the courts of law and equity within this State be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said act or parts of acts to the contrary thereof, in any wise notwithstanding.

A true copy of record, examined by

GEORGE WYLLYS, *Secretary.*

No. 36.

Copy from the second volume of the laws of the State of New York, published according to an act of the Legislature.

An act in the form of the act recommended by the resolution of the United States in Congress assembled, of the 21st day of March, 1787, to be passed by the several States, relative to the treaty of peace between the United States and the King of Great Britain. Passed February 22, 1788.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of as repugnant to the Treaty of Peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected: And whereas, justice to Great Britain, as well as regard to the honor and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do, or may be construed to proceed from the laws of this State, be effectually removed: Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That such of the acts and parts of acts of the Legislature of this State as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed. And further, that the courts of law and equity, within this State, be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same; any thing in the said acts or parts of acts, to the contrary thereof, in any wise, notwithstanding.

No. 37.

In the twelfth year of the independence of the Delaware State. At a session of the General Assembly, commenced at Dover, on the 20th day of October, 1787, and continued, by adjournment, to the 2d day of February, following, inclusive, the following acts were passed, that is to say:

An act for repealing all acts or parts of acts, repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the Treaty of Peace with Great Britain; by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected:

And whereas justice to Great Britain, as well as regard to the honor and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this State, be effectually removed: Therefore,

1. *Be it enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same,* That such of the acts, or parts of acts, of the Legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed.

And further, That the courts of law and equity within this State, be, and they hereby are, directed and required, in all causes and questions cognizable by them, respectively, and arising from, or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same; any thing in the said acts, or parts of acts, to the contrary thereof, in any wise, notwithstanding.

Signed by order of the House of Assembly:

Signed by order of the Council:

JEHU DAVIS, *Speaker.*

THOMAS M'DONOUGH, *Speaker.*

Passed at DOVER, February 2, 1788.

No. 38.

An act declaring the Treaty of Peace between the United States and his Britannic Majesty the supreme law within this State.

Be it enacted by the General Assembly of Maryland, and it is hereby declared, That the Treaty of Peace made between the United States of America and his Britannic Majesty, is the supreme law within this State, and shall be so considered and adjudged in all courts of law and equity; and all causes and questions cognizable by the said courts, respectively, ought, and shall be determined according to the said treaty, and the tenor, true intent, and meaning, thereof.

By the Senate, May 14th, 1787.

Read, and assented to.

By order:

J. DORSEY, *Clerk.*

By the House of Delegates, May 15, 1787.

Read, and assented to.

By order:

WM. HARWOOD, *Clerk.*

W. SMALLWOOD.

In testimony that the foregoing is a true copy from the original act of the General Assembly of Maryland, remaining in the general court, I have hereto set my hand, and affixed the seal of office, this 29th day of June, in the year of our Lord, 1787.

THO'S B. HODGKIN,
Clerk G. Ct. W. Shore.

No. 39.

Copy of an act of the General Assembly of Virginia, passed December 12, 1787.

An act to repeal so much of all and every act or acts of Assembly, as prohibits the recovery of British debts.

Whereas it is stipulated by the fourth article of the Treaty of Peace between the King of Great Britain and the United States of America, in Congress assembled, that creditors on either side shall meet with no lawful impediment in the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted,

Be it therefore enacted by the General Assembly, That such of the acts, or parts of acts, of the Legislature of this Commonwealth, as have prevented, or may prevent, the recovery of debts due to British subjects, according to the true intent and meaning of the said Treaty of Peace, shall be, and are hereby, repealed.

Provided, That this act shall be suspended until the Governor, with the advice of council, shall, by his proclamation, notify to this State, that Great Britain hath delivered up to the United States the posts therein now occupied by British troops, which posts were stipulated by treaty to be given up to Congress immediately after the conclusion of peace, and is also taking measures for the further fulfilment of the said treaty, by delivering up the negroes belonging to the citizens of this State, taken away contrary to the seventh article of the treaty, or by making such compensation for them as shall be satisfactory to Congress.

No. 40.

An act declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the land.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the articles of the definitive treaty between the United States of America and the King of Great Britain, are hereby declared to be part of the law of the land.

And be it further enacted by the authority aforesaid, That the courts of law and equity are hereby directed, in all causes and questions cognizable by them, respecting the said treaty, to judge accordingly.

Read three times, and ratified in General Assembly, the 22d day of December, 1787.

ALEX. MARTIN, S. S.
JNO. SITGREAVES, S. C.

No. 41.

Copy of a letter from his Excellency William Livingston, Governor of New Jersey, to the Honorable John Jay, Secretary for Foreign Affairs.

ELIZABETHTOWN, 15th June, 1786.

SIR:

I have been honored with your letter of the 3d of May, informing me that Congress has been pleased to order, that you should "report, particularly and specially, how far the several States have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive Treaty of Peace between the United States of America and Great Britain;" and requesting me to inform you, "whether, and how far, the State of New Jersey has complied with the recommendation in question." In answer to which I can only inform you, in general, that I do not know of a single instance in which this State has not strictly complied with the said proclamation, as well as with the said recommendation, as far as, by the said treaty, the United States were bound to comply with such recommendation.

I have the honor to be, &c.

THE HON. JOHN JAY, ESQ.

WIL. LIVINGSTON.

No. 42.

Extract of a letter from Richard Stockton, Esq. Attorney of the United States for New Jersey district, to the Hon. Thomas Jefferson, Secretary of State, dated December 11th, 1790.

I am happy in being able to inform you, that no laws have been enacted in New Jersey, contravening the Treaty of Peace.

The only judiciary decision, affecting the rights of British subjects in the State courts, was the opinion of a single judge, (without the point coming solemnly before the court upon argument) delivered in a charge to a jury; by which he directed the jury to make a deduction of interest upon an old bond during the period of the late war.

How far this may be said to infringe the rights of British subjects, you will judge.

I have the honor to be, &c.

HIS EXCELLENCY THOMAS JEFFERSON.

R'D. STOCKTON,
Attorney of the New Jersey District.

No. 43.

Resolution of the Assembly of Pennsylvania.

IN GENERAL ASSEMBLY, Monday, March 3, 1788, P. M.

The report of the committee, on that part of the message of the council which respects the resolution of Congress, of the 21st of March last, read March 1st, was read the second time: Whereupon,

Resolved, That his Excellency the President, and the honorable the Supreme Executive Council, be informed, that this House, having, by their committee, carefully examined into the subject matter of that part of the said message, which recommends to the notice of this House the resolution of Congress, passed March 21st, 1787, and suggests the propriety of passing a declaratory act to answer the end intended by the said resolution; they cannot find that there is any act or acts, or any part or parts of any act or acts, passed by the Legislature of Pennsylvania, now in force, which are repugnant to the treaty of peace between the United States and his Britannic Majesty, or to any articles thereof, or that at all tend to restrain, limit, or in any manner impede, retard, or counteract, the operation and execution thereof, or to explain the same.

No. 44.

Copy of a letter from his Excellency William Moultrie, Governor of South Carolina, to the Hon. John Jay, Secretary for Foreign Affairs.

CHARLESTON, SOUTH CAROLINA, June 21, 1786.

SIR:

I have been honored with your favor of 3d May, requesting to know, for the information of Congress, how far this State has complied with the proclamation and recommendation of Congress, of the 14th January, 1784.

The subjects of Great Britain have encountered no other difficulties, or impediments, than have the citizens of America, in the recovery of their debts; such was the situation of the State, that the Legislature conceived it necessary to pass laws tantamount to the shutting the courts; and, in this case, even British subjects, who had property among us, were saved from ruin equally as those of America.

Agreeably to the fifth article of the treaty, which Congress earnestly recommended, this State, upon serious consideration, very liberally complied with that recommendation, and restored most of the estates that were under confiscation: the property carried off by the British, and belonging to the citizens of the State, far exceeded in value the property which, by our laws, has been confiscated and sold; and no subsequent act of confiscation has taken place to the above recommendation of Congress.

This State passed an act, February 26th, 1782, to prevent the recovery of debts; and this being done prior to the Treaty of Peace, and since continued, from time to time, in force, could not possibly have in view to distress the British subjects.

The Treaty of Peace also required twelve months to be allowed banished persons, and others attached to the British government, to settle their affairs. This State has generally added three months more to the twelve; and, in some instances, upon application, it has been further extended by the Executive.

I have the honor to be, &c.

HON. JOHN JAY, ESQ.

WILLIAM MOULTRIE.

No. 45.

Extract of a letter from Richard Harrison, Esq. Attorney of the United States for the district of New York, to the Secretary of State, dated

NEW YORK, December 4, 1790.

The act relative to debts due to persons within the enemy's lines, appears to have been passed even before the provisional articles were concluded between Great Britain and the United States. It cannot, therefore, be considered as an infraction of a treaty not existing until several months after, which, at most, could only be contemplated as probable, and was perhaps considered as barely possible.

Whatever, therefore, might be the nature or tendency of this act, its origin was not exceptionable, as interfering with any national compact. The act, besides a temporary restraint upon commencing any suits by persons who had been with the enemy, (which was removed soon after the peace) subjected such persons to the loss of interest upon their debts, from 1st January, 1776, made them liable to any further abatement, even of the principal, which referees might think proper, and obliged them to receive the balance in public securities.

The operation of this act became, soon after the peace, a subject of much complaint, grounded upon that article of the treaty which forbids any impediment to the recovery of the full value in sterling money of all bona fide debts, and that which declares that no person shall suffer any future loss in his person, liberty, or property.

With regard to British creditors, who were supposed to be the proper objects of the fourth article of the treaty, the superior courts of the State soon restrained the operation of the act, and I do not know a single instance where they have been held to be affected by it.

No. 46.

The following are the material facts in relation to the case of Rutgers against Waddington, as far as they are now recollected, and a confidence is entertained that the statement is substantially accurate:

PHILADELPHIA, April 19, 1792.

The suit was brought in the mayor's court of the city of New York, for the occupation and injury of a brew-house in that city, during the possession of it by the British army, founded upon an act of the State of New York, entitled "An act for granting a more effectual relief in cases of certain trespasses," which gives remedy by action of trespass to all citizens who had resided without the enemy's lines, against those who had resided within those lines, wherever the property of the former had been occupied, injured, destroyed, purchased, or received by the latter, declaring, "that no defendant should be admitted to plead in justification any military order or command whatever of the enemy for such occupancy, injury, destruction, purchase, or receipt, nor to give the same in evidence on the general issue." This act was passed subsequent to the provisional, but prior to the definitive treaty. The fact was, that the defendant had occupied the brew-house in question, under regular authority of the British army, proceeding, for a part of the time, immediately from the commander-in-chief, and for another part of it, from the quartermaster general, and had even paid rent for the use of it.

Several pleas were pleaded for the different portions of time corresponding with the state of the fact, one alleging the occupation under the immediate order of the commander-in-chief, the other under that of the quartermaster general.

The particulars of the pleas appear to be accurately stated in Mr. Hammond's memorial.

The court allowed the plea which alleged the occupation under the immediate authority of the commander-in-chief, and overruled the other, giving judgment for the plaintiff for the portion of time covered by the latter. The ground of distinction was, that it could not be in the course of service for a quartermaster general to let out brew-houses.

The force of the treaty to overrule the inhibition against pleading a military order, was admitted by the decision, which allowed in fact the validity of such an order, when proceeding from the commander-in-chief.

But a writ of error was brought by the defendant to reverse the judgment in the supreme court, and pending that writ, a *voluntary compromise* between the parties took place, which superseded its prosecution to a final decision. A sum of money was paid by the defendant in consequence of this compromise.

It is, however, but candor to acknowledge, that, from the uncertainty of the event, the desire of the defendant to compromise, as a prudential course, was not discouraged by his counsel.

It is not recollected that any decision ever took place in the supreme court of the State, giving effect to the inhibition above mentioned. It is believed that none ever did. The exceptionable clause was repealed, by an act of the 4th of April, 1787, which put an end to the question. I acted as attorney and counsel for the defendant.

ALEXANDER HAMILTON.

No. 47.

PHILADELPHIA, April 11, 1792.

SIR:

Having been accidentally present at the examination of the witnesses against John Smith Hatfield, taken before the proper magistrate, in New Jersey, on a habeas corpus brought by Hatfield to obtain an order for bail or discharge, I have taken the liberty to give the substance of the testimony. Hatfield was an inhabitant of Elizabethtown, in New Jersey, and went over to the British in 1778. A certain Mr. Ball, also an inhabitant of New Jersey, used to supply the British on Staten Island with provisions by stealth, it being contrary to our law. A spy having been taken in our lines, who had been a refugee, was tried by a court martial and executed. The next time Ball went over to the island with provisions, the refugees, of whom Smith Hatfield was one, seized him, and threatened to execute him in retaliation. The British commanding officer expressly forbade it, on which they determined to take him out of the British lines, and within ours, and there execute him. The commanding officer sent for the witness, and after inquiring into the character of Ball, told the witness that he had forbade it, but still feared that they would put their threats into execution by removing Ball without his jurisdiction. But if they should, the officer desired witness to inform our people that the British had nothing to do with it, and that the persons guilty of the crime must answer alone for it. On witness's return, he saw a boat with a number of men, among whom Hatfield was one, passing over to Bergen shore; he saw them land, take a man who was tied, out of the boat, and lead him to a tree, place him on a table, and one of the number tie a rope that was round his neck to a limb of the tree, and take the table from under him, whereby he was left hanging. Witness waited at the tavern till their return, when he heard Hatfield say, that he had hanged Ball, and wished he had many more rebels, he would repeat it with pleasure.

Sometime afterwards, Hatfield showed witness the tree on which he said he had hanged Ball, and where he was buried. On this evidence, and other corroborating testimony, the magistrate took the matter into consideration; but, on examining the habeas corpus, and finding it had issued at common law, and not under the statute, and knowing that he acted merely in a summary way, determined that it would be highly imprudent for him to decide so great a question, and one in which the Treaty of Peace was involved, on so slight a consideration, when the court was near at hand. He concluded to remand the prisoner to Newark jail, where he had nearly lost his life by his debaucheries.

At the meeting of the court in Bergen county, (in which the crime was committed) the evidence did not attend, whereupon the court adjourned the business till the next court, and considering the peculiar situation of the prisoner, thought proper to bail him; but Hatfield immediately ran away, and never again returned.

The bail have applied to the Legislature for relief against their recognizance, and I believe have been discharged.

These are the facts, in short, as far as my memory will serve me; my colleagues not knowing of this matter but from general report, could say nothing but what arose therefrom. I cannot ascertain the year this happened, with certainty, but believe it was in 1788. If it should be necessary, the affidavits may be produced, as they are with the judge, or among the files of the court.

I have the honor to be, &c.

ELIAS BOUDINOT.

The Hon. the SECRETARY OF STATE.

Since writing the above, Mr. Boudinot is well informed that Hatfield's counsel has advised his bail to plead to the action against them on the recognizance, as they consider them as not legally bound to pay the forfeiture, and not to apply to the Legislature for redress. This has been done some time past, since which the attorney general has not moved the question.

No. 48.

I do hereby certify, that there never has been either originally instituted in the Supreme Court of the United States, or removed there, from any inferior court of the United States, any suit or claim between a subject of the King of Great Britain on the one part, and a citizen or citizens of the United States on the other. As witness my hand.

SAMUEL BAYARD,

Clerk of the Supreme Court of the United States.

PHILADELPHIA, April 25, 1792.

No. 49.

The subscribing Senators and Representatives of the State of Maryland in the Congress of the United States, in reply to the inquiries addressed to them by the Secretary of State, not having in this city the necessary documents, to which they might particularly refer, can only inform him generally:

That, soon after the pacification between these States and Great Britain, complaints of an obstruction to the recovery of British debts in some of the States, by his Britannic Majesty's minister, Mr. Pitt, were transmitted by Congress to the several States, accompanied by a requisition of that honorable body, that laws should be passed to secure the effectual observance of the treaty. The Legislature of Maryland, in consequence thereof, enacted a law declaring the treaty the supreme law of the land, which was, in reality, but a compliance in form with what had in effect taken place, immediately after the exchange of the ratifications of the definitive treaty. British suits having been maintained from that period, in the superior and inferior tribunals throughout the State, without any obstruction whatever, to our knowledge, except in one instance, in the county of Charles, wherein a lawyer thought it advisable to withdraw some actions of this description, from a dread of popular interference. But on the speedy interposition of authority, those suits were all restored, and the persons concerned brought to a proper sense of their misconduct: from that event to the present, British claimants, as well under contracts previous to the late war, as since, have in every instance enjoyed every facility in the tribunals of justice of Maryland, equally with her own citizens. They have recovered in due course of law, and remitted to Great Britain, large debts of either description.

It is, however, to be understood, that the cases of persons who, during the late war, paid debts, contracted previously thereto, into the treasury of Maryland, by virtue of, and in conformity with, two acts of that State, of 1780, chapter 5th and 45th, have presented to the courts of that country an important question, involving principles of much nicety, and extensive national importance, which, if not analogous to, and expressly protected by, the laws of nations, and precedents drawn from other countries, were yet of novel impression in America, and required much deliberation. A variety of such suits were brought; the usual steps were regularly and without interruption pursued; the gentlemen at the bar of the supreme common law court were nearly equally divided on the different sides of these claims, and it was finally agreed between them to select some one case for trial, on the fate of which the rest should depend. The case of Mildred against Dorsey, which is particularly mentioned by the Secretary, was the individual case so selected, and after a full hearing, the court determined against the American citizens in favor of the British claimants; on which an appeal was entered, as is usual in all cases of consequence, and that cause, together with all others similarly circumstanced, wherein new security could be procured by the defendant, removed to the high court of appeals of Maryland, where it now remains for final decision, and where it will be tried as soon as the accustomed legal forms are complied with. Throughout the whole progress of this suit, there has been no delay on the part of the courts or the defendants; all the forms have been conducted upon the principle of mutual agreement between the counsel of either party.

With respect to the case of Harrison's representatives: On the disclosure of facts made by the trustees of the will of Harrison on oath, in chancery, in consequence of the claim made by the attorney general, in behalf of the State, the chancery court determined it in favor of the State, it is believed on this principle; that, however Great Britain might consider the antenati, as subjects born, and that they could not divest themselves of inheritable qualities, yet that the principle did not reciprocate on America, as those antenati of Great Britain could never be considered as subjects born of Maryland.

The Legislature, however, took the matter up, and passed an act relinquishing any right of the State, and directing the intention of the testator to take effect, notwithstanding such right. It is conceived, that this was a liberal and voluntary interposition, on the part of the Legislature, in behalf of the representatives of Harrison, who are at liberty to pursue their claim.

JNO. HENRY,
CH. CARROLL, of Carrollton,
JOHN F. MERCER,
SAMUEL STERRET,
JOSA. SENEY,
W. V. MURRAY,
PHILIP KEY,
UPTON SHEREDINE.

No. 50.

Extract of a letter from William Tilghman, Esq. to —, dated Chester Town, April 26, 1792.

DEAR SIR:

Your favor of the 15th instant, found me at Easton. There is no doubt but British subjects have uniformly been permitted to recover from the citizens of Maryland, their debts due on causes of action existing before the late war. The only dispute has been about the interest which accrued *during the war*. Our courts have decided the point of interest against the British creditor. But this decision has been founded on general principles, and not on any act of Assembly contravening the treaty of peace.

We have recognized that treaty as the law of the land by a particular act of Assembly, and our judges have given one very striking proof of their impartiality in the construction of it. I allude to the decision of the general court in favor of British creditors, against a number of Maryland citizens, who, during the war, deposited paper money in the treasury, under the sanction of a law at that time existing, in satisfaction of their debts. Whether the treaty should have such retrospect as to avoid these payments, was certainly a doubtful point.

It would be endless to enumerate the particular instances of British debts recovered. One or two I will mention, of a stronger nature than common, which have fallen within my own knowledge. Cn. Christie, whose estate (except his debts) was confiscated, for adhering to the British army, recovered upwards of £1200 sterling from Colonel Richard Graves, of this county, on a judgment obtained before the Revolution. Mr. George Rome, of London, received from the *State of Maryland*, upwards of £1700 currency, on a claim which he had against Col. Chalmers, of the British army, whose estate had been seized by the State on an attainer of treason. In short, it is notorious that we have complied with the true spirit of the treaty, and that our Government has thrown no legal impediment in the way of the recovery of debts due to British subjects from our citizens, prior to the Revolution.

I am, dear sir, &c.

WM. TILGHMAN.

No. 51.

ANNAPOLIS, April 23, 1792.

DEAR SIR:

Your favor of the 15th instant came safe to hand, and on examining the records of our court, I find a number of suits, commenced by British merchants, against citizens of this State, for debts contracted before the Revolution, in which judgments have been universally rendered, and carried into execution; the plaintiffs in every case released the interest during the war. James Gordon, and others, have brought at least a hundred suits, since the year eighty-five, for old debts, and recovered judgments. John Buchanan and Co. have also brought a number of suits, in which they have also obtained judgments: one in particular, against Charles Ridgely, son of William, of Baltimore county, for a very considerable debt, in which a payment into the treasury was plead, and proven to have been made agreeably to our act of Assembly; in this, and several other similar cases, the court, on a case stated, gave judgment for the plaintiffs for the full sum due, with interest, except the interest during the war, computed from the 4th July, 1776, to the 3d September, 1783. Spears, French and Co. James Russell's administrator, and several other British merchants, have brought suits for debts of the above description, and recovered judgments with as much facility as one citizen against another could do. I could with ease give you the parties' names, in all the judgments rendered in our court, of the description you mention, but from your letter, I imagine a few will answer. I have, therefore, only selected such as you will observe at the foot of this letter.

I am, dear sir, &c.

JNO. GWINN.

James Gordon, formerly of the house of John Glassford and Co. vs. Judith Chase. James Gordon, formerly of the house of John Glassford and Co. vs. George Dent. John Buchanan and Co. vs. Charles Ridgely, of William. John Buchanan and Co. vs. Samuel Lane. Cunningham, Findlay and Co. vs. John Belt. Cunningham, Findlay and Co. vs. Nicholas L. Sewell. George and Andrew Buchanan, vs. Randolph Brandt. George and Andrew Buchanan, vs. Richard Brandt. James Clerke, administrator of Jas. Russell, vs. Joseph Davis. James Clerke, administrator of Jas. Russell, vs. Joseph Wilkinson. Thomas Stewardson, administrator of Daniel Mildred, vs. Edward Dorsey, son of Jno. Thomas Stewardson, administrator of Daniel Mildred, vs. John F. Bowie. Spears, French and Co. vs. Robert Warfield. Spears, French and Co. vs. John Plummer. James Brown and Co. vs. Henry Stonestreet. James Brown and Co. vs. John Thompson.

Hon. WILLIAM V. MURRAY, Esq.

No. 52.

PHILADELPHIA, May 1, 1792.

SIR:

In April, 1791, in the district court of Fredericksburg, the case Mitchell against Wallis, in which the law of the State was plead, in bar of the debt, the following were the circumstances:

Mitchell, a native of Great Britain, residing and trading in Virginia, having debts due him, to great amount, conveyed them, with other property, just before the war, to the use of his creditors in Great Britain, and of one creditor in Virginia. In this situation the debts remained through the war, and the action was brought in favor of the British creditors, in 1788, or '89, and judgment rendered for the plaintiffs. Several other judgments were entered in favor of the same parties, in that and the subsequent term. This must be deemed such a debt as was supposed to be prohibited and provided for by the treaty. It was so argued on the part of the defendant, whose counsel I was, and yet judgment was given against him.

I have not known of any other instances, wherein the right to recover was regularly contested. It was, however, always the opinion of the ablest counsel at the bar, that those debts were recoverable, that no law prohibited it, and if it were otherwise, that the treaty would control it. Since the establishment of the present government, upon the presumption there would be no further doubt on the subject, I have likewise heard several of the State judges say they had entertained the same opinion.

'Tis true the British merchants declined generally bringing suits prior to that event, nor indeed have any great number been since brought in the federal courts. For the motive to this conduct, 'tis not necessary to hazard a conjecture, as your inquiries respect only the law and the decisions under it. Certain it is, they have been progressing, and with great success, since the peace, in the amicable adjustment of their accounts with their debtors, which has perhaps been more effectual (admitting that there was no dispute about the recovery otherwise than other debts) than any other course would have been.

The county courts, until very lately, have had exclusive jurisdiction of sums under ten pounds only. Upon all sums above that amount their decisions have been subject to the revision and control of the superior courts. A late modification gives them original jurisdiction of sums under 50*l*. but as well as I remember, subject as before to correction of the superior courts by appeal or supersedeas. I believe there are but few debts, under that sum, of the kind referred to.

In the federal court no cause had been put at issue, until the last November term, at which time, that of Jones and Walker was argued, but continued over to the present, upon account of the absence of Judge Blair, who left the bench in consequence of the death of his son.

I have the honor to be. &c.

JAS. MONROE.

No. 53.

PHILADELPHIA, May 6, 1792.

SIR:

A written request from you was some days since presented to me as one of the delegation in Congress for the State of Virginia, to communicate to you such information, respecting the present state of debts due to British subjects in that State, as had come to my knowledge; in compliance with which request, I now furnish you with the following state of facts.

Previously to my election to Congress, I had been engaged, for several years in the practice of law in the State of Virginia. In the prosecution of that business, I was often applied to upon the subject of debts due to British subjects, and had an opportunity of observing the proceedings of several of the courts, in suits brought for the recovery of such debts.

The rules of several of the county courts were not entirely uniform. In some of the counties, suits of that description were generally continued upon the dockets without trial; but they were such as were not much pressed by the plaintiff's counsel. In other counties they were brought to trial, and in all the cases within my recollection, in which the debts were established by competent testimony, judgments were rendered for the plaintiffs; except in one instance, in the court for the county of Chesterfield, where, upon an *issue of fact* upon the plea of a *British debt*, the jury found the plaintiffs to be British subjects, which finding caused some delay; but judgment was afterwards rendered in the same court for the same debt, and the money since paid under the judgment.

The plaintiffs in this suit were formerly British merchants, under the firm of Robert Donald, Jr. and Co. I was counsel for the company in that suit, and have been concerned as counsel for them, or for some of the members under other firms, in at least one hundred cases, in which the plaintiffs have received judgments in their favor, and I believe have been as successful in collecting moneys under judgments as is usually the case with citizens of the State of Virginia. I recollect a case in the court of the county of Cumberland, in which Robert Donald was plaintiff, against

Rolfe Eldridge, defendant, upon a bond: judgment was given for the plaintiff. The defendant obtained an injunction from the chancery side of the same court to stay proceedings, &c. upon the suggestion that the debt was originally due to British subjects, who were merchants and partners, and had been changed by obtaining a bond to Donald, in his individual capacity, who was an American citizen. Upon application, the suit was brought before the chancellor by *certiorari*, and the injunction dissolved; during the same time, the money for which judgment was rendered has been since paid, I believe, to my agent, and passed in account with me, to the credit of the company of which Donald was a member.

I am now concerned in several suits in the high court of chancery, for the purpose of foreclosing mortgages executed to British subjects; they have not yet come to a decision. I entertain no doubt, however, but that the decrees will be for foreclosing the mortgages, and the payment of the money secured by them. It may be observed, upon the whole, that there have been temporary delays in some of the courts, attending the recovery of debts of the description before mentioned; but it is certain that many judgments have been rendered for them, and moneys paid, by means of compulsory process in pursuance of those judgments. I am now in great haste. If any further information within my knowledge be necessary, I shall take pleasure in communicating it upon request.

I am, sir, &c.

WM. B. GILES.

THE SECRETARY OF STATE.

No. 54.

SENATE CHAMBER, April 13, 1792.

SIR:

I have heard but of few suits brought by British creditors, since the peace, for the recovery of debts in the State of North Carolina, and never heard that any one had failed of a recovery because he was a British subject. In one instance, where a suit was instituted, and in my direction, for the recovery of a debt, contracted in 1768, at which time the plaintiff returned to Great Britain, and has been resident in London from that time, a recovery was had, in the superior court at Edenton, in April last, for the full value, nor was it any part of the defence that the plaintiff was a British subject, though the fact was notorious. The parties were Alexander Elmsly against Steven Lee's executors.

The case of Bayard against Singleton, as I recollect it, was this: Mr. Cornell, the father of Mr. Bayard, was a merchant in the town of Newbern, in North Carolina; some time previous to the declaration of independence he went to Europe, leaving his family in Newbern, and after that returned from Europe to New York, then a British garrison. From New York he came to Newbern, in a flag of truce, but the Assembly, then sitting, refused to permit him to come on shore, unless he would take an oath of allegiance to the State, which he refused. While on board the vessel, in the harbor of Newbern, he conveyed the whole of his estate in North Carolina to his children, respectively, by several deeds of gift, which were duly proved and registered. Mr. Cornell then, with the permission of the Executive, removed his wife and children to New York. All Mr. Cornell's estate was afterwards declared to be confiscated, by act of Assembly, and all the property which Mr. Cornell had conveyed to his children was seized, and sold by commissioners appointed for the sale of confiscated estates.

Mr. Singleton became a purchaser of part of it. Under this sale, one of Mr. Cornell's daughters, who claimed that part under one of the above mentioned conveyances, instituted an ejectment for the recovery of it, and, on trial, a verdict was given for the defendant.

I should have done myself the pleasure sooner to have answered your queries, had I not parted with your notes immediately, and did not get them back till this morning.

I am, &c.

SAM'L JOHNSTON.

No. 55.

PHILADELPHIA, May 9, 1792.

SIR:

In answer to your questions relating to the recovery of certain debts in South Carolina, I have the honor of informing you, that it is thought that several instances of judgment for British debts have occurred, but for want of time to procure direct official information from South Carolina, the only instance which can now be ascertained here is of the house of Powel, Hopton, & Co. having obtained judgment against a citizen of South Carolina, for a debt contracted previous to the war.

Mr. Brailsford, one of the partners in this company, resided, during the war, in Great Britain, but is now a resident in South Carolina; the other partners, Messrs. Powel and Hopton, both withdrew themselves, during the war, to the British dominions, and are now subjects of his Britannic Majesty. An instance of a suit in chancery having been commenced, and now pending between the British house of Shubrick and a citizen of South Carolina, for a discovery of assets, can likewise be ascertained here, and will tend to prove that British subjects have free access to the courts of South Carolina. Neither can any act of the Legislature, making a discrimination between their own citizens and the subjects of Great Britain, in this particular, be adduced, except on the question of interest during the war, which, by their act, is reserved for judicial determination. They seem, therefore, to have considered the 4th article of the treaty of peace as importing nothing more than that the subjects of his Britannic Majesty should receive as ample and as speedy justice in the recovery of their debts as their own citizens; in conformity to which principle, their regulations concerning the recovery of debts have been established.

The new federal constitution is now, however, adopted by that State, and the federal courts are in the exercise of their powers.

Paper money is no longer a tender in payment of debts, and the 2d section of the 9th article of their State constitution, formed in June, 1790, declares that no law impairing the obligation of contracts, shall ever be passed by the Legislature of the State.

I have the honor to be, &c.

THOMAS PINCKNEY.

THE SECRETARY OF STATE.

No. 55. B.

Extract of a letter from Edward Rutledge, Esq. dated

CHARLESTON, May 26, 1792.

You know I am not fond of the attorney's business, and do but little of it; however, in my own practice, I can furnish several instances of actions having been brought by British subjects for debts due to them before the war, by American citizens, and carried to judgment.

The Rev. Mr. Cowper, who, in the first commencement of the war, refused to take the oath, and went off, brought an action against Melchier Garner, executor of William Garner. I brought it, prosecuted it to judgment, and issued execution; the estate insolvent, because his moveable property was carried off or destroyed by the British, during the war.

Powel, Hopton, & Co. *vs.* Gaillard. I carried this to judgment. *Idem vs.* Godfrey, I carried to judgment and execution, and the party satisfied, i. e. received satisfactory payments.

James Simpson *vs.* executors of Major Huger, Bay attorney, judgment and execution. Ross & Mills *vs.* John Deas; debt on bond in 1773, for a real British debt, with British merchants, who were never in this country. I carried it to judgment. After the death of Deas, the executors applied to Mr. Penman, who was the agent of Ross & Mills, for permission to sell; he gave permission; they sold; he bought a plantation, which Mr. Lowndes took off his hands, and gave the bonds of John Middleton in payment; the balance of the debt was discharged to the satisfaction of Mr. Penman, and I, as attorney, on record, entered up satisfaction. This case goes the whole length of the business.

And I aver, that there is not a single instance to be produced, wherein a British creditor, of any description, has met with more impediment in the recovery of his debt, than our own citizens. The question of interest has not yet been tried, but we were ever ready to try it.

No. 56.

APRIL 25, 1792.

SIR:

In answer to your note of the 16th instant, we must say, that we know of no instance of a recovery in the State of Georgia, by a British creditor against his debtor; we say, with equal truth, that we know no instance of any judgment against such recovery since the ratification of the treaty of peace; as the creditors, instead of resorting to the law, have settled, or are in a course of settling, in an amicable way, with their debtors; and we are still further able to assure you, that the federal court is as open and unobstructed to British creditors in Georgia, as in any other of the United States.

With great respect, we are, &c.

W. FEW,
J. GUNN,
ABR. BALDWIN,
FRAN'S WILLIS.

THOS. JEFFERSON, Esq.

No. 57.

Extract of a letter from the Hon. John Adams, Esq. Minister Plenipotentiary of the United States of America at the court of Great Britain, to the Hon. John Jay, Esq. Secretary for Foreign Affairs, dated

GROSVENOR SQUARE, June 16, 1786.

Lord Carmarthen told me, yesterday, "That he had letters from Mr. Anstey, mentioning his civil reception." A long conversation ensued upon the subject of the posts, debts, &c. little of which being new, is worth repeating. The policy of giving up the interest during the war, and of agreeing to a plan of payment by instalments, was again insisted on, from various considerations, particularly from the evident injustice of demanding interest for that period. It was urged, that the claim of interest, in most cases, was grounded upon custom, and the mutual understanding of the parties; but, that it never had been the custom, nor had it ever been understood or foreseen, that an act of Parliament should be passed, casting the American debtor out of the protection of the crown, cutting off all correspondence, and rendering all intercourse criminal; for that was the result and the legal construction during the whole war.

Here his Lordship fully agreed with me, and even outwent me, saying, that "It was very true, that, by construction of the law of this land, it was high treason in a creditor in Great Britain to receive a remittance from his debtor in America, during the war." His Lordship added some slight expressions concerning the interest, and wished that the courts were opened for recovering the principal. We might leave the interest for an after consideration.

No. 58.

Extract of a letter from the Commissioners of the United States for negotiating a Peace with Great Britain, to D. Hartley, Esq. dated

PASSY, July 17, 1783.

We are also instructed to represent to you, that many of the British debtors in America have, in the course of the war, sustained such considerable and heavy losses by the operation of the British arms in that country, that a great number of them have been rendered incapable of immediately satisfying those debts; we refer it to the justice and equity of Great Britain, so far to amend the article on that subject, as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress, also, think it reasonable that such part of the interest which may have accrued on such debts, during the war, shall not be payable, because all intercourse between the two countries had, during that period, become impracticable, as well as improper; it does not appear just, that individuals in America should pay for delays in payment, which were occasioned by the civil and military measures of Great Britain.

In our opinion, the interest of the creditors, as well as the debtors, requires that some tenderness be shown to the latter, and that they should be allowed a little time to acquire the means of discharging debts, which, in many instances, exceed the whole amount of their property.

No. 59.

Extract of a letter from William Rawle, Esq. Attorney of the United States for the district of Pennsylvania, to the Secretary of State, dated April 9, 1792.

I enclose a copy of the docket entries in the case of Hoare v. Allen, which show that the plaintiff acquiesced in the verdict given, and, that the whole mortgaged property did not sell for half his debt. The plaintiff in this case was, and is, also, a subject of, and resident in, Great Britain.

The court, in this, as they have done in every similar case, directed the jury to deduct seven and a half years' interest. The jury, however, deducted eight and a half years' interest. If the plaintiff had moved the court, on the return of the *postea*, a new trial would have been granted, or, as the sum was certain, it is probable the court would have recommended, and the parties have made, the necessary alteration in the judgment.

I have the honor to be, &c.

W. RAWLE.

SAMUEL HOARE,

v.
ANDREW ALLEN, jun. and the true
tenants of Pikeland.

} *In the Supreme Court of Pennsylvania.*

Removed by certiorari from the Common Pleas of Chester county; returnable to January term, 1788.

At nisi prius, at West Chester, 8th May, 1789, tried verdict for the plaintiff, and jury certified to the court, that the debt due on this action by the defendants to the plaintiff, amounted to thirty-seven thousand one hundred and nine pounds and one penny, and found six pence damages, and six pence costs, besides the costs expended.

2d July, 1789, Judg. nisi, from the records.

GEO. DAVIS, for
EDW. BURD, Prothon.

I certify that a *levari facias* issued upon the above judgment, returnable to September term, one thousand seven hundred and eighty-nine, and by virtue thereof, the sheriff seized and took in execution, ten thousand one hundred and sixteen acres of land, being the premises mortgaged, and afterwards sold the same at public vendue, for the sum of fifteen thousand pounds, lawful money of Pennsylvania, to Samuel Hoare, he being the highest and best bidder.

Witness my hand, the 7th April, 1793.

GEO. DAVIS, for
EDW. BURD, *Prothon.*

No. 60.

Extract of a Letter of March 15, 1788, from the British Consul at Philadelphia, to the Governor of Pennsylvania.

"The settlement of interest on debts due to British merchants here, antecedent to the late troubles, has already been a subject of some discussion in the courts, and will, I presume, be deemed, by your Excellency and the Council, a matter of so much importance as to require some particular legislative interposition, to define its nature and extent."

Observations on the preceding extract, by William Lewis, Esq. Attorney of the district of Pennsylvania for the United States.

The Legislature of the year 1788 did not think themselves authorized, by any principles of sound policy, or good government, to pass a law to define the nature and extent of contracts entered into more than a dozen years before, and, it is reasonable to presume, that such a law would have been complained of as an infraction of the treaty. Every person has been left to pursue his remedy at law, without any particular act being made for the allowance or abatement of interest; and, as the question has altogether depended on the laws of England, the consul's acknowledgment that "the channels of justice flow with great purity and impartiality in Pennsylvania, and that the laws are faithfully and diligently administered," seems to be a full refutation of his own objection. Since, however, the objection is so much insisted on, I will take the liberty of mentioning some facts, a knowledge whereof may be necessary to form a judgment respecting it.

I believe it is truly stated by the consul, that "The terms of contracts between British and American merchants are for the most part of this sort. Goods are sent hither to be paid for in one year; after which, interest becomes due at the yearly rate of 5 per cent." This, having been a long established usage, has so far received the sanction of our courts, as that interest has been allowed in such cases from the end of the year; but, as there is no positive law for the allowing of interest on an account; as the claim of interest by British merchants from their American debtors was founded on this usage alone; and as no instance had before happened of the intercourse between the people of Great Britain and of America being interrupted by war, our courts held the case to be a new one, to which the usage did not extend; and as there was neither law or usage for allowing interest during the war, that is, from the battle of Lexington, in April, 1775, until the provisional articles between the United States and his Britannic Majesty, in November, 1782, it has been generally disallowed during that period.

If the debt had been contracted more than a year before the battle of Lexington, interest has been allowed, I believe in all cases, from the time of the debt becoming due until the battle of Lexington, and from the provisional articles until the time of payment. The rule has been reciprocal. It prevailed in a trial in our supreme court, wherein a citizen of a neighboring State was plaintiff, and a British subject defendant, although the debt had been contracted long before the war. It has been observed in other cases, and I very much doubt if a different one has prevailed at Westminster Hall, in actions brought on running accounts.

The judges have uniformly and without hesitation declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground they have not only discharged attainted traitors from arrest, but have frequently declared, that they were entitled by the treaty to protection.

I am, with the highest esteem, &c.

WILLIAM LEWIS.

The Hon. THOMAS JEFFERSON, Esq.

Secretary of State of the United States.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 2, 1792.

SIR:

I have the honor of acknowledging the receipt of your letter of the 29th ult. which I shall transmit without delay to my court, for the consideration of his Majesty's ministers.

The matter contained in your letter being so various and extensive, I fear that much time must elapse, before I can be enabled to communicate to you my observations upon it. You may, however, be assured, that I will use every exertion to avoid unnecessary procrastination.

To this observation you will permit me, sir, to add, that some of the principles, which you have advanced, do not appear to me, at the present moment, to be entirely relevant to the subjects actually under discussion between our respective countries; and the difference between us in our statement of positive facts, is so essential, as to render it an act of duty to my own character to vindicate the purity of the sources from which I have derived my information, by recurring to them for corroborating testimony. If there exist any points upon which I have been misinformed, I will most readily acknowledge my error; but I trust, upon the whole, that the additional evidence, with which I expect to be furnished, will fully substantiate the allegations I have made, and effectually protect me from the imputation of negligence, or the suspicion of intentional deception.

Although it is by no means in my power to enter into an immediate examination of the general contents of your letter, my design of sending it to England, induces me to request an explanation of one part of it, which refers to a transaction that you state to have taken place in that country. Towards the conclusion of your letter, you cite two cases, which, in your opinion, controvert my position, that, "in the courts of law, in Great Britain, the citizens of the United States have experienced, without exception, the same protection and impartial distribution of justice as the subjects of the crown." With respect to the former of those cases, (that of the sum of money, the property of the State of Maryland, and detained in England) I have some general notion of the particulars of it. But in regard to the latter case, I have no knowledge of it whatsoever. I therefore entreat you, sir, to have the goodness to inform me whether the judge of the court of King's bench, to whom you allude, delivered the opinion of the court, in the general terms which you have employed, viz: "that a citizen of the United States, who has delivered 43,000*l.* sterling worth of East India goods to a British subject at Ostend, receiving only 18,000*l.* in part payment, is not entitled to maintain an action for the balance, in a court of Great Britain, though his debtor be found there, is in custody of the court, and acknowledges the facts."

I must own, sir, that, even from your statement, I am inclined to infer, that the circumstance of Greene's being a citizen of the United States, had no connexion with the decision of the question; and that the same judgment would have been given in an action of a similar nature, depending between two subjects of the crown of Great Britain.

I have the honor to be, sir, &c.

GEO. HAMMOND.

MR. JEFFERSON.

To the Minister Plenipotentiary of Great Britain.

PHILADELPHIA, June 19, 1793.

SIR:

I had the honor to address you a letter, on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and important, and therefore rendered a certain degree of delay, in the reply, to be expected. But it has now become such, as naturally to generate disquietude. The interest we have in the Western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect,

With which I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, June 20, 1793.

SIR:

I have duly received your letter of yesterday. In a written communication, which I had the honor of addressing to you on the 2d of June, 1792, and also, in a conversation which I had with you on the following day, I assured you, that I should lose no time in conveying to the King's ministers in England, your representation, dated the 29th of May; and it was, in fact, forwarded to them in the course of some few days afterwards.

On the receipt of that paper, I was informed, by his Majesty's principal Secretary of State, that it would be taken into immediate consideration, and that, after it had been thoroughly examined, I should receive some farther instructions relative to it. The transmission of those instructions, which I daily expect, has, I presume, hitherto been delayed, in consequence of the very interesting events, which, since the receipt of it, have occurred in Europe, and which have been of a nature so pressing and important, as probably to have attracted the whole attention of his Majesty's ministers, and thus to have diverted it from objects that are more remote; and that may, perhaps, have been regarded as somewhat less urgent. Whenever I shall learn his Majesty's pleasure on the subject of your representation, you may depend, sir, on speedily receiving my reply; to the preparation of which, but little time will be requisite on my part, as, in consequence of my exertions for the purpose, I have already collected, in this country, the evidence necessary to substantiate most of the principal facts advanced in my statement of the 5th of March, to which that representation was intended as an answer.

There is one passage in your letter of yesterday, sir, of which it becomes me to take some notice. The passage I allude to is that wherein you mention "the blood and treasure which the detention of the Western posts costs the United States daily." I cannot easily conjecture the motives in which this declaration has originated. After the evidence that this Government has repeatedly received, of the strict neutrality observed by the King's governors of Canada, during the present contest between the United States and the Indians, and of the disposition of those officers to facilitate, as far as may be in their power, any negotiations for peace, I will not, for a moment, imagine, that the expression I have cited was intended to convey the insinuation of their having pursued a different conduct, or that it had any reference to those assertions, which have been lately disseminated, with more than usual industry, through the public prints in this country, that the Western posts have been used, by the Government of Canada, as the medium of supplying military stores to the Indians now engaged in war with the United States.

I can assure you, sir, that, if the delay, on the part of my country, in the execution of certain articles of the Treaty of Peace, is such as to create disquietude in this Government, I also experience similar impressions with respect to those articles which have, hitherto, not been carried into effect by the United States; as I am perpetually receiving complaints from the British creditors, and their agents in this country, of their inability to procure legal redress in any of the courts of law in one or two of the Southern States; in which States the greatest part of the debt remaining due to the subjects of Great Britain still continues to exist in the same condition as that in which it was at the conclusion of the war.

I have the honor to be, &c.

GEO. HAMMOND.

MR. JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

GERMANTOWN, November 13, 1793.

SIR:

In a letter which I had the honor of addressing you on the 19th of June last, I asked for information, when we might expect an answer to that which I had written you, on the 29th of May was twelvemonth, on the articles still unexecuted of the Treaty of Peace between the two nations.

In your answer of the next day you were pleased to inform me, that you had forwarded the letter of the 29th of May, 1792, in the course of a few days after its date, and that you daily expected instructions on the subject; that you presumed these had been delayed in consequence of the very interesting events which had occurred in Europe, and which had been of a nature so pressing and important, as probably to have attracted the whole attention of your ministers, and thus to have diverted it from objects more remote, and that night, perhaps, have been regarded as somewhat less urgent.

I have it again in charge, from the President of the United States, to ask, whether we can now have an answer to the letter of May 29, before mentioned?

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

LANDSDOWN, November 22, 1793.

SIR:

In answer to your letter of the 13th current, I have the honor of informing you, that I have not yet received such definitive instructions, relative to your communication of the 29th of May, 1792, as will enable me immediately to renew the discussions upon the subject of it, which have been for some time suspended.

I can, however, repeat with confidence my conviction, that the continuance of the cause, to which I alluded in my letter of the 20th of June last, and no other, has protracted this delay to the present period.

I have the honor to be, &c.

GEO. HAMMOND.

MR. JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Pinckney, Minister Plenipotentiary from the United States with Great Britain.

PHILADELPHIA, Sept. 7, 1793.

SIR:

We have received, through a channel which cannot be considered as authentic, the copy of a paper, styled "Additional instructions to the commanders of his Majesty's ships of war and privateers," &c. dated at St. James's, June 8, 1793. If this paper be authentic, I have little doubt but that you will have taken measures to forward it to me. But as your communication of it may miscarry, and time, in the mean while, be lost, it has been thought better that it should be supposed authentic; that, on that supposition, I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British Government; desiring, at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper, which is the occasion of it, be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour, or meal, bound to any port in France, to be stopped, and sent into any British port, to be purchased by that Government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country in amity with his Majesty.

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary, than to observe that it is so. Reason and usage have established, that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry, for exchange, to all nations, belligerent or neutral, as usual; to go and come freely, without injury or molestation; and, in short, that the war among others shall be, for them, as if it did not exist. One restriction on those mutual rights has been submitted to by nations at peace; that is to say, that of not furnishing to either party implements merely of war, for the annoyance of the other, nor any thing whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed, and is so well understood, as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere, which has not made a particular enumeration of them, in some or all of their treaties, under the name of contraband. It suffices, for the present occasion, to say, that corn, flour, and meal, are not of the class of contraband, and consequently remain articles of free commerce. A culture, which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war, then, existing between Great Britain and France, furnishes no legitimate right to either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently the assumption of it will be as lawful hereafter as now, in peace as in war. No ground, acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time and all times. We see, then, a practice begun, to which no time, no circumstances, prescribe any limits, and which strikes at the root of our agriculture, that branch of industry which gives food, clothing, and comfort, to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up, to our produce, all the ports of the earth, except her own, and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree, at the mere will or interest of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce, destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty; they go to exchange the surplus of our produce, which we can spare, for surpluses of other kinds, which they can spare, and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessities and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and, between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain, into a war, with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case where we found ourselves obliged, by treaty, to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should, in like manner, be bound to withhold them from her enemies also, and thus shut to ourselves all the ports of Europe, where corn is in demand, or make ourselves parties in the war. This is a dilemma, which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it.

The President, therefore, desires that you will immediately enter into explanations on this subject with the British Government. Lay before them, in friendly and temperate terms, all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States, who may have suffered by it in the mean time. Accompany your representations with every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectation of justice on their part on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this Government, (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer; perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and on the first day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize, for condemnation, all vessels on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized on their first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden, and the United States, alone are neutral. To declare, then, all neutral vessels (for as to the vessels of the belligerent Powers, no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of Denmark and Sweden, is exactly to declare that the vessels of the United States shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence, that the article has avoided naming the United States, since it has used a description applicable to them, and to them alone, while it exempts the others from its operation, by name. You will be pleased to ask an explanation of this distinction, and you will be able to say, in discussing its justice, that in every circumstance we treat Great Britain on the footing of the most favored nation, where our treaties do not preclude us, and that even these are just as favorable to her as hers are to us. Possibly she may be bound by treaty to admit this exception in favor of Denmark and Sweden, but she cannot be bound by treaty to withhold it from us; and if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain, during the short course of the present war, as well as the peace which has preceded it?

Whether these explanations with the British Government shall be verbal or in writing, is left to yourself. Verbal communications are very insecure, for it is only to deny them or to change their terms, in order to do away their effect at any time; those in writing have many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprised.

I have the honor to be, &c.

TH: JEFFERSON.

MR. PINCKNEY.

Additional instructions to the commanders of his Majesty's ships of war, and privateers that have or may have letters of marque against France. Given at our court at St. James's, the eighth day of June, 1793, and in the 33d year of our reign.

GEORGE R. [L. S.]

1st. That it shall be lawful to stop and detain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of his Majesty's Government, and the ships be released after such purchase, and after a due allowance for freight, or that the masters of such ships, on giving due security, to be approved of by the court of admiralty, be permitted to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with his Majesty.

2d. That it shall be lawful for the commanders of his Majesty's ships of war, and privateers that have, or may have, letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall only be prevented from entering on the first attempt, but on the second shall be sent in for condemnation likewise.

3d. That in case his Majesty shall declare any port to be blockaded, the commanders of his Majesty's ships of war, and privateers that have, or may have, letters of marque against France, are hereby enjoined, if they meet with ships at sea, which appear, from their papers, to be destined to such blockaded port, but to have sailed from the ports of their respective countries before the declaration of the blockade shall have arrived there, to advertise them thereof, and to admonish them to go to other ports; but they are not to molest them afterwards, unless it shall appear that they have continued their course with intent to enter the blockaded port; in which case they shall be subject to capture and condemnation, as shall likewise all ships, wheresoever found, that shall appear to have sailed from their ports, bound to any port which his Majesty shall have declared to be blockaded, after such declaration shall have been known in the country from which they sailed, and all ships which, in the course of the voyage, shall have received notice of the blockade in any manner, and yet shall have pursued their course with intent to enter the same.

G. R.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, September 12, 1793.

SIR:

I have the honor of transmitting to you a copy of an additional instruction, given by his Majesty's order in council, to the commanders of the British armed vessels, respecting the commerce of neutral nations with France, in the article of grain, and also with regard to such French ports as may, in the course of the war, be blockaded by the vessels of his Majesty, or of the other Powers engaged in the war.

In communicating to you this paper, it is necessary for me to remark, that, by the law of nations, as laid down by the most modern writers, it is expressly stated, that all provisions are to be considered as contraband, and as such, liable to confiscation, in the case where the depriving an enemy of these supplies, is one of the means intended to be employed for reducing him to reasonable terms of peace. The actual situation of France is notoriously such, as to lead to the employing this mode of distressing her by the joint operations of the different Powers engaged in the war; and the reasoning which in these authors applies to all cases of this sort, is certainly much more applicable to the present case, in which the distress results from the unusual mode of war employed by the enemy himself, in having armed almost the whole laboring class of the French nation, for the purpose of commencing and supporting hostilities against all the governments of Europe; but this reasoning is most of all applicable to the circumstances of a trade, which is now in a great measure entirely carried on by the actually ruling party of France itself, and which is therefore no longer to be regarded as a mercantile speculation of individuals, but as an immediate operation of the very persons who have declared war, and are now carrying it on against Great Britain. On these considerations, therefore, the Powers at war would have been perfectly justifiable if they had considered all provisions as contraband, and had directed them, as such, to be brought in for confiscation.

But the present measure pursued by his Majesty's Government, so far from going to the extent which the law of nations and the circumstances of the case would have warranted, only has prevented the French from being supplied with corn, omitting all mention of other provisions; and even with respect to corn, the regulation adopted is one which, instead of confiscating the cargoes, secures to the proprietors, supposing them neutral, a full indemnification for any loss they may possibly sustain.

With respect to the rule that has been adopted relative to ports blockaded, it is conformable to the general law and practice of all nations; and, the exception there mentioned, as to Denmark and Sweden, has reference to existing treaties with those Powers, and cannot therefore give any just grounds of umbrage or jealousy to other Powers, between whom and Great Britain no such treaties subsist.

Before I conclude this letter, I deem it proper to express my hope that you, sir, will perceive, in the communication itself, of this paper, a proof of my willingness to furnish this Government with any intelligence that may be interesting to it, and thereby to anticipate the necessity of inquiries on the subject; and I cannot avoid farther adding my conviction, that the explanation I have now given of this measure, will satisfactorily evince the propriety of recurring to it in the present instance.

I have the honor to be, &c.

GEO. HAMMOND.

MR. JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

SEPTEMBER 22, 1793.

SIR:

I have yet to acknowledge the receipt of your favor of the 12th instant, covering an additional instruction to the commanders of British armed vessels, and explaining its principles; and I receive it readily as a proof of your willingness to anticipate our inquiries on subjects interesting to us. Certainly none was ever more so than the instruction in question, as it strikes at the root of our agriculture, and at the means of obtaining for our citizens in general, the numerous articles of necessity and comfort which they do not make for themselves, but have hitherto procured from other nations by exchange. The paper had been before communicated to the President, and instruc-

tions immediately sent to our minister at London, to make proper representations on the subject, in the effect of which we have all that confidence which the justice of the British Government is calculated to inspire. That "all provisions are to be considered as contraband in the case where the depriving an enemy of these supplies is one of the means intended to be employed," or in any case but that of a place *actually blockaded*, is a position entirely new. However, the discussion having been transferred to another place, I forbear to enter into it here.

We had conjectured, but did not before certainly know, that the distinction which the instruction makes between Denmark and Sweden on the one hand, and the United States on the other, in the case of vessels bound to ports blockaded, was on the principle explained by you, that what was yielded to those countries by treaty, it is not unfriendly to refuse to us, *because not yielded to us by treaty*. I shall not contest the right of the principle, as a right to its reciprocity necessarily results to us.

I have the honor to be, &c.

Mr. HAMMOND.

TH: JEFFERSON.

Mr. Pinckney to the Secretary of State.

LONDON, 5th July, 1793.

DEAR SIR:

The enclosed copy of additional instructions to the commanders of British men of war and privateers, will show the further embarrassment to which our commerce will be subjected in the present war. These instructions, though dated the 8th of June, were not finally issued to the admiralty till the 28th. Lord Grenville justifies them from the authority of the writers on the law of nations, particularly 2d Vattel, 72, 73; and urges, that, by the doctrine there laid down, they have not gone so far as they would have been justified in proceeding, considering the prospect they have of reducing their enemy by such means—the instructions not extending to all kinds of provisions, nor to confiscations of those kinds that are mentioned; that the existing circumstances justifying them in considering grain as among contraband articles, they come within the proclamation issued by the President; that the French Government are in fact the only importers of grain into that country; that the measure was so guarded, by directing the property to be paid for, together with the freight, that the owners could suffer no loss, a liberal price being always allowed in those cases, and he was hopeful the matter would be so conducted as to give satisfaction to the parties concerned. I urged every argument that suggested itself to me, in support of the neutral rights which I contended were injured in this instance; pointed to inconveniences that would attend the execution of the instructions; and urged that the case put by Vattel, of a well grounded hope of reducing the enemy by famine, did not exist, provisions being now cheaper in the ports of France than in those of England. Lord Grenville, on being asked, said Spain would pursue the same line of conduct; and upon its being objected, that even their late convention with Russia did not extend to this object, he answered, that, though it was not expressly mentioned, it was fully understood by both parties to be within the intention of it. At the close of the conversation, I told him I should transmit these instructions to you, accompanied by his reasons in their justification. Lord Grenville spoke in high terms of approbation of the answers to Mr. Hammond's memorials, which he received by the packet.

I have the honor to be, &c.

THOMAS PINCKNEY.

THE SECRETARY OF STATE.

Mr. Pinckney, Minister Plenipotentiary of the United States with Great Britain, to Mr. Jefferson, Secretary of State.

LONDON, August 15, 1793.

DEAR SIR:

The frequent interruptions our vessels experience, especially in navigating the European seas, induce me to address you in cipher.

I have had several conversations with Lord Grenville, but do not find that this Government will at all relax in the measures they have adopted towards the neutral nations. I have urged every thing in my power, in opposition to the policy as well as the right of these measures, and have assured him they will be considered by our Government as infringements of the neutral rights. As I cannot speak from authority on the subject, I have not said what measures we shall adopt in consequence, although I have strongly insisted on the detriment to the commercial interests of this country, which must necessarily ensue from the various impediments opposed to a free intercourse, as well as from the ill will they will excite. I may, perhaps, estimate too highly the blessings of peace in general, and the advantages of our neutral situation, notwithstanding all the deductions to be made on account of the conduct of this country. But it appears to me that, if the United States should deem it necessary to go beyond the line of remonstrance on this occasion, prudence will dictate, that our opposition should be confined to commercial regulations.

With the utmost respect,

I have the honor to be, &c.

THOMAS PINCKNEY.

THE SECRETARY OF STATE.

Mr. Pinckney, Minister Plenipotentiary of the United States with Great Britain, to Mr. Jefferson, Secretary of State.

LONDON, August 28, 1793.

DEAR SIR:

Having, in my former communications, related the conduct of this Government to the neutral Powers, with the reasons assigned by Lord Grenville for this conduct, which reasons, as far as they concern enemy's property on board of neutral vessels, his Lordship informed me he had directed Mr. Hammond to represent fully to our Government, I have only to add, that, from subsequent conversations, there does not appear any probability of the British Government relinquishing this point. These measures are attended, for the present, with greater inconvenience, and consequent irritation, to our citizens, on account of the court of admiralty having, as yet, given no decision on the freight, demurrage, &c. to be allowed to the vessels brought in. On this subject, I have made repeated applications, (for, although I am convinced of the respect due to the proceedings of the judiciary of every nation, yet, if, in any case, a delay of justice may be deemed equivalent to a denial, it certainly may, in the case of vessels circumstanced as many of ours are,) and the court of admiralty having adjourned to the fourth of September, without any decision on these points, I reiterated my representation to the Secretary of State, who appeared to be surprised at the farther procrastination; and I am, from circumstances, inclined to think, that he will endeavor to accelerate this business, at the time to which the court stands adjourned. As I thought it right that the evidence of our opposition to the measures pursued here, should not rest merely on official conversations, I took an opportunity of bringing forward the discussion in writing, so far at least as to amount to an authentic document of our claim, with some of the reasons in support of it, at the same time that I endeavored so to guard it, as to leave our Government unembarrassed in any line they might think proper to pursue. I enclose a copy of what passed on this subject.

I have the honor to be, &c.

THOMAS PINCKNEY.

Mr. Pinckney presents his compliments to Lord Grenville, and has the honor of enclosing, in conformity to his Lordship's desire, a memorandum relating to the American ship *Eliza*, to which he has added a note concerning two other vessels. These form only a small part of the American vessels brought into the different ports of Great Britain. Mr. P. thinks it unnecessary to add any thing to what he has had the honor of personally mentioning to his Lordship, on this subject; but has a firm reliance that, in the execution of measures which he is assured the Government of the United States will consider as infringements of the neutral rights, Lord Grenville's endeavors will not be wanting to prevent any unnecessary aggravation of the inconveniences arising therefrom.

GREAT CUMBERLAND PLACE, 22d July, 1793.

WHITEHALL, July 31, 1793.

Lord Grenville has had the honor to receive Mr. Pinckney's note of the 22d July, with the memorandum accompanying it; he has directed inquiry to be made respecting the cases of the several ships mentioned by Mr. Pinckney, which he apprehends, however, to be all in a course of legal adjudication, and consequently not in a state to admit of the interference of Government.

Mr. Pinckney may be assured of Lord Grenville's best endeavors, at all times, to prevent, as far as possible, any inconvenience arising to the subjects of the United States in their European commerce, from the measures which unavoidably result from that state of war, in which the maritime countries of Europe are engaged. But it is impossible for him not to remark, in reply to the observation contained in Mr. Pinckney's note, that the steps adopted by this Government, so far from being infractions of the neutral rights, are more favorable than the law of nations on that subject, as established by the most modern and most approved writers upon it; and that the rule laid down here, has been marked with circumstances of particular attention to the commerce of America,* in the instance which Lord Grenville has already had the honor of pointing out to Mr. Pinckney.

Lord Grenville avails himself of this opportunity to assure Mr. Pinckney of his sincere esteem and consideration.

Mr. Pinckney has the honor of acknowledging the receipt of Lord Grenville's note of the 31st ult. and of expressing his obligation for the assurance therein contained, that his Lordship's endeavors will be exerted to prevent, as far as possible, any inconvenience to which the European commerce of the citizens of the United States of America may be liable, from the measures unavoidably resulting from the existing state of war; and as his Lordship has adverted to an observation contained in Mr. Pinckney's note of the 22d ult. he will take the liberty of briefly stating the principal reasons which suggested his remark, that "some of the measures of this Government will be considered by the United States as infringements on the neutral rights." The measures alluded to, are particularly those which contravene the principle, that free ships make free goods, and which prevent certain articles of provision, the produce of the United States, from being carried, in their own vessels, to the unblockaded ports of France. With respect to the first, it is conceived that, as commerce has been more diffusively cultivated, and its principles better understood, the law of nations, relating thereto, has received material improvements since the publication of the most modern and most approved writers on that subject, and that, whatever doubts may formerly have existed on this point, that the sense of a considerable majority of the maritime Powers of Europe has, within the last twenty years, been clearly expressed in favor of the principle of free ships making free goods, which has been manifested by their practice, in the latter years of the American war, by the stipulations entered into at that time, and by their having inserted the same in their latest treaties. Of these, the treaties entered into between the United States and several European Powers, are among the most recent; all of which support this doctrine, by express stipulation; and even Great Britain must admit, that this principle contains nothing dishonorable or improper, since she has adopted it in her commercial treaty with France; and it may not be amiss here to remark, that the commerce of the United States is as advantageous to Great Britain, taking all circumstances into consideration, as that of France has been. Supposing, then, the question of right to be waived, would it be deemed unreasonable for the United States to expect equal advantages with those France would have enjoyed in similar circumstances? But the right now contended for, appears not only supported by modern practice, but to be conformable to reason: for, if two nations have the misfortune of being engaged in war against each other, it is evidently contrary to the dictates of reason that a third, who has no concern in the quarrel, and has offended neither party, should be injured thereby, or be debarred from that intercourse with either, which is not immediately connected with military operations. And although People in a state of war have, in general, a right to seize or destroy their enemy's property, yet they cannot be justified in going, for that purpose, upon neutral territory; (in conformity to which doctrine, the British ship *Grange*, captured by a French frigate in the bay of Delaware, was lately liberated by order of the American Government) and the distinction drawn between neutral territory and neutral vessels, does not appear to form a difference sufficiently substantial to preclude the application of the same principles to both. It may be here added that, in the last war, the Americans adopted, and carried into effect, this principle, to the advantage of British subjects, having actually liberated several British cargoes captured on board of neutral vessels. Most of the arguments opposed to the first measure, will apply with equal force, to that of bringing American provision vessels, bound to the unblockaded ports of France, into this kingdom; to which it may be added, that, if Mr. Pinckney's information is just, (and he has omitted no opportunity which his situation has afforded him of obtaining accurate intelligence on this subject) the reason assigned by writers on the law of nations, for measures of this nature, namely, the well grounded hope of reducing an enemy by famine, does not apply, in the present instance; because the price of the articles pointed out in the additional instructions, is lower in the French ports than in those of this kingdom, where there is by no means any scarcity. Arguments founded on the inconvenience attending the execution of measures, may fairly be adduced against their adoption; these are so numerous, and so obviously opposed to both the measures now under consideration, that it would be superfluous to select any but those circumstances which press in a peculiar manner upon the citizens of the United States. Under this head, it may be observed, that, for want of arrangements being made for the security of American seamen in the ports of this country, they are subject to the various hardships Mr. Pinckney has so frequently detailed to Lord Grenville; of course their being captured and brought into these ports, renders them liable to those disadvantages they would otherwise have avoided. Grain being the principal export of the United States, if they are prevented from carrying that commodity to the French ports, they are not only deprived of that branch of commerce, but are prevented from drawing those commodities from France, for which they have occasion: for, in case of the capture and sale of their property here, other regulations prevent remittances being made from hence to France, to purchase the supplies they want. Another inconvenience peculiar to the Americans is, that the similarity of language renders them more obnoxious to the irritation arising from contumelious treatment, too often exhibited by the captors to those whom they have taken; which may, in part, be attributed to those persons being interested in widening the field of capture, who are necessarily employed in executing the measure; it renders them, also, more accessible to offers of bribery, to commit unworthy actions; on both of which subjects, representations have been already made; but the evil Mr. Pinckney most sincerely deprecates, is the animosity the execution of these measures almost unavoidably generates between the parties concerned therein; which, by extending in their respective countries, may eventually diminish that friendship, which it is the interest, and, he trusts, the desire, of both nations to augment.

These arguments might be detailed much more at length, and others added to corroborate them; but Mr. Pinckney has deemed it necessary only to touch upon some of the reasons on which his observation was founded, to obviate the idea of his wishing to claim, in behalf of the United States, exemptions to which they are not, in reason, entitled. At the same time, he assures Lord Grenville of the due sense which will, at all times, be entertained by his country

* This alludes to rice not being included in the prohibition. T. P.

for any circumstances of particular attention to their commerce, and of their earnest desire, by a reciprocation of good offices, to increase the mutual advantages of both nations.

Mr. Pinckney begs leave to make his best acknowledgments to Lord Grenville's declaration of personal esteem, and to offer his sentiments of respectful consideration for his Lordship.

Mr. Pinckney, Minister Plenipotentiary of the United States with Great Britain, to Mr. Jefferson, Secretary of State.

LONDON, September 25, 1793.

DEAR SIR:

No alteration has taken place since my last, in the conduct of this Government towards the neutral Powers; they still assert the propriety of preventing the provisions specified in their additional instructions, from being sent to French ports, and of making prize of their enemy's property, in whatever vessels it may be found; the execution of these measures, of course, creates much uneasiness among our citizens, whose commerce is much injured thereby. I receive assurances that their courts will amply redress the irregularities which may be committed by their cruisers, upon proper application; but these are frequently of a nature, to be with difficulty brought under the cognizance of the Judiciary; and I find our seafaring people in general, rather inclined to submit to the first inconvenience, than risk the event of a lawsuit. The court of admiralty, in the beginning of the present month, adjudged freight, demurrage, and expenses, to an American vessel, whose cargo was condemned. I am hopeful, since this precedent, that it will be allowed in all other cases, which will, of course, prevent so many of our vessels from being brought in. The protection afforded our seamen, remains also on the same footing; they profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with; our consuls are allowed to give protections, where the master of the vessel and the mariner, swear, that the party is an American native and citizen, which protections, in general, are respected, though some irregularities occasionally take place. So many objections are made to the arrangement we propose on this subject, that I see no prospect of its taking place.

I remain, &c.

THOMAS PINCKNEY.

THE SECRETARY OF STATE.

Extract from the Convention between his Britannic Majesty and the Empress of Russia, signed at London, the 25th of March, 1793.

ARTICLE 3d. Their said Majesties reciprocally engage to shut all their ports against French ships, not to permit the exportation in any case from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ARTICLE 4th. Their Majesties engage to unite all their efforts to prevent other Powers, not implicated in this war, from giving, on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French on the sea, or in the ports of France.

By the treaty between his Britannic Majesty and the King of Sardinia, signed at London, the 25th April, 1793, the latter engages to keep on foot, during the war, an army of fifty thousand men, for the defence of his dominions, as well as to act against the common enemy; and the former engages to send into the Mediterranean, a respectable fleet, to be employed as circumstances shall permit, in that quarter. By the 2d article, Great Britain is engaged to furnish to Sardinia, during the war, a subsidy of two hundred thousand pounds sterling, payable quarterly, in advance; the first payment at the date of this treaty. By the 3d article, his Britannic Majesty guarantees to his Sardinian Majesty, the restitution of all the parts of his dominions which have, or may be taken from him, during the war. The 4th and 5th articles make all hostilities, in consequence of this treaty, a common cause, and direct the exchange of ratifications in two months or sooner.

FURTHER PAPERS IN RELATION TO FRANCE.

[The following documents, not found among those communicated with the President's Message of December 5, 1793, were probably accidentally omitted to be transmitted to Congress at that time.]

Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Sept. 27, 1793, 2d year of the French republic.

SIR:

I send you the decree passed by the National Convention on the 9th of May, of the present year, relative to the conduct which ought to be observed by the vessels of France, towards the vessels of neutral Powers. I forward to you, at the same time, that of the 23d of the same month, which I have been charged to communicate to you, and which contains particular regulations in favor of American vessels. Every friend of humanity will doubtless, sir, do justice to the dispositions made by the decree of the 9th of May. By this law, the severest principles of justice towards the neutral parties is reconcileable with the rigorous measures rendered necessary by the detestable tyranny exercised over neutral nations by the governments which have forced France into war. In the 5th article, the National Convention solemnly manifest a view, the execution of which, has been long sought by reason and justice, that of seeing neutral nations enjoy every advantage which their neutrality ought to assure them, even with respect to enemy's goods on board their vessels. The mode of expressing this view, and the engagements entered into by the Convention, to withdraw those rigorous measures directed by their decree, as soon as the powers with whom they are at war shall have adopted the same disposition, are well calculated to procure the gratitude of neutral nations; to interest them more and more in her success, and to reconcile every people in the universe to the generous principles by which her diplomatic negotiations are directed.

The decree of the 23d of May, pronounces in favor of the Americans, an exception to the rigorous measures which France has been compelled to adopt, by that of the 9th May, against the vessels of neutral nations. The considerations which determined this decree were, on the one hand, the scrupulous faith with which France is disposed to observe, in its utmost extent, the treaty which unites her with the United States, and on the other, the thorough confidence she has that the Americans will not abuse this privilege by carrying to her enemies those productions by which they ought to assist in the defence of a cause as much their own as hers. She hopes she shall not be deceived in an attempt, which, in this instance is founded upon the principles and the friendship of her American brethren.

I have been informed, that the English Government have declared their determination to carry into the English ports, all the American vessels laden with provisions for the ports of France. The French Republic expects, sir, that the Government of the United States, as well from attachment to her as from regard to its own commerce, and from the dignity it owes itself, will hasten to take the most energetic measures to procure a recall of this decision,

which is a consequence well adapted to that diplomatic audacity to which that court has long attempted to subject every other nation. If the measures which you shall take—measures which are in the spirit of our treaty, if not in its letter—are insufficient or fruitless, and that your neutrality, as it has hitherto been, can only be serviceable to the enemies of France, and unfortunate for herself, you will doubtless perceive, that she will exercise a very natural right in taking measures to prevent one consequence so injurious to her, and which destroys the effect of the principles upon which the treaties are founded which subsist between her and the United States. In the mean time, I am authorized to announce to you, that the French vessels, which at this moment are masters of the channel, and of the gulf of Gascony, are ordered to protect American vessels bound to France, and to assure their arrival at the ports to which they are destined, so that the American merchants, notwithstanding the tyranny exercised over them by England, may direct, with security, their speculations for our ports, and give proofs of their attachment to us and to the cause of liberty.

Accept my respects.

GENET.

Decree directing French armed vessels to carry into the ports of the republic, neutral vessels loaded with provisions and bound to enemies' ports, pronounced in the sitting of the 9th of May, 1793, 2d year of the French republic.

ART. I. Ships of war and privateers are authorized to seize and carry into the ports of the republic, merchant vessels which are wholly or in part loaded with provisions, being neutral property, bound to an enemy's port, or having on board merchandise belonging to an enemy.

ART. II. Merchandise belonging to the enemy is declared a lawful prize, seizable for the profit of the captor. Provisions being neutral property, shall be paid for at the price they would have sold for at the port where they were bound.

ART. III. On every occasion, neutral vessels shall be immediately released the moment the provisions found on board are landed, or the seizure of the merchandise shall be effected. The freight shall be settled at the rate paid by the charterers; a proper compensation shall be granted for the detention of the vessels by the tribunals, who are ready to adjudge the prizes.

ART. IV. These tribunals shall cause to be made out, within three days after the judgment has been given, a copy of the manifest of the provisions and goods found on board, to the Minister of Marine, and another copy to the Minister for Foreign Affairs.

Decree of the 23d of May, which declares that the vessels of the United States are not comprised in the regulations of the decree of the 9th of May.

The National Convention, after having heard the report of its committee of public safety, desiring to preserve the union established between the French republic and the United States of America, decrees that the vessels of the United States are not comprised in the regulations of the 9th of May, conformably to the 16th article of the treaty, passed the 16th of February, 1778.

Certified to be true, and conformable to the decrees of the National Convention.

GENET.

Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 30, 1793, 2d year of the French republic.

SIR:

I am directed to communicate to you a new decree of the National Convention, passed the 20th March, relative to the commerce of the United States, with our colonies. You will find in it, sir, fresh proofs of the attachment which France bears to the Americans, and of the interest which she takes in their prosperity. After having confirmed by the preceding decree, to their European commerce, every advantage they could wish during the present war, she has established for them, by this, the opening of the ports of her colonies for the consumption of all the productions of their soil and their industry, for the importation into the United States of part of her sugars, and her coffee, and for the exportation of every kind of colonial production to the ports of France, on the same footing with the French themselves. This law, constructive of that of the 19th February, appears such to me that I cannot conceive the United States could wish a more favorable one. I have been also charged to direct all the consuls and other agents of the French republic to attend to the equipments which may take place in the different ports of the United States for the French colonies, and, to prevent any violation of the regulations of the 1st and 3d articles of the enclosed decree; and I have every reason to believe that the Federal Government will cheerfully, and without delay, take the necessary steps, that the directions which I am about to give on this head shall meet with no difficulty on their part.

Hitherto, sir, the greatest part of my correspondence has only presented you with details distressing for a philosopher. The declaration of war, occasioned by tyranny against France in freedom, has only allowed me to speak to you of the military points fixed between our nations by the alliance which unites them; but I this day find a real pleasure in engaging your attention in details more consolatory, in details which cannot fail of being to you the most interesting, since they have no other object than the peaceable pursuits of man, as a social being—of man on whom philosophy is delighted to fasten her attention. Urged by the convulsions which occasion the establishment within itself of a constitution which annihilates every privilege, which stifles every prejudice; surrounded by all the force which tyranny and fanaticism can collect against her from every part of Europe; France, presenting in one hand the shield of liberty, and in the other the thunderbolt of war, already marks out by her inspiration those extensive enterprises which, on the return of peace, will fix, in their execution the happiness of the French and of their allies, and prepare a regeneration for the inhabitants of the whole earth! Among these views her first attention has been fixed upon the commercial ties of the republic with other nations. The national convention has felt the immense satisfaction which enables them to enjoy the spectacle of that establishment which, in annihilating distances, unites, at the same spot, the productions and the enjoyments of every climate, and which, by connecting the human race, scattered over the earth, should collect them into one family only, constantly excited by the interchange which their mutual wants occasion. She has seen with grief every people groaning under commercial regulations, as absurd as they are tyrannical, every where the victims of errors and of greedy exactions; she has seen them with pain, after having overcome seas, mountains, deserts, and every barrier which nature appeared to have placed between them, checked, in the moment when their efforts were to be crowned with success, by rules and ministerial regulations, which, impeding their genius, puts more insurmountable bars to their intercourse, than those even which nature appears to have created. France, sir, perceiving the period when all nations will be freed from these obstacles, views the moment when every one, governed by the same laws, led by the same interests, and leading freely their activity over the face of the earth, find on it no other commercial guide than their own genius; she has fixed her attention upon that happy period, and she has determined to accelerate it; persuaded that the fittest means to attain this end was to hold up the example of two people enjoying every advantage of a perfectly free communication, she has turned her eyes to the Americans; a people governed, like herself, without a king, and whose constitutional principles resemble her own—a people whose enlightened minds have, like her own, stifled, or are ready to stifle, all the

prepossessions of ignorance; a people, finally, whose genius struggles like her own with the obstacles which corrupt court systems oppose to their commercial activity; such a people appear to her those whom she ought to connect herself with, to attain the great end she meditates; it is with this people she has determined to conclude a new treaty, which, founded upon the unchangeable principles of nature, may, by becoming an object of envy to other nations, invite them to participate in it, and may serve as a model to all those who in future form compacts between themselves. Instead of the mutual interest of the contracting nations, she has only seen in the treaties hitherto made, a combination formed for an insatiable and ignorant system of taxation, deceitful calculations by interested individuals, and refinements upon a system equally repugnant to reason, justice, and sound policy. It is in the viciousness of these regulations that she discovers the instability of every treaty hitherto made between governments, and the constant cause of their violation. France, therefore, wishes now, with America, not a treaty, the very name imports a nullity, but a compact agreed to by both, and the duration of which shall depend for its support, not on a temporary interest, nor the understanding between two cabinets, but, on the real and settled interest of the two People.

It is with this view that the National Convention has called for a report on the commercial regulations established between the two nations since the treaties made under our last Government. It has resulted from this research, that our connexions have been very slender indeed; that the maximum of annual American importations, into the French ports, has never extended to eleven millions, that their exportations were scarcely two millions and a half; and that the eight millions surplus paid in specie, had no other destination than to go in support of the English manufactories. France has seen that since she has called from all parts for the introduction of provisions into her territories, America has hardly furnished the sixteenth part of the corn and grain which have been introduced there, and that fifteen sixteenths have been carried there by foreign nations, and even by those whose governments have forced them into a war with her! They have seen with regret, in this account, that, after having considerably reduced the duty imposed upon your tobacco; that, after having admitted your fish and oil, (which obliged us to keep up premiums on our own establishments for the cod and whale fishery) we do not enjoy with you any sort of favor for our exportations or importations, and that, after having taken off the duty on the freight by your vessels, you have imposed upon ours, a most exorbitant rate of tonnage.

The National Convention has been also informed, by this account, that, since the last war, the admission of Americans into the French colonies has thrown into their hands an immense sum of ready money, which that war had left there, which the French Government sends there for the expenses of its administration, and which is obtained there by the intercourse, direct or indirect, with the Spanish and English colonies. It has been informed that they have exported all the syrups and molasses, the greatest part of the rum and taffia, and a prodigious quantity of sugar, coffee, and other colony produce, especially since the revolution has occasioned a neglect of the means of preventing it. France, sir, has seen, without regretting, that a part of these immense productions have contributed to the prosperity of a people whose struggles for their liberty was seconded by her efforts; but she has also seen, with the most poignant grief, that the greatest part of these riches have only served to discharge your engagements with the English, and to enrich her own enemies. She has seen, and sensibly felt, that her ties with your nation have served only to ruin her national commerce, without obtaining the smallest encouragement to her manufactories, and without furnishing the least opening for the superfluous productions of her soil. France, notwithstanding this disastrous picture, is far from intending to withdraw the benefits she has granted you; on the contrary, her wish is to increase them, and her decrees are proofs of it; but she asks of you a just equivalent. She expects the part she yields to you of her riches, far from being carried to a Power as much your enemy as her own, should have its natural effect in improving our mutual connexion. She persuades herself that the extensive opening she offers to all your commodities should procure one to her manufactories, and to such of her productions as nature has as yet refused to your own soil. She wishes, finally, that the share which she gives you of her riches of every kind, especially of the riches of her colonies, should furnish objects of exchange, not with your former tyrants, but with your allies, and with your truest friends. Doubtless, sir, France seeks with reluctance, against England, laws of which she condemns the principles; doubtless her first wish would be to see the English nation, as well as every other, united by a free commerce—a commerce which should have no other rule, or other bounds, than their own activity; but until that nation has freed itself from the fiscal system under which it groans; until it shall have renounced its plan of domineering on all seas, and over all commerce; until she agrees to abandon a system, as impolitic for her, as it is revolting to other nations; France is forced to an opposition equalled to the efforts of a ministry wishing to monopolize all commerce: she is forced to follow the steps of a system she disclaims, but which the interest of the French nation requires, so long as it shall be the ruling principle of the other Government.

It is upon such considerations, sir, that I am charged, as I have already had the honor to inform you, to open with you a new negotiation, the basis of which shall be its candor and its patriotism, the rules of which shall be the real friendship which unites the two people, and the end of which shall be the mutual, and well understood, interest of both nations. I promise myself that I shall find the same frankness in the Government of the United States, for this great work, as I am directed to proceed with in it; I promise myself that you will be equally eager to concur in completing a compact which will do honor to humanity, and which, being founded in nature itself, will be rendered imperishable.

It would be to me unfortunate, and it would be afflicting to France, if I should fail in this attempt. It would be with the greatest regret that I should find myself compelled to announce to you the second part of my instructions, importing a declaration, in case of refusal, or evading it, of the repeal of the laws dictated by the attachment of the French to the Americans, and by a desire to unite closer the ties which engage them. But I cannot fear an opposition on your part, considering the vast field I am directed to offer to your merchants; considering the life which such a compact would give to your agriculture, to your fisheries, to the improvement of your breed of cattle, to your lumber trade; considering the inexhaustible source of riches which the free commerce of the French colonies offers you; and especially in considering that France asks only, in return for these great benefits, that you take from her, instead of going to seek them from our common enemy, the clothes and the wine necessary for your consumption. Confident in this hope, happy in the great objects we are about to accomplish, I wait your pointing out a means of negotiating, which shall bring us, with as little delay as possible, to the establishment of this national compact, which may be soon presented for the ratification of the representatives of the two People, and the simplicity of which shall equal the grandeur of the end we ought to propose by it.

Accept of my respect.

GENET.

Decree exempting from all duties sundry articles of provision in the colonies, relative to the United States, pronounced in the session of the 26th of March, 1793, 2d year of the French republic.

The National Convention, willing to obviate the difficulties which might arise relative to the execution of its decree of the 19th of February last, concerning the United States of America; to grant new favors to that nation, its ally, and to treat it in its commercial concerns with the French colonies, in the same manner as the vessels of the republic, decrees as follows:

Article I. From the day of the publication of the present decree in the French colonies of America, the vessels of the United States, of sixty tons burden or under, laden only with flour and provisions, as also with the articles of supplies specified in the 2d article of the arrêt of the 30th of August, 1784, and with bacon, butter, salt, salmon, and candles, shall be admitted into the harbors of the said colonies, exempt from all duties. The same exemption shall be enjoyed by the French vessels laden with the same articles, coming from foreign countries.

Article II. The captains of vessels of the United States, who, having imported into the French colonies of America, the objects comprised in the above article, shall be desirous to make their returns into the territories of

the said States, may load in the said colonies, besides sugar, rum, taffia, and merchandise of France, a quantity of coffee equivalent to the fiftieth part of the burden of each vessel; as also a quantity of sugar equivalent to the tenth part of the burden, in conforming to the following articles:

Article III. Every captain of an American vessel, desiring to make a return into the United States in coffee and sugar of the French colonies, must prove that his vessel at her arrival had at least two-thirds of her lading according to the first article. To this effect he shall be bound to give into the custom house of the place of his landing, within twenty-four hours after his arrival, a certificate from the agents of the navy, ascertaining the gauge of his vessel and her effective burden. The officers of the said customs shall take care that the exportation of sugars and coffee do not exceed the proportions fixed by the 2d article of the present decree.

Article IV. The captains of vessels of the United States of America shall pay, on leaving the islands, in like manner as the vessels of the republic, only a duty of five livres for a hundred weight of indigo; ten livres for a thousand weight of cotton; five livres for a thousand weight of coffee; five livres for a thousand weight of lump-sugar; and fifty sous for a thousand weight of raw sugar. All other merchandise shall be free of all duty on leaving the said colonies.

Article V. The sugars and coffee that shall be loaded shall pay into the custom houses, which are or shall be established in the colonies, over and above the duties fixed as aforesaid, those imposed by the law of the 19th of March, 1791, on the sugars and coffee imported from the said colonies into France, and conformably to the same law.

Article VI. The captains of vessels of the United States, desiring to take in goods in the said colonies for the ports of France, shall give into the custom house of the place of their departure, the securities required from the owners of French vessels by the 2d article of the law of the 10th of July, 1791, to ensure the landing of those goods in the ports of the republic.

Article VII. The vessels of those nations with which the French republic is not at war, may import into the French colonies of America all the articles specified by the present decree; they may also bring back, into the ports of the republic only, all the commodities of the said colonies, on the conditions mentioned in the said decree, as also in that of the 19th of February.

Certified to be true, and conformable to the decree of the National Convention.

GENET.

Copy of a letter from the Secretary of State of the United States, to Citizen Genet, Minister Plenipotentiary of the French Republic to the United States.

GERMANTOWN, November 5, 1793.

SIR:

I shall be late in acknowledging the receipt of your several letters written since my departure from Philadelphia, not having received any of them till the 24th ult. and most of them only the last night. I have already laid some of them before the President, and shall lay the others successively before him at as early moments as the pressure of business will admit.

That of September 30th with the decree of the National Convention of March 26th, 1793, on the subject of a treaty of commerce was laid before him yesterday, and will be considered with all the respect and interest which its object necessarily requires. In the mean time, that I may be enabled to present him a faithful translation of the decree, I take the liberty of returning the copy to you with a prayer that you will have it examined by your original, and see whether there is not some error in the latter part of the 2d article, page 2, where the description of the cargo to be re-exported from the Islands is so unusual as to induce me to suspect on error in the copyist. Having to return the decree for re-examination, I take the liberty of doing the same by the letter covering it, as in the first line of the seventh page the sense appears to me incomplete, and I wish to be able to give it with correctness.

I have the honor to be, &c.

TH: JEFFERSON

Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 14, 1793.

SIR:

Having been overwhelmed with business at the moment of my having the honor to transmit you the decree of the National Convention of the 26th of March last, it was impossible for me to look over the copy I sent, or that of the note with which it was accompanied. I am obliged by your sending back these pieces to me. I have examined and corrected the errors you were struck with, and I hasten to return it to you under the present cover. I have thought proper to add to it the copy of a letter which I have just written to the consuls of the Republic to acquaint them with the new regulations of the National Convention relative to the commerce with the United States, and of the obligations they impose on them. This decree, sir, presents to the Americans inestimable advantages. They can by this law carry to our colonies cargoes, the production of their fisheries, their provisions, of their agriculture, purchase colonial commodities with the sales of their cargoes, and complete their lading with freights, which are at this time offered in abundance, and at a high rate in all our islands. I do not think there can be any speculations more lucrative for them.

This law, moreover, grants you an advantage which the arrêt of 1784 had refused you, that of enabling you to import directly into the United States a quantity of sugar and coffee sufficient for your own consumption. This quantity has been estimated by the commercial committee of the National Convention at a fiftieth of the tonnage for the coffee, and at a tenth for the sugar. All these advantages, which there appears a disposition still to increase, if we obtain from the United States a just reciprocity, appear to me highly proper to call for all the attention of the federal government to the fate of our colonies. I beg you to lay before the President of the United States as soon as possible the decree and the enclosed note, and to obtain from him the earliest decision either as to the guaranty I have claimed the fulfilment of for our colonies, or, upon the mode of negotiation of the new treaty I was charged to propose to the United States, and which would make of the two nations but one family.

Accept my respect.

GENET.

3d CONGRESS.]

No. 66.

[1st Session.]

SPAIN AND THE INDIANS.

*Message from the President of the United States relative to the unsettled matters with Spain.**Gentlemen of the Senate**and of the House of Representatives:*

UNITED STATES, December 16, 1793.

The situation of affairs in Europe, in the course of the year 1790, having rendered it possible that a moment might arrive favorable for the arrangement of our unsettled matters with Spain, it was thought proper to prepare a representative at that court to avail us of it. A confidential person was therefore despatched to be the bearer of instructions to him, and to supply, by verbal communications, any additional information of which he might find himself in need. The Government of France was at the same time applied to for its aid and influence in this negotiation. Events, however, took a turn, which did not present the occasion hoped for.

About the close of the ensuing year, I was informed, through the representatives of Spain here, that their Government would be willing to renew at Madrid the former conferences on these subjects. Though the transfer of scene was not what would have been desired, yet I did not think it important enough to reject the proposition; and, therefore, with the advice and consent of the Senate, I appointed commissioners plenipotentiary for negotiating and concluding a treaty with that country on the several subjects of boundary, navigation, and commerce, and gave them the instructions now communicated. Before these negotiations, however, could be got into train, the new troubles which had arisen in Europe had produced new combinations among the Powers there, the effects of which are but too visible in the proceedings now laid before you.

In the mean time, some other points of discussion had arisen with that country, to wit, the restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and above all, the mutual interferences with the Indians lying between us. I had the best reason to believe that the hostilities threatened and exercised by the Southern Indians on our border, were excited by the agents of that Government. Representations were thereon directed to be made by our commissioners to the Spanish Government, and a proposal to cultivate with good faith the peace of each other with those people. In the mean time, corresponding suspicions were entertained, or pretended to be entertained, on their part, of like hostile excitements, by our agents, to disturb their peace with the same nations. These were brought forward by the representatives of Spain here, in a style which could not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between them and us by that sovereign, assumed; their boundaries with us made a subject of interference; and at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that "the continuation of the peace, good harmony, and perfect friendship, of the two nations, was very problematical for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past."

If their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping knife and tomahawk of the savage, without any resistance. I thought it time, therefore, to know if these were the views of their sovereign; and despatched a special messenger with instructions to our commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add, that the Spanish representatives here, perceiving that their last communication had made considerable impression, endeavored to abate this by some subsequent professions, which, being also among the communications to the Legislature, they will be able to form their own conclusions.

GEO. WASHINGTON.

NEW YORK, August 2, 1790.

DEAR SIR:

This letter will be delivered you by Colonel Humphreys, whose character is so well known to you, as to need no recommendations from me.

The present appearances of war between our two neighbors, Spain and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain, may give a turn to it very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances; these will be readily developed by your own reflections, and in conversations with Colonel Humphreys, who, possessing the sentiments of the Executive on this subject, being well acquainted with the circumstances of the Western country in particular, and of the state of our affairs in general, comes to Madrid expressly for the purpose of giving you a thorough communication of them. He will therefore remain there as many days or weeks as may be necessary for this purpose. With this information, written and oral, you will be enabled to meet the minister in conversations on the subject of the navigation of the Mississippi, to which we wish you to lead his attention immediately. Impress him thoroughly with the necessity of an early, and even immediate, settlement of this matter, and of a return to the field of negotiation for this purpose; and though it must be done delicately, yet he must be made to understand unequivocally, that a resumption of the negotiation is not desired on our part, unless he can determine, in the first opening of it, to yield the immediate and full enjoyment of that navigation.

(I say nothing of the claims of Spain to our territory north of the 31st degree, and east of the Mississippi; they never merited the respect of an answer; and you know it has been admitted at Madrid, that they were not to be maintained.)

It may be asked, what need of negotiation, if the navigation is to be ceded at all events? You know that the navigation cannot be practised without a port where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested. The right to use a thing comprehends a right to the means necessary to its use, and without which it would be useless. The fixing on a proper port, and the degree of freedom it is to enjoy in its operations, will require negotiation, and be governed by events. There is danger, indeed, that even the unavoidable delay of sending a negotiator here may render the mission too late for the preservation of peace. It is impossible to answer for the forbearance of our western citizens. We endeavor to quiet them with the expectation of an attainment of their rights by peaceable means; but should they, in a moment of impatience, hazard others, there is no saying how far we may be led; for neither themselves nor their rights, will ever be abandoned by us.

You will be pleased to observe, that we press these matters warmly and firmly, under this idea, that the war between Spain and Great Britain will be begun before you receive this; and such a moment must not be lost. But should an accommodation take place, we retain, indeed, the same object, and the same resolutions, unalterably; but your discretion will suggest, that, in that event, they must be pressed more softly; and that patience and persuasion must temper your conferences, till either these may prevail, or some other circumstance turn up which may enable us to use other means for the attainment of an object which we are determined in the end to obtain at every risk.

I have the honor to be, &c.

WILLIAM CARMICHAEL, Esq.

TH: JEFFERSON.

ST. AUGUSTINE, in Florida, August 2, 1791.

The following is delivered by James Seagrove, commissioner on the part of the United States, to his Excellency Don Juan Nepomaceno de Quesada, Governor of the province of East Florida, &c. for his concurrence.

That in order to prevent fugitive slaves from the United States taking shelter in Florida, his Excellency the Governor will be pleased to issue his proclamation, ordering all officers, civil and military, within this colony, but particularly those on the river St. Mary's, to stop all such fugitive slaves, and without delay convey them to the Spanish post on Amelia island; there to be detained until a person properly authorized by the United States shall there call and receive them, paying at the same time a reasonable price for their maintenance, and also expense of conveying from the place where taken to the place of confinement. The sum to be agreed on by his Excellency and the commissioner.

That notice be given as soon as possible by the officer commanding at Amelia to the commanding officer at the American post on St. Mary's, when any fugitive slaves from the United States are under his care.

That his Excellency would be pleased to issue severe orders against any person harboring or concealing such fugitive slaves; but that they be obliged to make them prisoners, and deliver them without delay to the nearest Spanish post, and from thence to be conveyed to the general place for receiving them at Amelia.

That his Excellency will be pleased to order that all fugitive slaves belonging to the United States, who have taken shelter in Florida since the date of his Catholic Majesty's order on that head, be immediately restored on the preceding terms.

The commissioner is ready to confer on and explain any matter relative to the preceding, being with all possible respect, &c.

JAMES SEAGROVE.

His Excellency DON JUAN NEPOMACENO DE QUESADA,
Governor and Commander-in-Chief of the Province of East Florida, &c. &c. at St. Augustine.

Appointment of Mr. Jay.

IN CONGRESS, July 20, 1785.

On the report of a committee to whom was referred a letter of the 8th, from the Secretary for Foreign Affairs, enclosing one of the same date from Don Diego Gardoqui.

Resolved, That the Honorable John Jay, Secretary to the United States of America for the Department of Foreign Affairs, be, and he hereby is, invested with full powers, in behalf of the United States of America, to treat, adjust, conclude, and sign, with Don Diego de Gardoqui, the Encargado de Negocios of his Catholic Majesty, whatever articles, compacts, and conventions, may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his Catholic Majesty, and for promoting the general harmony and mutual interests of the two nations.

Mr. Gardoqui's Commission.

Don Carlos, by the grace of God King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of the Canary islands, of the East and West Indies, of Islands, and Terra Firma, of the Ocean sea, Archduke of Austria, Duke of Burgundy, Brabant, and Milan, Count of Apsburgh, of Flanders, Tirol, and Barcelona, Lord of Biscay and of Molina, &c. Whereas there are many and very extensive territories in North America appertaining to my crown, and bordering on others of the United States of the same America, it is very convenient to establish and fix the respective limits, and to regulate those other points on which, between friendly Powers and nations, it is always convenient and necessary to have established regulations, in order to obviate all differences: The good correspondence and harmony which subsists between us and the said United States of North America, and the intercourse and commerce which our respective subjects have with each other, requiring that the boundaries which shall continue in future should be regulated in the most positive and notorious manner: Wherefore, having entire satisfaction and confidence in you, Don Diego de Gardoqui, commissary (*ordenader*) of my armies, charged with my affairs near the Congress of the said States, on account of your capacity, understanding, and zeal, I have conferred upon you full power, that, with the person or persons whom the said States and their Congress shall equally authorize, you treat, adjust, and sign, whatever articles, compacts, and conventions, may be conducive to the regulations of the points herein alluded to, and of others which shall be conducive to the enjoyment of those important and beneficial objects. And that there may always be and subsist a good understanding, friendship, and union, between the crown of Spain and the United States of North America, I promise, on my royal word, to approve, ratify, and fulfil, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by you stipulated and signed.

In faith whereof, I have caused to be despatched these presents, signed with my hand, sealed with my privy seal, and certified by my underwritten Councillor of State, my first Secretary for the Despatches of State, at St. Ildefonso, the 27th of September, 1784.

JOSEPH MONINO.

I THE KING.

Mr. Jay's Commission.

THE UNITED STATES, IN CONGRESS ASSEMBLED: *To all who shall see these presents, greeting:*

His Catholic Majesty having, by his Encargado de Negocios near Congress, expressed his desire to treat and agree with the United States of America upon the points necessary to be adjusted, as being neighboring Powers, and who must have common interests and constant inducements to communication and intercourse; and having for that purpose granted plenipotentiary powers to Don Diego de Gardoqui, his said Encargado de Negocios near Congress; and we being equally desirous of promoting the general harmony and mutual interests of the two nations: For these causes, and other good considerations thereto moving, we, reposing special trust and confidence in the integrity, prudence, and ability, of our trusty and well beloved John Jay, Secretary to the United States of America for the Department of Foreign Affairs, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, him, the said John Jay, our plenipotentiary, giving and granting to him full powers, on behalf of the United States of America, to treat, adjust, conclude, and sign, with the said Don Diego de Gardoqui, Encargado de Negocios of his Catholic Majesty, vested with similar powers, whatever articles, compacts, and conventions, may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his Catholic Majesty, and for promoting the general harmony and mutual interest of the two nations; and we do hereby promise, in good faith, to approve, ratify, and fulfil, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by him our said plenipotentiary stipulated and signed as aforesaid. In testimony whereof, we have caused the seal of the United States to be hereunto affixed.

Witness His Excellency Richard Henry Lee, President, this twenty-first day of July, in the year of our Lord one thousand seven hundred and eighty-five, and of the sovereignty and independence of the United States of America the tenth.

CHARLES THOMSON, *Secretary.*

Letter from Mr. Gardoqui to Mr. Jay.

NEW YORK, May 25, 1786.

SIR:

The period is arrived that we have wished for many months, when there would be a full meeting of Congress, that you might refer to them the difficulty which you have manifested to me respecting the claim to navigate the river Mississippi, which is ill founded. I request the favor of you to do it as soon as possible, and that you will be persuaded of what I have always assured you, that the King will not permit any nation to navigate between the two banks belonging to his Majesty, from the extent of his conquests made by his royal arms over the English in East and West Florida, according to the dominion formerly held by the English, and the jurisdiction exercised by the commandant of Pensacola, on which it depended, as well as the countries to the east of the Mississippi, of which formal possession was taken by Captain Don Baltazar de Villers, commandant of the post of Arkansas, for his Majesty, on the 22d of November, 1780.

His Majesty does not consider the regulation made between the United States and Great Britain, respecting the territories conquered by his arms, but as a conditional agreement, in which they tacitly leave safe the territorial rights which he possessed in those parts.

Those territories were in that same state of conquest, and in possession neither of England nor the United States, when they disposed of them. There can be no doubt but that the treaty of 30th November, 1782, when the war between Spain and England continued, could not fix the limits of countries which were not in possession. His Majesty, therefore, understands those stipulations as conditional, and dependent on the situation in which things might be left by a general peace.

The honorable Congress cannot be ignorant of the good and generous disposition of his Majesty towards the United States, and the importance of his powerful friendship; his Majesty having been pleased to give so many strong proofs of favor to the Americans captive in Barbary, and those he afterwards afforded for aiding their commissioners for negotiating and obtaining peace with those Powers.

They should also be persuaded that the King enjoys so great consideration with those Powers, that, as being a nation which possesses the friendship of his Majesty, they may be sure of that of the Emperor of Morocco, and, in a great degree, of that contracted with the regency of Algiers. America has reason to fear the evil consequences which all their commerce would experience if his royal mediation should be withdrawn: for she would not only be deprived of that in the Mediterranean, but would also be much interrupted in that which she carries on through the Western Islands and Canaries, and even on her own coasts.

It appears to me equally just to remind the honorable Congress of the generosity with which his Majesty has delayed requesting, till now, the payment of the principal of the debts contracted by the United States both in Spain and America, being so delicate as not to apply even for the interest due thereon, notwithstanding the difficulties with which he provides for his treasury.

These facts appear sufficient to remove the difficulties you have manifested to me respecting limits and the navigation of the said river; but I contemplate in its greatest latitude the risk which the United States would run, by not yielding, without delay, to the just rights of the King, of losing the *only trade* whose balance is in their favor, exposing themselves to the danger of enjoying it but illy, and of frustrating other compacts reciprocally useful, which time and experience may bring about.

The importance of this object is evident in all the States: for it is well known that all their productions meet with a ready sale in the markets of Spain, where they are paid for in gold and silver; whereas all other nations pay with manufactures, (in great part articles of luxury) with which they impoverish this country.

Spain, in its present state, is a consumer both in Europe and America. There is not a nation but what earnestly desires the friendship and favor of the King; and, as he has no occasion for the cod fish, oil, salmon, grain, flour, rice, nor other productions, he may, considering the right which obliges his subjects to provide themselves by their own industry, or other useful and important means, find it convenient to prohibit them, to remind this nation, at present as a friend, that they have no treaty.

Whereas, in case they generously comply, the King will consider them in commerce as being the most favored nation, making reciprocal regulations, so that whenever one is made here favorable to Spain in regard to imports and exports, another equivalent to that of the United States shall be there made.

No one is ignorant of the great advantages which the United States derive from their trade with Spain, from whence they yearly extract millions, as well by their productions as by their navigation, which so much promotes the growth and maintenance of their marine.

Spain has no occasion for foreign commodities to become very brilliant in its proper dominions, and to find an advantageous consumption for its products and manufactures; so that the generosity and friendship which she manifests proceed solely from the benevolent attentions which, with a liberal hand, the King wishes to distinguish the United States.

In consideration that nothing be said of such difficulties, I believe that his Majesty will consent to guaranty to the United States their rights and dominions as they shall be left by our treaty. I will do my best endeavors on this and other points, and will interpose my prayers that his Majesty may adopt the most favorable measures in order that the satisfaction of the debts due from the United States to Spain may be made with such relaxations as may be convenient to them.

The honorable Congress will well perceive the importance of the guarantee and friendship of one of the first sovereigns in Europe, which will give consistency to their confederacy, and whose magnanimity desires only to proceed by equity, justice, and sincere desires of a constant friendship and good neighborhood.

I ought not, therefore, to doubt but that such an illustrious confederacy will entertain correspondent dispositions, and I hope you will not delay to promote it, and to advise me, as soon as possible, that so salutary a work may not be deferred, to which, for my part, I shall contribute with the greatest good will for the benefit of both nations.

I have the honor to be, &c.

DIEGO DE GARDOQUI.

Sir Don JOHN JAY, &c.

Articles proposed by Don Diego de Gardoqui to be inserted in the Treaty with the United States.

1. That all commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish merchants shall enjoy all the commercial privileges of native merchants in the United States; and American merchants shall enjoy all the commercial privileges of native merchants in the kingdom of Spain, and in the Canaries, and other islands belonging and adjacent thereto. The same privileges shall extend to their respective vessels and merchandise, consisting of the manufactures and productions of their respective countries.

2. Each party may establish consuls in the countries of the other, (excepting such provinces in Spain into which none have been heretofore admitted, viz. Bilbao and Guipusca) with such powers and privileges as shall be ascertained by a particular convention.

3. That the bona fide manufactures and productions of the United States (tobacco only excepted, which shall continue under its present regulations) may be imported in American or Spanish vessels into any parts of his Majesty's European dominions and islands aforesaid, in like manner as if they were the productions of Spain; and, on the other hand, that the bona fide manufactures and productions of his Majesty's dominions may be imported into the United States in Spanish or American vessels, in like manner as if they were the manufactures and productions of the said States: And, further, that all such duties and imposts as may mutually be thought necessary to lay on them, by either party, shall be ascertained and regulated on principles of exact reciprocity, by a tariff, to be formed by a convention for that purpose, to be negotiated and made within one year after the exchange of the ratification of this

treaty; and, in the mean time, that no other duties or imposts shall be exacted from each other's merchants and ships than such as may be payable by natives in like cases.

4. That, inasmuch as the United States, from not having mines of gold and silver, may often want supplies of specie for a circulating medium, his Catholic Majesty, as a proof of his good will, agrees to order the masts and timber which may, from time to time, be wanted for his royal navy, to be purchased, and paid for in specie, in the United States; provided the said masts and timber shall be of equal quality, and, when brought to Spain, shall not cost more than the like may there be had from other countries.

5. It is agreed that the articles commonly inserted in other treaties of commerce, for mutual and reciprocal convenience, shall be inserted in this; and that this treaty, and every article and stipulation therein, shall continue in full force for — years, to be computed from the day of the date hereof.

Extract from a representation of Mr. Jay to Congress.—August 3, 1786.

It is certain, that, by means of the Canaries, our flour and other commodities will find the way to Spanish America; and the supply of that market, even by a circuitous route, cannot fail of affording a very lucrative vent for those articles.

Mr. Gardoqui is not personally averse to our visiting the Philippines, but his instructions do not reach that point. I have hopes that this may be carried; and, in that case, it is obvious we should be the better for the Acapulco trade.

Extract from a report of Mr. Jay to Congress, August 17, 1786.

OFFICE FOR FOREIGN AFFAIRS, August 17, 1786.

The Secretary of the United States for the Department of Foreign Affairs, in obedience to the order of Congress directing him to state to them, without delay, the territorial claims of Spain on the east side of the Mississippi, and the sentiments of France touching our right to navigate that river, reports:

That the time allotted for this report must necessarily render it concise and summary.

It is well known that Spain claims the two Floridas, and contends that West Florida extends higher up the river Mississippi than is admitted by our treaty with Britain; but how much higher, exactly, your Secretary is uninformed, and has reason to think that Spain has not yet made up her own mind on that point.

Spain also claims certain posts and places on the Mississippi, of which she divested the English during the war; but how far they mean to stretch their claims over the adjacent country, the negotiations between Mr. Gardoqui and your Secretary have not as yet extended so minutely to that point as to enable him to determine.

On the 26th day of April, 1782, your Secretary, who was then at Madrid, wrote a letter to the Secretary for Foreign Affairs, of which the following is an extract:

"The Madrid Gazette of the 12th March contained a paragraph of which you ought not to be ignorant. I shall therefore copy it verbatim, and add a translation as literal as I can make it:

[TRANSLATION.]

'By a letter from the commandant general of the army of operations at the Havana, and Governor of Louisiana, his Majesty has advices that a detachment of sixty-five militia men and sixty Indians of the nations Otaguos, Sotu, and Putuatami, under the command of Don Eugenio Parre, a captain of militia, accompanied by Don Carlos Tayon, a sub lieutenant of militia, by Don Luis Chavalier, a man well versed in the language of the Indians, and by their great chiefs Etetevino and Naquigen, which marched the 2d January, 1781, from the town of St. Luis of the Illinois, had possessed themselves of the post of St. Joseph, which the English occupied, at 220 leagues distance from that of the above mentioned St. Luis, having suffered, in so extensive a march and so rigorous a season, the greatest inconveniences from cold and hunger, exposed to continual risks from the country being possessed by savage nations, and having to pass over parts covered with snow, and each one being obliged to carry provisions for his own subsistence, and various merchandises, which were necessary to content, in case of need, the barbarous nations through whom they were obliged to cross. The commander, by seasonable negotiations and precautions, prevented a considerable body of Indians, who were at the devotion of the English, from opposing this expedition, for it would otherwise have been difficult to have accomplished the taking of the said post. They made prisoners of the few English they found in it, the others having, perhaps, retired in consequence of some prior notice. Don Eugenio Parre took possession, in the name of the King, of that place and its dependencies, and of the river of the Illinois; in consequence whereof the standard of his Majesty was there displayed during the whole time. He took the English one, and delivered it, on his arrival at St. Luis, to Don Francisco Cruyal the commandant at that post.

'The destruction of the magazine of provisions and goods which the English had there (the greater part of which was divided among our Indians and those who lived at St. Joseph, as had been offered them in case they did not oppose our troops) was not the only advantage resulting from the success of this expedition: for thereby it became impossible for the English to execute this plan of attacking the fort of St. Luis of the Illinois; and it also served to intimidate those savage nations, and oblige them to promise to remain neutral, which they do at present.'

"When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the country, and the river were taken possession of in the name of his Catholic Majesty, I am persuaded it will not be necessary for me to swell this letter with remarks that would occur to a reader of far less penetration than yourself."

This is the only circumstance or transaction which your Secretary recollects to have heard, while in Spain, which induced him to suppose that his Catholic Majesty wished to acquire any lands east of the Mississippi, except the Floridas. Neither Count de Florida Blanca, nor Mr. Gardoqui, who was then employed, nor Mr. Del Campo, ever hinted to your Secretary that a cession of any territory was expected or desired of the United States. All that was then insisted upon was our quitting all claim to the navigation of the Mississippi below our territories.

When your Secretary came to Paris, in the year 1782, Count Aranda, the Spanish ambassador there, appeared to have far other ideas on the subject. Your Secretary's conferences with him being detailed in his letter of the 17th of November, 1782, it does not appear necessary to repeat them here, nor to extract more from that letter than merely to observe, that the Count did mark a line on a map, as, and for, a proper line of boundary between Spain and the United States in that Western country. That same map is now in the possession of the Secretary of Congress.

Although your Secretary has not yet obtained from Mr. Gardoqui an exact and explicit specification of the Spanish claims, yet he has good reason to believe that they fall very short of those suggested by Count Aranda.

Your Secretary thinks he should not omit inserting in this report the following extracts from a correspondence on these subjects between the Marquis de Lafayette and Count de Florida Blanca, viz.

[TRANSLATION.]

"MADRID, February 19, 1783.

* SIR:

"Having had the honor to confer with your Excellency on the objects relative to the United States, and being soon to repair to the American Congress, I wish to be fully impressed with the result of our conversations. Instead of the indifference and even of the divisions which another nation would be glad to foresee, I am happy to have it in

my power to inform the United States of your good dispositions. It is to you, sir, I am indebted for this advantage; and in order to make it complete, and to make myself certain that I forgot nothing, give me leave to submit to your Excellency the report which I intend to lay before Congress.

"His Catholic Majesty desires that a lasting confidence and harmony may subsist between him and the United States; and he is determined, on his part, to do every thing that will be necessary to keep it up. The American *chargé des affaires* is at this moment received as such, and your Excellency is going to treat of the interests of the two nations. As you wish to shew Mr. Jay every kind of regard, you wait only until the Count de Aranda shall have notified your dispositions to him to present Mr. Carmichael to his Majesty.

"With respect to the limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th November, between the United States and the Court of London. The fear of raising an object of dissension, is the only objection the King has to the free navigation of the river Mississippi.

"The Virginia tobacco, the naval stores, may furnish matter for reciprocal conventions in the treaty, and by means of the productions of America, arrangements might be made useful to her finances. When I had the honor to speak to you in favor of a diminution of the duties on cod fish, you have answered, that it would be necessary to give to France a similar advantage, and that, by virtue of former treaties, the English might set up pretensions to the same; but you will do in every respect all that will be in your power to satisfy America.

"I would, with very great pleasure, enter into every detail in which I foresee a connexion between Spain and the United States, but I am not to be concerned in this happy work; the ministers of the United States and the one whom you are going to send thither are to make it their business, and I content myself with reminding you of the general ideas you have given me. A word from you will satisfy me that I have not forgot any thing. The dispositions of his Catholic Majesty and the candor of your Excellency will leave no pretence for misrepresentation. The alliance of the house of Bourbon with the United States, is founded on reciprocal interest; it will still acquire greater strength from the confidence which your Excellency wishes to establish.

"Such, sir, are the conclusions which I have drawn from our conferences, and the account which I intend to give to Congress, without having any mission for that purpose. I am acquainted with the sentiments of Congress, and I am convinced they will set a just value upon your dispositions. In permitting me to acquaint them with what I have seen, you lay a claim to my personal gratitude. I join the assurance of it to that of the respect with which I have the honor to be, &c.

"LAFAYETTE.

"To His Excellency the Count de FLORIDA BLANCA."

"PARDO, February 22, 1783.

"SIR: I cannot comply better with your desire than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to you with respect to our dispositions towards the United States. I shall only add, that although it is his Majesty's intentions to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.

"I have the honor to be, &c.

"FLORIDA BLANCA.

"To the Marquis de LAFAYETTE."

"MADRID, February 22, 1783.

"On receiving the answer of the Count de Florida Blanca, I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and Americans; that his remark related only to more unimportant details, which he wished to receive from the Spanish commandants, which would be amicably regulated, and would, by no means, oppose the general principle. I asked him, before the ambassador of France, whether he would give me his word of honor for it? He assured me *he would*, and that I might engage it to the United States.

"LAFAYETTE."

Copy of a letter from Mr. Jay to Mr. Gardoqui.

OFFICE FOR FOREIGN AFFAIRS, October 17, 1788.

SIR: I have the honor of informing you that Congress have deemed it expedient, in the present situation of affairs, to refer their negotiations with his Catholic Majesty to the Federal Government, which is to assemble in March next. The dissolution of one government, and the establishment of another, form a period little adapted to negotiations, especially in a popular government. The inconveniences which thence arise are obvious, and need not be enumerated, especially as you are well apprised that the term of the present Congress is nearly expired, and that a succeeding Congress, adequate to such business, will not probably convene during the winter.

As these facts render the measure in question proper, I am persuaded you will so represent and explain it to his Catholic Majesty as that it may be ascribed to the peculiar situation of our National Government, and not to any desire or disposition to postpone a business which it is the interest of both parties to have speedily and satisfactorily settled.

I have the honor to be, &c.

JOHN JAY.

DECEMBER 22, 1791.

The Secretary of State reports, to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, apprized of our solicitude to have some arrangement made respecting our free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion that this overture should be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted, and a commission plenipotentiary made out for the purpose.

That Mr. Carmichael, the present *chargé des affaires* of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States and foreign nations, will insufficiently furnish the ordinary and regular demands on it, and is consequently inadequate to the mission of an additional commissioner express from hence.

That, therefore, it will be advisable, on this account, as well as for the sake of despatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners plenipotentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Ma-

jesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port, and other circumstances, as may render the said navigation practicable, useful, and free from dispute; saving to the President and Senate their respective rights as to their ratification of the same; and that the said negotiation be at Madrid, or such other place in Spain, as shall be desired by his Catholic Majesty.

TH: JEFFERSON.

MARCH 18, 1792.

The appointment of Mr. Carmichael and Mr. Short, as commissioners to negotiate, with the court of Spain, a treaty or convention relative to the navigation of the Mississippi, and which perhaps may be extended to other interests, rendering it necessary that the subjects to be treated of should be developed, and the conditions of arrangement explained:

The Secretary of State reports to the President of the United States, the following observations on the subjects of negotiation between the United States of America and the court of Spain, to be communicated by way of instruction to the commissioners of the United States, appointed as before mentioned, to manage that negotiation:

These subjects are.

- I. Boundary.
- II. The navigation of the Mississippi.
- III. Commerce.

1. As to boundary, that between Georgia and Florida is the only one which will need any explanation. Spain sets up a claim to possessions within the State of Georgia, founded on her having rescued them by force from the British during the late war. The following view of that subject seems to admit no reply:

The several States now composing the United States of America, were, from their first establishment, separate and distinct societies, dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left, and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixed; and particularly the southern boundary of Georgia, the only one now in question, was established at the 31st degree of latitude from the Apalachicola westwardly; and the western boundary, originally the Pacific ocean, was, by the treaty of Paris, reduced to the middle of the Mississippi. The part which our chief magistrate took in a war, waged against us by the nation among whom he resided, obliged us to discontinue him, and to name one within every State. In the course of this war we were joined by France, as an ally, and by Spain and Holland, as associates; having a common enemy, each sought that common enemy wherever they could find him. France, on our invitation, landed a large army within our territories, continued it with us two years, and aided us in recovering sundry places from the possession of the enemy. But she did not pretend to keep possession of the places rescued. Spain entered into the remote western part of our territory, dislodged the common enemy from several posts they held therein, to the annoyance of Spain; and perhaps thought it necessary to remain in some of them, as the only means of preventing their return. We, in like manner, dislodged them from several posts in the same western territory, to wit: Vincennes, Cahokia, Kaskaskia, &c. rescued the inhabitants, and retained constantly afterwards both them and the territory under our possession and government. At the conclusion of the war, Great Britain, on the 30th of November, 1782, by treaty acknowledged our independence, and our boundary, to wit: the Mississippi to the west, and the completion of the 31st degree, &c. to the south. In her treaty with Spain, concluded seven weeks afterwards, to wit, January 20th, 1783, she ceded to her the two Floridas, which had been defined in the proclamation of 1763, and Minorca; and by the eighth article of the treaty, Spain agreed to restore, *without compensation*, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions, that is to say, all except Minorca and the Floridas. According to this stipulation, Spain was expressly bound to have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States; or rather, she should have delivered them to the United States themselves, as standing *quoad hoc* in the place of Great Britain. And she was bound by natural right to deliver them to the same United States on a much stronger ground, as the real and only proprietors of those places which she had taken possession of in a moment of danger, without having had any cause of war with the United States, to whom they belonged, and without having declared any; but, on the contrary, conducting herself in other respects as a friend and associate. *Vattel*, l. 3, § 122.

It is an established principle, that conquest gives only an inchoate right, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment by the former proprietor. Had Great Britain been that former proprietor, she was so far from confirming to Spain the right to the territory of Georgia, invaded by Spain, that she expressly relinquished to the United States any right that might remain in her; and afterwards completed that relinquishment, by procuring and consolidating with it the agreement of Spain herself to restore such territory without compensation. It is still more palpable, that a war existing between two nations, as Spain and Great Britain, could give to neither the right to seize and appropriate the territory of a third, which is even neutral, much less which is an associate in the war, as the United States were with Spain. See, on this subject, *Grotius*, l. 3, c. 6, § 26. *Puffendorf*, l. 8, c. 17, § 23. *Vattel*, l. 3, § 197, 198.

On the conclusion of the general peace, the United States lost no time in requiring from Spain an evacuation of their territory. This has been hitherto delayed by means which we need not explain to that court, but which have been equally contrary to our right and to our consent.

Should Spain pretend, as has been intimated, that there was a secret article of treaty between the United States and Great Britain, agreeing, if at the close of the war the latter should retain the Floridas, that then the southern boundary of Georgia should be the completion of the 32d degree of latitude, the commissioners may safely deny all knowledge of the fact, and refuse conference on any such postulatium. Or should they find it necessary to enter into argument on the subject, they will of course do it hypothetically; and in that way may justly say, on the part of the United States: Suppose that the United States, exhausted by a bloody and expensive war with Great Britain, might have been willing to have purchased peace by relinquishing, under a particular contingency, a small part of their territory, it does not follow that the same United States, recruited and better organized, must relinquish the same territory to Spain without striking a blow. The United States, too, have irrevocably put it out of their power to do it, by a new constitution, which guarantees every State against the invasion of its territory. A disastrous war, indeed, might, by necessity, supersede this stipulation, (as necessity is above all law) and oblige them to abandon a part of a State; but nothing short of this can justify or obtain such an abandonment.

The southern limits of Georgia depend chiefly on,

1. The charter of Carolina to the lords proprietors, in 1663, extending southwardly to the river Matheo, now called St. John, supposed in the charter to be in latitude 31, and so west in a direct line as far as the South Sea. See the charter in 4th^o *Memoires de l'Amerique*, 534.

2. On the proclamation of the British King, in 1763, establishing the boundary between Georgia and the two Floridas to begin on the Mississippi, in thirty-one degrees of latitude north of the equator, and running eastwardly to the Apalachicola; thence, along the said river to the mouth of the Flint; thence, in a direct line, to the source of St. Mary's river, and down the same to the ocean. This proclamation will be found in *Postlethwayte* voce "British America."

*Mr. Short is desired to purchase this book at Amsterdam, or Paris, as he may not find it at Madrid; and when it shall have answered the purposes of this mission, let it be sent here for the use of the Secretary of State's office.

3. On the treaties between the United States and Great Britain, of November 30, 1782, and September 3, 1783, repeating and confirming these ancient boundaries.

There was an intermediate transaction, to wit: a convention concluded at the Pardo, in 1739, whereby it was agreed that ministers plenipotentiary should be immediately appointed by Spain and Great Britain for settling the limits of Florida and Carolina. The convention is to be found in the collections of treaties. But the proceedings of the plenipotentiaries are unknown here. *Qu.* If it was on that occasion that the southern boundary of Carolina was transferred from the latitude of Matheo or St. John's river further north to the St. Mary's? Or was it the proclamation of 1763 which first removed this boundary? [If the commissioners can procure in Spain a copy of whatever was agreed on in consequence of the convention of the Pardo, it is a desirable state paper here.]

To this demonstration of our rights may be added the explicit declaration of the court of Spain, that she would accede to them. This took place in conversations and correspondence thereon between Mr. Jay, Minister Plenipotentiary for the United States at the court of Madrid, the Marquis de Lafayette, and the Count de Florida Blanca. Monsieur de Lafayette, in his letter of February 19th, 1783, to the Count de Florida Blanca, states the result of their conversations on limits in these words: "With respect to limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the Court of London." The Count de Florida Blanca, in his answer of February 22, to M. de Lafayette, says, "although it is his Majesty's intention to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States;" and M. de Lafayette, in his letter of the same day to Mr. Jay, wherein he had inserted the preceding, says, "on receiving the answer of the Count de Florida Blanca, (to wit: his answer, before mentioned, to M. de Lafayette) I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and the Americans; that his remark related only to mere unimportant details, which he wished to receive from the Spanish commandants, which would be amicably regulated, and *would by no means oppose the general principle*. I asked him, before the Ambassador of France, [M. de Montmorin] whether he would give me his word of honor for it; he assured me he would, and that I might engage it to the United States." See the report sent herewith.

II. The navigation of the Mississippi.

Our right to navigate that river, from its source to where our southern boundary strikes it, is not questioned. It is from that point downwards, only, that the exclusive navigation is claimed by Spain; that is to say, where she holds the country on both sides, to wit: Louisiana on the west, and Florida on the east.

Our right to participate in the navigation of that part of the river, also, is to be considered, under

1. The Treaty of Paris of 1763.
2. The Revolution Treaty of 1782-3.
3. The law of nature and nations.

1. The war of 1755-1763, was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. At the peace which was negotiated by our common magistrate, a right was secured to the subjects of Great Britain (the common designation of all those under his government) to navigate the Mississippi in its whole breadth and length, from its source to the sea, and expressly that part which is between the island of New Orleans and the right bank of the river, as well as the passage both in and out of its mouth; and that the vessels should not be stopped, visited, or subjected to the payment of any duty whatsoever. These are the words of the treaty, article VII. Florida was at the same time ceded by Spain, and its extent westward was fixed to the lakes Pontchartrain and Maurepas, and the river Mississippi; and Spain received soon after from France a cession of the island of New Orleans, and all the country she held westward of the Mississippi, subject of course to our right of navigating between that country and the island previously granted to us by France. This right was not parcelled out to us in severalty, that is to say, to each the exclusive navigation of so much of the river as was adjacent to our several shores—in which way it would have been useless to all—but it was placed on that footing on which alone it could be worth any thing, to wit: as a right to all to navigate the whole length of the river in common. The import of the terms and the reason of the thing prove it was a right of common in the whole, and not a several right to each of a particular part. To which may be added the evidence of the stipulation itself, that we should navigate between New Orleans and the western bank, which, being adjacent to none of our States, could be held by us only as a right of common. Such was the nature of our right to navigate the Mississippi, as far as established by the treaty of Paris.

2. In the course of the Revolutionary war, in which the thirteen colonies, Spain, and France, were opposed to Great Britain, Spain took possession of several posts held by the British in Florida. It is unnecessary to inquire whether the possession of half a dozen posts scattered through a country of seven or eight hundred miles extent, could be considered as the possession and conquest of that country. If it was, it gave still but an inchoate right, as was before explained, which could not be perfected but by the relinquishment of the former possession at the close of the war; but certainly it could not be considered as a conquest of the river, even against Great Britain, since the possession of the shores, to wit, of the island of New Orleans on the one side, and Louisiana on the other, having undergone no change, the right in the water would remain the same, if considered only in its relation to them; and if considered as a distinct right, independent of the shores, then no naval victories obtained by Spain over Great Britain, in the course of the war, gave her the color of conquest over any water which the British fleet could enter. Still less can she be considered as having conquered the river, as against the United States, with whom she was not at war. We had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank, and nothing which passed between Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of November, 1782, Great Britain confirmed the rights of the United States to the navigation of the river, from its source to its mouth, and in January, 1783, completed the right of Spain to the territory of Florida, by an absolute relinquishment of all her rights in it. This relinquishment could not include the navigation held by the United States in their own right, because this right existed in themselves only, and was not in Great Britain. If it added any thing to the rights of Spain respecting the river between the eastern and western banks, it could only be that portion of right which Great Britain had retained to herself in the treaty with the United States, held seven weeks before, to wit, a right of using it in common with the United States.

So that as by the treaty of 1763, the United States had obtained a common right of navigating the whole river from its source to its mouth, so by the treaty of 1782, that common right was confirmed to them by the only power who could pretend claims against them, founded on the state of war; nor has that common right been transferred to Spain by either conquest or cession.

But our right is built on ground still broader and more unquestionable, to wit:

3. On the law of nature and nations.

If we appeal to this, as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiassed by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. The late case of Antwerp and the Scheldt was a striking proof of a general union of sentiment on this point; as it is believed that Amsterdam had scarcely an advocate out of Holland, and even there its pretensions were advocated on the ground of treaties, and not of natural right. (The commissioners would do well to examine thoroughly what was written on this occasion.) The commissioners will be able perhaps to find, either in the practice or the pretensions of Spain, as to the Dauro, Tagus, and Guadiana, some acknowledg-

ments of this principle on the part of that nation. This sentiment of right in favor of the upper inhabitants must become stronger in the proportion which their extent of country bears to the lower. The United States hold 600,000 square miles of habitable territory on the Mississippi and its branches, and this river and its branches afford many thousands of miles of navigable waters penetrating this territory in all its parts. The inhabitable grounds of Spain below our boundary and bordering on the river, which alone can pretend any fear of being incommoded by our use of the river, are not the thousandth part of that extent. This vast portion of the territory of the United States has no other outlet for its productions, and these productions are of the bulkiest kind. And in truth their passage down the river may not only be innocent, as to the Spanish subjects on the river, but cannot fail to enrich them far beyond their present condition. The real interests then of all the inhabitants, upper and lower, concur in fact with their rights.

If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that, were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends in a considerable degree on the conveniency of the nation through which they are to pass. But it is still a right as real as any other right, however well defined; and were it to be refused, or to be so shackled by regulations, not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. The right of the upper inhabitants to use this navigation is the counterpart to that of those possessing the shores below, and founded in the same natural relations with the soil and water. And the line at which their rights meet is to be advanced or withdrawn, so as to equalize the inconveniences resulting to each party from the exercise of the right by the other. This estimate is to be fairly made with a mutual disposition to make equal sacrifices, and the numbers on each side are to have their due weight in the estimate. Spain holds so very small a tract of habitable land on either side below our boundary, that it may in fact be considered as a strait of the sea: for though it is 80 leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the land rises above the level of the water in times of inundation. There are, then, and ever must be, so few inhabitants on her part of the river, that the freest use of its navigation may be admitted to us without their annoyance. For authorities on this subject, see Grot. l. 2. c. 2 § 11, 12, 13, c. 3. § 7, 8, 12. Puffendorf, l. 3. c. 3. § 3, 4, 5, 6. Wolff's Inst. § 310, 311, 312. Vattel, l. 1. § 292. l. 2. § 123 to 139.



It is essential to the interests of both parties that the navigation of the river be free to both, on the footing on which it was defined by the treaty of Paris, viz: through its whole breadth. The channel of the Mississippi is remarkably winding, crossing and recrossing perpetually from one side to the other of the general bed of the river. Within the elbows thus made by the channel, there is generally an eddy setting upwards, and it is by taking advantage of these eddies, and constantly crossing from one to another of them, that boats are enabled to ascend the river. Without this right the whole river would be impracticable both to the Americans and Spaniards.

It is a principle that the right to a thing gives a right to the means, without which it could not be used, that is to say, that the means follow their end. Thus, a right to navigate a river, draws to it a right to moor vessels to its shores, to land on them in cases of distress, or for other necessary purposes, &c. This principle is founded in natural reason, is evidenced by the common sense of mankind, and declared by the writers before quoted. See Grot. l. 2. c. 2. § 15. Puffendorf, l. 3. c. 3. § 8. Vattel, l. 2. § 129.

The Roman law, which, like other municipal laws, placed the navigation of their rivers on the footing of nature, as to their own citizens, by declaring them public,* (*flumina publica sunt, hoc est populi Romani*, Inst. 2. t. 1. § 2.) declared also that the right to the use of the shores was incident to that of the water. *Ibid*, § 1, 3, 4, 5. The laws of every country probably do the same. This must have been so understood between France and Great Britain, at the Treaty of Paris, when a right was ceded to British subjects to navigate the whole river, and expressly that part between the island of New Orleans and the western bank, without stipulating a word about the use of the shores, though both of them belonged then to France, and were to belong immediately to Spain. Had not the use of the shores been considered as incident to that of the water, it would have been expressly stipulated; since its necessity was too obvious to have escaped either party. Accordingly, all British subjects used the shores habitually for the purposes necessary to the navigation of the river; and when a Spanish Governor undertook at one time to forbid this, and even cut loose the vessels fastening to the shores, a British frigate went immediately, moored itself to the shore opposite the town of New Orleans, and set out guards with orders to fire on such as might attempt to disturb her moorings. The Governor acquiesced, the right was constantly exercised afterwards, and no interruption ever offered.

This incidental right extends even beyond the shores, when circumstances render it necessary to the exercise of the principal rights; as, in the case of a vessel damaged, where the mere shore could not be a safe deposit for her cargo till she could be repaired, she may remove it into safe ground off the river. The Roman law shall be quoted here too, because it gives a good idea both of the extent and the limitations of this right. *Ins. l. 2. t. 1. § 4. † Riparum quoque usus publicus est, ut volunt jura gentium, sicut et ipsius fluminis usus publicus est. Itaque et navigium ad ripas appellere, et funes de arboribus ibi natis religare, et navis onera in his locis reponere, liberum quoque est sicuti nec per flumen ipsum navigare quisquam prohibetur.* And again, § 5, *‡ litorum quoque usus publicus, sive juri gentium est, ut et ipsius maris et ob id data est facultas volentibus, casas ibi sibi componere, in quas se recipere possint, &c.* Again, § 1. *§ Nemo igitur ad littora maris accedere prohibetur: veluti deambulare aut navem appellere, sic tamen ut a villis, id est domiciliis monumentisque ibi positis, ab edificiis absteineat, nec us damnum inferat.*

Among incidental rights are those of having pilots, buoys, beacons, landmarks, light houses, &c. to guide the navigators. The establishment of these at joint expense, and under joint regulations, may be the subject of a future convention. In the mean time, both should be free to have their own, and refuse those of the other, both as to use and expense.

Very peculiar circumstances attending the river Mississippi, require that the incidental right of accommodation on the shore, which needs only occasional exercise on other rivers, should be habitual and constant on this. Sea vessels cannot navigate that river, nor the river vessels go to sea. The navigation would be useless then without an entrepôt, where these vessels might safely deposit their own cargoes, and take those left by the others; and where ware houses and keepers might be constantly established for the safeguard of the cargoes. It is admitted, indeed, that the incidental right thus extended into the territory of the bordering inhabitants, is liable to stricter modifications in proportion as it interferes with their territorial right. But the inconveniences of both parties are still to have their weight, and reason and moderation on both sides are to draw the line between them. As to this, we count much on the liberality of Spain, on her concurrence in opinion with us, that it is for the interest of both parties to remove com-

* Rivers belong to the public, that is to say to the Roman people.

† "The use of the banks belongs also to the public by the law of nations, as the use of the river itself does. Therefore every one is free to moor his vessel to the bank, to fasten his cables to the trees growing on it, to deposit the cargo of his vessel in those places in like manner as every one is free to navigate the river itself."

‡ "The use of the shores also belongs to the public, or is under the law of nations, as is that of the sea itself. Therefore it is, that those who choose, have a right to build huts there, into which they may betake themselves."

§ "Nobody, therefore, is prohibited from landing on the sea shore, walking there, or mooring their vessel there, so nevertheless that they keep out of the villas, that is, the habitations, monuments, and public buildings, erected there, and do them no injury."

pletely this germ of discord from between us, and draw our friendship as close as circumstances proclaim that it should be, and on the considerations which make it palpable that a convenient spot, placed under our exclusive occupation, and exempted from the jurisdiction and police of their government, is far more likely to preserve peace than a mere free port, where eternal altercations would keep us in eternal ill humor with each other. The policy of this measure, and indeed of a much larger concession, having been formerly sketched in a paper of July 12th, 1790, sent to the commissioners severally, they are now referred to that.

If this be agreed to, the manner of fixing on that extra territorial spot becomes highly interesting. The most desirable to us, would be a permission to send commissioners to choose such spot, below the town of New Orleans, as they should find most convenient.

If this be refused, it would be better now to fix on the spot. Our information is, that the whole country below the town, and for sixty miles above it, on the western shore, is low, marshy, and subject to such deep inundation for many miles from the river, that if capable of being reclaimed at all by banking, it would still never afford an entrepôt sufficiently safe; that on the eastern side the only lands below the town, not subject to inundation, are at the *Detour aux Anglais*, or English Turn, the highest part of which, is that whereon the fort St. Marie formerly stood. Even this is said to have been raised by art, and to be very little above the level of the inundations. This spot then is what we would fix on, if obliged now to decide, with from one to as many square miles of the circumjacent lands as can be obtained, and comprehending expressly the shores above and below the site of the fort as far as possible. But as to the spot itself, the limits, and even whether it shall be extra territorial, or only a free port, and what regulations it shall be laid under, the convenience of that Government is entitled to so much respect and attention on our part, that the arrangement must be left to the management of the commissioners, who will doubtless use their best efforts to obtain all they can for us.

The most footing on which the determination of the ground could be placed, would be a reference to joint commissioners; because their disagreement, a very probable, nay, a certain event, would undo the whole convention, and leave us exactly where we now are. Unless indeed they will engage to us, in case of such disagreement, the highest ground at the *Detour aux Anglais*, of convenient extent, including the landings and harbor thereto adjacent. This would ensure us that ground, unless better could be found and mutually preferred, and close the delay of right under which we have so long labored for peace-sake.

It will probably be urged, because it was urged on a former occasion, that, if Spain *grants* to us the right of navigating the Mississippi, other nations will become entitled to it by virtue of treaties giving them the rights of the *most favored nation*.

Two answers may be given to this:

1. When those treaties were made, no nations could be under contemplation, but those then existing, or those at most who might exist under similar circumstances. America did not then exist as a nation; and the circumstances of her position and commerce, are so totally dissimilar to every thing then known, that the treaties of that day were not adapted to any such being. They would better fit even China than America; because, as a manufacturing nation, China resembles Europe more. When we solicited France, to admit our whale oils into her ports, though she had excluded all foreign whale oils, her minister made the objection now under consideration, and the foregoing answer was given. It was found to be solid; and the whale oils of the United States are in consequence admitted, though those of Portugal and the Hanse towns, and of all other nations, are excluded. Again, when France and England were negotiating their late treaty of commerce, the great dissimilitude of our commerce (which furnishes raw materials to employ the industry of others, in exchange for articles whereon industry has been exhausted) from the commerce of the European nations (which furnishes things ready wrought only) was suggested to the attention of both negotiators, and that they should keep their nations free to make particular arrangements with ours, by communicating to each other only the rights of the most favored European nation. Each was separately sensible of the importance of the distinction; and as soon as it was proposed by the one, it was acceded to by the other, and the word *European* was inserted in their treaty. It may fairly be considered then as the rational and received interpretation of the diplomatic term, "*gentis amicissimæ*,"* that it has not in view a nation unknown in many cases at the time of using the term, and so dissimilar in all cases as to furnish no ground of just reclamation to any nation.

But the decisive answer is, that Spain does not grant us the navigation of the river. We have an inherent right to it; and she may repel the demand of any other nation by candidly stating her act to have been, what in truth it is, a recognition only, and not a grant.

If Spain apprehends that other nations may claim access to our ports in the Mississippi, under their treaties with us, giving them a right to come and trade in all our ports, though we would not choose to insert an express stipulation against them, yet we shall think ourselves justified to acquiesce in fact, under any regulations Spain may from time to time establish against their admission.

Should Spain renew another objection, which she relied much on before, that the English at the Revolution treaty could not cede to us what Spain had taken from them by conquest, and what of course they did not possess themselves, the preceding observations furnish sufficient matter for refutation.

To conclude the subjects of boundary and navigation, each of the following conditions is to be considered by the commissioners as a *sine qua non*.

1. That our southern boundary remain established at the completion of 31 degrees of latitude on the Mississippi, and so on to the ocean, as has been before described, and our western one along the middle of the channel of the Mississippi, however that channel may vary, as it is constantly varying, and that Spain cease to occupy or to exercise jurisdiction in any part northward or eastward of these boundaries.

2. That our right be acknowledged of navigating the Mississippi, in its whole breadth and length, from its source to the sea, as established by the treaty of 1763.

3. That neither the vessels, cargoes, or the persons on board, be stopped, visited, or subjected to the payment of any duty whatsoever; or, if a visit must be permitted, that it be under such restrictions as to produce the least possible inconvenience. But it should be altogether avoided, if possible, as the parent of perpetual broils.

4. That such conveniences be allowed us ashore, as may render our right of navigation practicable and under such regulations as may bona fide respect the preservation of peace and order alone, and may not have in object to embarrass our navigation, or raise a revenue on it. While the substance of this article is made a *sine qua non*, the modifications of it are left altogether to the discretion and management of the commissioners.

We might add, as a fifth *sine qua non*, that no phrase should be admitted in the treaty which could express or imply that we take the navigation of the Mississippi as a *grant* from Spain. But, however disagreeable it would be to subscribe to such a sentiment, yet, were the conclusion of a treaty to hang on that single objection, it would be expedient to waive it, and to meet, at a future day, the consequences of any resumption they may pretend to make, rather than at present, those of a separation without coming to any agreement.

We know not whether Spain has it in idea to ask a compensation for the ascertainment of our right.

1. In the first place, she cannot in reason ask a compensation for yielding what we have a right to, that is to say, the navigation of the river, and the conveniences incident to it of natural right.

2. In the second place, we have a claim on Spain for indemnification for nine years exclusion from that navigation, and a reimbursement of the heavy duties (not less for the most part than 15 per cent. on extravagant valuations) levied on the commodities she has permitted to pass to New Orleans. The relinquishment of this will be no unworthy equivalent for any accommodations she may indulge us with, beyond the line of our strict right. And this claim is to be brought into view in proper time and manner, merely to be abandoned in consideration of such accommodations. We have nothing else to give in exchange. For as to territory, we have neither the right nor the disposition to alienate an inch of what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible, and not to be treated of for a moment.

* "The most favored nation."

3. On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object, then, was, to obtain our renunciation of the navigation, and to hold out commercial arrangements, perhaps as a lure to us; perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation; or, may wish for them, to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: 1. That of exchanging the privileges of *native citizens*; or, 2. Those of the *most favored nation*.

1. With the nations holding important possessions in America, we are ready to exchange the rights of native citizens, provided they be extended through the whole possessions of both parties. But the propositions of Spain, made on the former occasion, (a copy of which accompanies this) were, that we should give their merchants, vessels, and productions, the privilege of native merchants, vessels, and productions, through the whole of our possessions; and they give the same to ours only in Spain and the Canaries. This is inadmissible, because unequal; and, as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2. Though treaties, which merely exchange the rights of the most favored nations, are not without all inconvenience, yet they have their conveniences also. It is an important one, that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis, with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not, and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model. But it would be useless to propose the Prussian; because we have already supposed that Spain would never consent to those articles which give to each party access to all the dominions of the other; and, without this equivalent, we would not agree to tie our own hands so materially in war, as would be done by the 23d article, which renounces the right of fitting out privateers, or of capturing merchant vessels. The French treaty, therefore, is proposed as the model. In this, however, the following changes are to be made.

We should be admitted to all the dominions of Spain, to which any other foreign nation is, or may be admitted.

Article 5 being an exemption from a particular duty in France, will of course be omitted, as inapplicable to Spain.

Article 8 to be omitted, as unnecessary with Morocco, and inefficacious, and little honorable with any of the Barbary Powers. But it may furnish occasion to sound Spain on the project of a convention of the Powers at war with the Barbary states to keep up, by rotation, a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to subsidize us to cruise against them with a given force.

Article 9 and 10, concerning fisheries, to be omitted, as inapplicable.

Article 11. The first paragraph of this article, respecting the *droit d'aubaine*, to be omitted; that law being supposed peculiar to France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prize on the subjects of the other of the parties," would forbid us, in case of a war between France and Spain, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter—a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 29. Consuls should be received in all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America. Free ports in the Spanish possessions in America, and particularly at the Havana, San Domingo, in the island of that name, and St. John of Porto Rico, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c. admission to those ports during their pleasure. In like manner, if they could be prevailed on to re-establish our right of cutting logwood in the bay of Campeachy, on the footing on which it stood before the treaty of 1763, it would be desirable, and not endanger, to us, any contest with the English, who, by the Revolution treaty, are restrained to the southeastern parts of Yucatan.

Article 31. The *act of ratification*, on our part, may require a twelvemonth from the date of the treaty, as the Senate meets regularly but once a year; and to return it to Madrid, for exchange, may require four months more. It would be better, indeed, if Spain would send her ratification to be exchanged by her representative here.

The treaty must not exceed twelve or fifteen years' duration, except the clauses relating to boundary and the navigation of the Mississippi, which must be perpetual and final. Indeed, these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement, that of making special agreements on every special subject of commerce, and of settling a tariff of duty to be paid on each side, on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion, and to prepare them for it by information and instruction from hence. Our commerce, too, is, as yet, rather in a course of experiment, and the channels in which it will ultimately flow, are not sufficiently known to enable us to provide for it by special agreement. Nor have the exigencies of our new government, as yet, so far developed themselves, as that we can know to what degree we may or must have recourse to commerce for the purposes of revenue. No common consideration, therefore, ought to induce us, as yet, to arrangements of this kind. Perhaps nothing should do it with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished, indeed, that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained, even on our giving reciprocal advantages to some other commodities of Spain; say her wines and brandies.

But, 1st. If we quit the ground of the *most favored nation*, as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a treaty of *detail*, for which they will not be prepared.

2d. If we grant favor to the wines and brandies of Spain, then Portugal and France will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France, a prohibition on our whale oils, the removal of which will be proposed as an equivalent.

Thus much, however, as to grain and flour, may be attempted. There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that court considers the matter. It is not generally thought right to change the state of things pending a treaty concerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was, on opening the conferences with Mr. Gardoqui, on the 26th day of July, 1785. If Spain says, "do the same by your tonnage on our vessels," the answer may be, that our foreign tonnage affects Spain very little, and other nations very much; whereas, the duty on flour in Spain affects us very much, and other nations very little. Consequently, there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would, in fact, only be aiding the interests of her rival nations, to whom we should be forced to extend the same indulgence. At the time of opening the conferences, too, we had as yet not erected any system; our Government

itself being not yet erected. Innovation then was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground; on ground favorable to Spain. But they had a system, and, therefore, innovation was avoidable on their part.

It is known to the commissioners that we found it expedient to ask the interposition of France, lately, to bring on this settlement of our boundary, and the navigation of the Mississippi. How far that interposition has contributed to produce it, is uncertain. But we have reason to believe that her further interference would not produce an agreeable effect on Spain. The commissioners, therefore, are to avoid all further communications on the subject with the ministers of France, giving to them such explanations as may preserve their good dispositions. But if, ultimately, they shall find themselves unable to bring Spain to agreement on the subject of navigation and boundary, the interposition of France, as a mutual friend, and the guarantee of our limits, is then to be asked, in whatever light Spain may choose to consider it.

Should the negotiations on the subject of navigation and boundary assume, at any time, an unhopeful aspect, it may be proper that Spain should be given to understand, that, if they are discontinued without coming to any agreement, the Government of the United States cannot be responsible for the longer forbearance of their western inhabitants. At the same time the abandonment of the negotiation should be so managed as that, without engaging us to a further suspension of the exercise of our rights, we may not be committed to resume them on the instant. The present turbid situation of Europe cannot leave us long without a safe occasion of resuming our territory and navigation, and of carving for ourselves those conveniences, on the shores, which may facilitate and protect the latter effectually and permanently.

We had a right to expect that, pending a negotiation, all things would have remained *in statu quo*, and that Spain would not have proceeded to possess herself of other parts of our territory. But she has lately taken and fortified a new post on the Walnut hills, above the mouth of the Yazoo river, and far above the 31st degree. This garrison ought to have been instantly dislodged; but for our wish to be in friendship with Spain, and our confidence in her assurances "to abide by the limits established in our treaty with England," complaints of this unfriendly and uncandid procedure may be brought forward or not, as the commissioners shall see expedient.

TH: JEFFERSON.

PHILADELPHIA, *March 23, 1792.*

GENTLEMEN:

I have the honor to inform you, that a commission has been issued to Mr. Carmichael and Mr. Short, as commissioners plenipotentiary for the United States, to confer, treat, and negotiate, with any person or persons duly authorized by his Catholic Majesty, of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated; and of and concerning the general commerce between the United States and the kingdoms and dominions of his Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions, thereon, saving as usual the right of ratification; which commission is already on its way to Mr. Short, whom it will find at the Hague, and who is desired immediately to proceed to Madrid. I expect his route will be by Bordeaux, and thence across the Pyrenees by the usual road. Might I hope your application to your court to send a passport and proper orders to their officers, where he must first enter the kingdom, to protect his passage into and through the kingdom, in order to prevent the loss of time which would be incurred by his waiting there till he could ask and receive a passport from Madrid?

With the sincerest wishes that the matters not yet settled between the two countries may be so adjusted as to give a free course to that conduct on both sides, which an unity of interest evidently prescribes, and with sentiments of perfect esteem and respect for yourselves,

I have the honor, &c.

TH: JEFFERSON

MESSRS. DE VIAR and DE JAUDENES.

PHILADELPHIA, *April 24, 1792.*

GENTLEMEN:

My letter, of March 18, conveyed to you full powers for treating with Spain on the subjects therein expressed. Since that, our attention has been drawn to the case of fugitive debtors and criminals, whereon it is always well that coterminous States should understand one another as far as their ideas on the rightful powers of government can be made to go together; where they separate, the cases may be left unprovided for. The enclosed paper, approved by the President, will explain to you how far we can go in an agreement with Spain, for her territories bordering on us; and the plan of a convention is there stated. You are desired to propose the matter to that court, and establish with them so much of it as they approve; filling up the blank for the manner of the demand by us, and a compliance by them, in such way as their laws and the organization of their government may require. But recollect that they bound on us between two and three thousand miles, and consequently that they should authorize a delivery by some description of officers to be found on every inhabited part of their border. We have thought it best to agree specially to the manner of proceeding in our country, on a demand of theirs, because the convention will, in that way, execute itself, without the necessity of a new law for the purpose. Your general powers being comprehensive enough to take in this subject, no new ones are issued.

I have the honor to be, &c.

TH: JEFFERSON.

WM. CARMICHAEL and WM. SHORT, Esqrs.

Project of a Convention with the Spanish Provinces.

Any person having committed murder of malice prepense, not of the nature of treason, within the United States or the Spanish provinces adjoining thereto, and fleeing from the justice of the country, shall be delivered up by the Government where he shall be found, to that from which he fled, whenever demanded by the same.

The manner of the demand by the Spanish Government, and of the compliance by that of the United States, shall be as follows: The person authorized by the Spanish Government where the murder was committed, to pursue the fugitive, may apply to any justice of the supreme court of the United States, or to the district judge of the place where the fugitive is, exhibiting proof on oath that a murder has been committed by the said fugitive within the said Government, who shall thereon issue his warrant to the marshal or deputy marshal of the same place to arrest the fugitive, and have him before the said district judge; or the said pursuer may apply to such marshal or deputy marshal directly, who, on exhibition of proof, as aforesaid, shall thereupon arrest the fugitive and carry him before the said district judge; and, when before him, in either way, he shall, within not less than — days, nor more than —, hold a special court of inquiry, causing a grand jury to be summoned thereto, and charging them to inquire whether the fugitive had committed a murder, not of the nature of treason, within the province demanding him; and, on their finding a true bill, the judge shall order the officer in whose custody the fugitive is to deliver him over to the person authorized as aforesaid to receive him; and shall give such further authorities to aid the said person in safe keeping and conveying the said fugitive to the limits of the United States, as shall be necessary and within his powers; and his powers shall expressly extend to command the aid of a posse of every district through which the said fugitive is to be carried. And the said justices, judges, and other officers, shall use in the premises the same process and pro-

ceedings, *mutatis mutandis*, and govern themselves by the same principles and rules of law as in cases of murder committed on the high seas.

And the manner of demand by the United States, and compliance by the Spanish Government, shall be as follows: The person authorized by a justice of the supreme court of the United States, or by the district judge where the murder was committed, to pursue the fugitive, may apply to ———.

Evidence on oath, though written and *ex parte*, shall have the same weight with the judge and grand jury in the preceding cases as if the same had been given before them orally, and in presence of the prisoner.

The courts of justice of the United States and provinces shall be reciprocally open for the demand and recovery of debts due to any person inhabiting the one, from any person fled therefrom and found in the other, in like manner as they are open to their own citizens; likewise for the recovery of the property, or the value thereof, carried away from any person inhabiting the one, by any person fled therefrom and found in the other; which carrying away shall give a right of civil action, whether the fugitive came to the original possession lawfully or unlawfully, even feloniously; likewise for the recovery of damages sustained by any forgery committed by such fugitive. And the same provision shall hold in favor of the representatives of the original creditor or sufferer, and against the representatives of the original debtor, carrier away, or forger; also in favor of either Government, or of corporations, as of natural persons; but in no case shall the person of the defendant be imprisoned for the debt, though the process, whether original, mesne, or final, be, for the form sake, directed against his person. If the time between the flight and the commencement of the action exceed not ——— years, it shall be counted but as one day under any act of limitations.

This convention shall continue in force ——— years from the exchange of ratifications, and shall not extend to any thing happening previous to such exchange.

Heads of Consideration on the establishment of Conventions between the United States and their neighbors, for the mutual delivery of fugitives from justice.

Has a nation a right to punish a person who has not offended itself? Writers on the law of nature agree that it has not. That, on the contrary, exiles and fugitives are to them as other strangers, and have a right of residence, unless their presence would be noxious, e. g. infectious persons. One writer extends the exception to atrocious criminals; too imminently dangerous to society, namely, to pirates, murderers, and incendiaries. Vattel, l. 1. § 233.

The punishment of piracy being provided for by our law, need not be so by convention.

Murder. Agreed that this is one of the extreme crimes, justifying a denial of habitation, arrest, and re-delivery. It should be carefully restrained by definition to homicide of *malice prepense*, and not of the nature of treason.

Incendiaries, or those guilty of arson. This crime is so rare as not to call for extraordinary provision by a convention.

The only *rightful* subject, then, of arrest and delivery, for which we have need, is murder.

Ought we to wish to strain the natural right of arresting and re-delivering fugitives to other cases? The punishment of all real crimes is certainly desirable as a security to society. The security is greater in proportion as the chances of avoiding punishment are less. But does the fugitive from his country avoid punishment? He incurs exile, not voluntary, but under a moral necessity as strong as physical. Exile, in some countries, has been the highest punishment allowed by the laws. To most minds it is *next to death*; to many *beyond it*. The fugitive, indeed, is not of the latter: he must estimate it somewhat *less than death*. It may be said, that, to some, as foreigners, it is no punishment. Answer. These cases are few. Laws are to be made for the mass of cases.

The object of a convention, then, in other cases, would be, that the fugitive might not avoid the *difference between exile and the legal punishment of the case*. Now, in what cases would this *difference* be so important as to outweigh even the single inconvenience of multiplying compacts?

1st. Treason. This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the *Government* and acts against the *oppressions of the Government*. The latter are virtues, yet have furnished more victims to the executioner than the former: because real treasons are rare, oppressions frequent. The unsuccessful strugglers against tyranny have been the chief martyrs of treason laws in all countries. Reformation of government with our neighbors is as much wanting now, as reformation of religion is or ever was any where. We should not wish, then, to give up to the executioner the patriot who fails and flees to us. Treasons, then, taking the *simulated* with the *real*, are sufficiently punished by exile.

2d. Crimes against property. The punishment, in most countries, is immensely disproportionate to the crime. In England, and probably in Canada, to steal a hare is death, the first offence; to steal above the value of 12d. death the second offence. All excess of punishment is a *crime*; to remit a fugitive to excessive punishment is to be *accessory* to the crime. Ought we to wish for the obligation or the right to do it? Better, on the whole, to consider these crimes as sufficiently punished by the exile.

There is one crime, however, against property, pressed by its consequences into more particular notice, to wit: Forgery, whether of *coin* or *paper*, and whether paper of *public* or *private* obligation. But the fugitive for forgery is punished by exile, and confiscation of the property he leaves; to which add, by convention, a civil action against the property he carries or acquires, to the amount of the special damage done by his forgery.

The carrying away of the property of another may also be reasonably made to found a civil action.

A convention, then, may include forgery, and the carrying away the property of others, under the head of ———.

3d. Flight from debts. To remit the fugitive in this case, would be to remit him in every case: for, in the present state of things, it is next to impossible not to owe something. But I see neither injustice nor inconvenience in permitting the fugitive to be sued in our courts. The laws of some countries punishing the unfortunate debtor by perpetual imprisonment, he is right to liberate himself by flight; and it would be wrong to re-imprison him in the country to which he flies. Let all process, therefore, be confined to his property.

Murder, not amounting to treason, being the only case in which the fugitive is to be delivered, on what evidence, and by whom, shall he be delivered? In this country, let any justice of the supreme court of the United States, or their judge of the district where the fugitive is found, use the same proceedings as for a murder committed on the high seas, until the finding of the "true bill" by the grand jury; but evidence on oath from the country demanding him, though in *writing* and *ex parte*, should have the same effect as if delivered *orally* at the *examination*. A true bill being found by the grand jury, let the officer in whose custody the fugitive is, deliver him to the person charged to demand and receive him.

In the British provinces adjoining us, the same proceedings will do.

In the Spanish provinces, a proceeding adapted to the course of their laws should be agreed on.

TH: JEFFERSON.

March 22, 1792.

PHILADELPHIA, May 17, 1792.

GENTLEMEN:

We lately received from Mr. Seagrove, our Indian agent for the southern department, a letter of which the enclosed is an extract, whereby it appeared that a party of the Creek Indians, under the influence of the adventurer Bowles, had meditated some depredations on the Spanish settlements, from which they had been diverted by a friend of our agent, but that their disposition to do injury was perhaps not quite extinguished. Sensible how much it is in the power of neighbor nations to contribute to mutual happiness and prosperity, by faithfully using their good

offices wherever they may procure the peace or advantage of each other, and feeling a union of interest with Spain in whatever regards her adjacent possessions, we have not hesitated to give general instructions to our agent in that department to cultivate in the Indians the same friendly dispositions towards the Spanish settlements, as towards ourselves, and to promote their peace and interest in every case with the same zeal as our own.

I have the honor to enclose you one of those orders, to congratulate you on the intelligence that the leader who gave occasion to this particular interposition is no longer in a situation to threaten further danger, and to assure you, that, as far as shall depend on us, we will, on every future occasion, sincerely use what influence we may have with the Indians, to discountenance and prevent every measure they may meditate against the peace or prosperity of your subjects.

I have the honor to be, &c.

TH: JEFFERSON.

MESSRS. DE VIAR and DE JAUDENES.

To William Carmichael and William Short, Esquires.

PHILADELPHIA, November 3, 1792.

GENTLEMEN:

I wrote you on the 14th of the last month, since which, some other incidents and documents have occurred bearing relation to the subject of that letter. I therefore now enclose you a duplicate of that letter.

Copy of a letter from the Governor of Georgia, with the deposition it covered of a Mr. Hull, and an original passport signed by Olivier, wherein he styles himself commissary for his Catholic Majesty with the Creeks.

Copy of a letter from Messrs. Viar and Jaudenes, to myself, dated October 29, with that of the extract of a letter of September 24, from the Baron Carondelet to them.

Copy of my answer of November 1, to them; and

Copy of a letter from myself to the President, stating a conversation with those gentlemen.

From these papers you will find we have been constantly endeavoring, by every possible means, to keep peace with the Creeks; that in order to do this, we have even suspended, and still suspend the running a fair boundary between them and us, as agreed to by themselves, and having for object the precise definition of their and our lands, so as to prevent encroachment on either side; and that we have constantly endeavored to keep them at peace with the Spanish settlements also; that Spain, on the contrary, or at least the officers of her Governments, since the arrival of Baron de Carondelet, has undertaken to keep an agent among the Creeks, has excited them and the other southern Indians to commence a war against us, has furnished them with arms and ammunition for the express purpose of carrying on that war, and prevented the Creeks from running the boundary which would have removed the source of differences from between us. Messrs. Viar and Jaudenes explain the ground of interference on the fact of the Spanish claim to that territory, and on an article in our treaty with the Creeks, putting themselves under our protection. But, besides that you already know the nullity of their pretended claim to the territory, they had themselves set the example of endeavoring to strengthen that claim by the treaty mentioned in the letter of the Baron de Carondelet, and by the employment of an agent among them. The establishment of our boundary committed to you, will of course remove the grounds of all future pretence to interfere with the Indians *within our territory*; and it was to such only that the treaty of New York stipulated protection: for we take for granted, that Spain will be ready to agree to the principle, that neither party has a right to stipulate protection or interference with the Indian nations inhabiting the territory of the other. But it is extremely material, also, with sincerity and good faith, to patronize the peace of each other with the neighboring savages. We are quite disposed to believe that the late wicked excitements to war have proceeded from the Baron de Carondelet himself, without authority from his court. But, if so, have we not reason to expect the removal of such an officer from our neighborhood, as an evidence of the disavowal of his proceedings. He has produced against us a serious war. He says, in his letter, indeed, that he has suspended it; but this he has not done, nor possibly can he do it. The Indians are more easily engaged in a war than withdrawn from it. They have made the attack in force on our frontiers, whether with or without his consent, and will oblige us to a severe punishment of their aggression. We trust that you will be able to settle principles of friendly concert between us and Spain with respect to the neighboring Indians; and if not, that you will endeavor to apprise us of what we may expect, that we may no longer be tied up by principles, which, in that case, would be inconsistent with duty and self preservation.

I have the honor to be, &c.

TH: JEFFERSON.

SIR:

ARANJUEZ, April 18, 1793.

When we had last the honor of addressing you, we mentioned the delay which had taken place with respect to the business with which we are charged here. We then hoped that delay had ceased, as we were just informed that his Majesty had designated the person to treat with us on his behalf. We have found ourselves, however, much mistaken in our hope.

As soon as it was announced to us that M. de Gardoqui was the person, we waited on him, and expressed to him our satisfaction that his Majesty's choice had fallen on a person so well acquainted with the subjects of which we were to treat, and also with the dispositions of the United States, and their desire to cultivate the friendship of his Catholic Majesty. He showed evident marks of being pleased with this nomination, and gave us the strongest assurances of his desire that a business so long depending, should be brought to a conclusion agreeable to both parties. He added, that he hoped that the negotiation would be carried on in the same familiar and friendly manner to which he had been accustomed in America; and other things of the sort, which are always used, more or less, on such occasions, according to the humor of the person, and which prove nothing as to the main object. After waiting a few days in the expectation of his announcing to us officially his nomination, and fixing the time and manner of proceeding to the conferences, we learned from him that he was delayed by his powers and instructions not having been made out, which, being to be done in another department, was not under his control. At length we wrote him a letter on the 24th of February, having concerted it with him, expressive of our desire to proceed to a communication of our respective full powers. This he desired, that he might have an opportunity of pressing the foreign department.

From that time we continued seeing him very frequently, always expressing our desire to proceed to business, and receiving assurances from him of his reciprocating it fully; of his having done every thing to hasten the making out of his powers and instructions; of his receiving daily promises that it should be done; and of his waiting for nothing else. In this manner things passed, delayed from day to day, until the 23d of March, when we had our first conference. We have now had three meetings, on three successive Saturdays, the ministerial occupations of M. de Gardoqui not allowing him to have them more than once a week, and not always so often; as that which was to have taken place on the last Saturday was postponed by him.

Although such conferences are mere conversations, in order that the two parties may settle as many previous points as possible, and find out what will be the best mode of discussing between them such as present the greatest difficulty, yet we think it proper to give you a general idea of what has passed in those which have already taken place, as they have discovered a disposition in this court very different from what we imagine was expected in America at the time of our commission being formed. We begun, after having communicated the originals of our respective full powers, and interchanged copies of them, by mentioning, that although they embraced a variety of

objects of mutual concern to the two countries, we would confine ourselves, in the first instance, to the two leading ones, namely, the navigation of the Mississippi, and the territorial limits. We stated these points, and supported them by the arguments which are contained in your report to the President; considering always the *right* to the former as unquestionable, and of course the *means of exercising it* as the only object of negotiation. M. de Gardequi discovered evident signs of impatience under this statement, and much surprise, either real or feigned, at it. He assured us that no consideration whatever would ever induce his Majesty to acknowledge a right in us to this navigation; and he seemed to consider our claim to the limits under the treaty with England, as extravagant and unwarrantable; regarding this treaty as an agreement made between two people, to dispose of the property of a third. You will see lower down his ideas as to the acquisition of this property by Spain. We observed to him, on what he said was the determination of his Majesty as to the navigation, that we knew not how to suppose that his Majesty, so conspicuously remarkable among the sovereigns of Europe for his love of justice, would refuse to acknowledge a right, as soon as that right should be exhibited to his view, established by proofs as unquestionable as those of a geometrical truth, and founded equally on what all men hold sacred, both natural and conventional law. As to the former, he held the very extraordinary doctrine, for a diplomatic negotiator, of its deserving no attention, having never yet bound any Power further than suited their convenience: as to the latter, he considered the treaties as not giving us a right, or at least, as not being obligatory on Spain, in the instance where she was not a party. You will easily suppose that such opinions were not attempted to be supported by argument. The most general and desultory assertions only were brought forward: such as that the King would never hear of the treaty made between us and England, to dispose of what belonged to him; that we had no right to navigate any where in the Mississippi but on our own shore; that he would never consent to advise his Majesty to acknowledge our right to navigate it throughout its extent, &c. &c. He would hardly agree that the exclusive right of Spain to this navigation had any beginning, and could not be brought to say precisely at what time the exclusive right did commence, or how. Indeed, it really appeared a point about which he was uncertain at that moment.

He was less scrupulous in affirming the origin of Spain to the territory within our limits. He stated it to be by conquest during the late war. On its being observed to him that, by the usages of nations, hitherto respected, conquests could give only an inchoate right in any case, and that its accomplishment depended on treaty; and that the treaty, so far from comprehending, did expressly exclude the conquest now contended for; and that Spain, not being at war with us, no right of any kind could be claimed against us; the doctrine was neither acknowledged or denied, though there appeared an evident ignorance of it. It was replied to by sometimes pretending that all that was now claimed by Spain, was comprehended in the cession by England of the Floridas, (their previous treaty with us being considered as null and void) and sometimes by positions which would lead to a very new and unexpected system; that Spain, until she had acknowledged our independence, had a right to make conquests within our limits. This was laid down as the great difference between the rights of Spain and of France, derivable from the successes of their arms within any part of the United States. It was acknowledged that France, for instance, had no right to Yorktown; but given clearly to be understood that, if the Spanish forces had taken possession of Charleston, or any other place, the case as to Spain would have been different. We could only observe thereon that we did suppose that Spain would be the last Power to set on foot seriously such an unlimited system of conquest, as being certainly at least as dangerous for her as any other. And, indeed, we are persuaded that the length to which this doctrine was carried was more the result of the heat of conversation, than of cool reflection. When it was observed to him that this court had formerly entertained different ideas with respect to the limits, as was demonstrable from what had passed between the Count de Florida Blanca and the Marquis de Lafayette, he treated that subject in the most contemptuous manner, adding that he had written to the count on it from America, who had affirmed it to be the grossest misrepresentation on the part of M. de Lafayette. We observed to him that the letters which had passed between them on that subject being in their office of foreign affairs, would show how far this had been a misrepresentation, and that we must refer him to them. It would have been evidently useless to have pressed this subject any further at that time. Had Count de Florida Blanca been still more explicit on this head, still it would probably have no weight with the present ministry. It could only serve to give additional force to argument hereafter, and show in a clearer view the injustice of the present system of this court as to that question.

M. de Gardequi afterwards went into some detail of the manner in which this subject had been conducted with respect to him whilst employed therein in America. He complained in more clear terms of the delay which had been made use of, and which he had mentioned to us previously, whenever we had pressed him, and taken notice of the delay here. We observed to him that the expiring stages of a government, and the transition from one form to another, would unavoidably have produced that delay. To this he replied, that he had remained a long time after the establishment of a new government, and that he should have remained still longer, to have continued the negotiation, if he had not acquired full proof that the system had been adopted on the part of the United States of taking no other step then, and of leaving the subject to time. He proceeded in telling us that he and Mr. Jay had, for a long time, meditated on the difficulties which presented themselves; that they both had been as desirous as any persons could be expected to be in future, of removing them, and that he thought they had, by sacrifices on both sides, succeeded as far as could be done. He said they had agreed on the basis of the treaty between themselves, but that Mr. Jay, choosing to take the opinion of Congress on some parts of it, (those with respect to the navigation and limits) had consulted them thereon, and was to have given him their answer. That he, on his part, had announced this to his court, who had from that time been expecting in vain the answer. He gave us to understand that he expected we should be charged with this answer. He endeavored to give us, from recollection, the substance of what had been agreed on between him and Mr. Jay. It was as follows:

Commerce.—Conformable to the articles annexed to his letter to Mr. Jay, of the 25th of May, 1786, which you forwarded to us. He stated them as the propositions of Mr. Jay, to which he had assented.

Limits.—To begin somewhere about the mouth of the Yazoo; from thence a straight line in that parallel to the Apalachicola; from thence towards the St. Mary's river, by a line about the direction of which he seemed uncertain; and down that river to the ocean.

Navigation of the Mississippi.—To be used in the following manner: Our citizens to carry their productions in their own vessels to the limits agreed on, where magazines should be constructed; from thence they should be taken by Spanish boats and carried to New Orleans. If there should not be Spanish boats enough for that purpose, (although he was convinced there would be) then he thought the American boats passing on to New Orleans would be connived at. Whether our vessels were to be allowed to come from the sea to receive these productions at New Orleans, was to be the subject of further negotiation, as well as the toll to be paid; and all this they could not consent to insert in a public treaty, lest other nations should claim a like admission into the colonial possession, and was therefore to have been a private article. He took the precaution of adding, that no answer having been given by Congress, on Mr. Jay's reference to them, no decision, therefore, had been taken thereon by his court; and of course he could not pretend to say that his Majesty would consent to these conditions at present, although he would have done it formerly. He was assured that no decision on such articles would ever be asked from him by us. Nothing respecting such having been communicated to us by you, was a convincing proof that Government had considered them not capable of being deliberated on.

In the course of these conferences he had mentioned that the limits and navigation were objects of much less importance than we appeared to make them, both Spain and the United States having much more territory than they knew what to do with; and the use of the river against stream being impracticable, even if allowed by Spain. We observed, thereon, that taking these positions for granted, he must agree that the King of Spain was much more the uncontrolled arbiter of limits, and much less obliged to consult the prejudices (as he seemed to consider them) of the inhabitants, than was the Government of the United States; that, moreover, by our constitution, the limits of each State were guaranteed to them, and therefore not under the control of the General Government; that as to the navigation, if impracticable, it would not be exercised, and consequently that Spain should have no objection to recognise our right thereto; and that not doing it, under that view of the subject, showed that much less importance was annexed to the friendship of the United States than we had hoped.

It was replied to this, that the admission of foreigners to any of the Spanish colonial possessions was an innovation; and that Government was much more averse to the smallest innovation in any of the colonial regulations than in those at home, (the exception in favor of French vessels for a limited time being a case of necessity, which of course did not admit of being taken as a general rule.) And further, that although it was evident the current of the river would not admit of its being ascended for the purpose of commerce, yet it facilitated the descent; and that European manufactures carried through the United States into the Western country, would be brought down the river and smuggled into their possessions, if our vessels were allowed to go there. He seemed also to fear much the propagation of principles of independence among them by communication with our citizens. We obviated both objections, as we thought, and showed that the United States would have an interest to see the Spanish possessions dependent on Spain, if they enjoyed all they claimed, which was the navigation of the river. He said this would be the case if men were reasonable enough to follow what was their interest; but that there were so many instances to the contrary, (he cited the attempts of France to propagate their own principles as a living instance) that such considerations were little to be relied on. The conduct of their agents in America with respect to us, in at least exciting the animosity of the Indians towards us, was incidentally touched on. It was roundly denied, and affirmed, on the contrary, that their standing instructions were directly opposed thereto. We told him the United States had no doubt of the disposition of his Majesty on such subjects, and of course were persuaded that the conduct of those agents was not warranted thereby; but that the proofs of their conduct were established on the strongest testimony. It was evident, however, that it did not appear so to him. We shall have occasion necessarily to bring forward this subject in more serious terms, and accordingly it was not pushed further at that time.

M. de Gardoqui deviated from it to complain, in very bitter terms, of the manner in which the Spanish navigation and commerce had been treated by the regulations of the United States. He said that the few vessels of this country which were formerly employed were completely expelled from thence. When we observed to him that whatever regulations had been made were common to all foreign countries, and that Spain, though without a treaty, was treated as the most favored nation there, he insisted that whatever might be the appearance, the effect was not so, since the Spanish commissaries had informed them their vessels had ceased going to the ports of the United States, whilst those of other nations went there. Spain, he observed, was a country *sui generis*, as to commerce; that there was no reciprocity in the treatment respectively of Spanish subjects and American citizens in America and Spain. He advanced that Spain had no need of the United States; whereas, the United States, having no mines of gold and silver, could not do without Spain, in order to procure these indispensable articles. However absurd this may appear, or whatever ignorance it may betray of the true principles of political economy, yet we are persuaded that they are his real sentiments. It would have been lost labor to have combated rooted prejudices of that kind by serious argument; we only replied to them, therefore, by observing, that as long as food should continue to be an indispensable ingredient in the wants of men, we trusted that corn fields would be found to be the surest and most inexhaustible mines of gold and silver. We added, that we were persuaded, however, that nothing hostile had been intended against the commerce of Spain; and that he would find that the United States had the fullest disposition, on the contrary, to cultivate and increase the commercial relations of the two countries. He told us (which he seemed to desire we should consider as a proof of frankness) that he had advised his Majesty, immediately on being informed of our regulations, to levy an additional duty on our fish and flour, as the best means of making us treat them differently. This additional duty was intended as an excess to be paid by us above other foreigners; and he informed us that it was only delayed to take place with a general regulation of their commercial system, which he was about forming. We doubt, however, whether what he told us of the additional duty has been hitherto seriously intended; although we cannot assure you, should the growing connexions between this country and England be carried to the degree of which they seem susceptible under present circumstances, that this menace would not be realized in favor of the English fishery. From this general statement of what has hitherto passed here, you will see that their ideas at present, with respect to the two leading objects of our commission, are out of the circle of negotiation under the instructions we received from you. It was matter of embarrassment, therefore, to us, not to have been informed what overtures had been made from this court, and induced the President to send a commission for treating here, after Mr. Carmichael had informed you of their intention to send a minister for that purpose to America.

We found ourselves placed, therefore, under circumstances of much delicacy, arising from the explicit declarations of M. de Gardoqui, and the present unsettled relation of this country with England. Had we insisted on the *sine quibus non* of your instructions as preliminaries, we should inevitably have been obliged to have broken off the conferences, which could not have been done without eclat, as an express commission had been sent here for the purpose of treating. It was evident this would have been playing into the hands of England, by exciting alarm in this court with respect to us; we have, therefore, thought it our duty to temporize, and without giving any hope of our abandoning any part of our rights, we have proceeded to canvass the subjects of our commission in general, as has been stated to you. Under other circumstances, we should have proceeded immediately to have supported them by the arguments which your report to the President furnishes, and which could have been opposed only by an open and manifest refusal of incontrovertible right, and of course exhibited to the view of all the world the justice of resorting to other means for obtaining it. At present we should unquestionably obtain nothing by urgency; and as we have full conviction that they would now refuse what we should insist on, we should not be the wiser for forcing them to express this determination by writing. We think it our duty, therefore, to give it as our opinion, that whatever preparatory steps would be taken by Government in the case of this refusal of our right, should be taken under present circumstances, as we consider unquestionable the determination of this court to refuse it when pressed. Our intention is not to press this determination until we shall see with more certainty the influence of French affairs on them, and their connexions with England, as great changes have taken place therein (since your instructions were given) with which you will have been duly made acquainted. We flatter ourselves, also, with learning soon the further intentions of the President arising therefrom. Should the conferences, in the mean time, come to a close, we shall endeavor that it be without receiving such a refusal as it might be difficult for them to retract from hereafter. Nobody can say what changes may take place in the relations of European Powers, nor in how short a time. We do not scruple, however, to say, that, until some considerable change shall take place from the present, and excite the alarm of this country with respect to England, they will not be induced by mere negotiation to yield our right. Such a position, however, we believe did exist at the time of the Nootka negotiation; and we think it probable that such will occur again. Whatever may occur, or whatever progress may be made in any direction, you may count on being informed of, with as much expedition and punctuality as may depend on us. This would be done sooner and more regularly, if we were not obliged to wait for such conveyances as it may be proper to make use of. This will be sent under cover to Colonel Humphreys, by an express despatched from hence by the Portuguese ambassador.

We have the honor to be, &c.

WM. CARMICHAEL,
WM. SHORT.

The SECRETARY OF STATE for the United States.

SIR:

Since our last, of the 18th ultimo, we have had the honor of receiving the duplicate of yours of the 3d of November; (the original has not yet come to our hands.) The papers severally alluded to therein, were received enclosed. Mr. Morris had forwarded them to us from Paris on the 4th of March. The person he had charged with them having determined not to proceed further than Bayonne, these papers were detained there for a proper conveyance, which, not presenting itself sooner, they were not delivered to us here until the 28th ultimo.

ARANJUEZ, May 5, 1793.

Our last letter, in informing you generally of the conferences which had then taken place here on the subjects of our commission, stated also the manner in which that of the conduct of their agents towards us, and the Indians, had been particularly touched on. That conduct was absolutely denied in behalf of their agents, who, it was affirmed, had positive instructions to the contrary, and who could have no interest to depart from them. We observed on the facts which had taken place, and the nature of the testimony which had authenticated them to the Government of the United States. M. de Gardoqui let us see clearly that he considered the presumed obedience of their agents to the orders given them as a stronger proof of their having not interfered, than any that was adduced by us to the contrary. He saw as clearly that we were of a different opinion. And, as we have had already the honor to inform you, we judged it unnecessary to push the subject further in that stage of the business. Yesterday being the first day of conference which has intervened since the receipt of your letter above mentioned, it was our intention to have brought it forward again, with the additional circumstances mentioned therein; but M. de Gardoqui being called off by the King, at the hour appointed for the conference, it was postponed by him. In the two which have taken place since our last, we spoke of the conduct which should be observed, by the United States and Spain, towards the several nations of Indians within or adjoining to their respective possessions. The sentiments which he expressed were perfectly conformable to humanity and good neighborhood. He came readily into the idea, suggested in your letter of October the 14th, of neither party keeping agents among the Indians. We thought it proper to sound him on this subject, although it appeared to us that a clause in our treaty with the Creeks was of a contrary tendency. He expressed his sincere desire that strict justice should, in all cases, be observed towards the Indians, as being the surest means of rendering them pacific and useful neighbors. We assured him that our Government was actuated by these sentiments; observing, the steps which had been taken, since the reins were committed to the President, were an uniform proof thereof, confirmed by the treaties made with the Creeks and Cherokees. This necessarily brought under consideration these treaties, which, to our very great surprise, he declared an entire ignorance of. Although they have certainly been transmitted to the foreign department here, yet the several departments are kept so separate and distinct that we deem it highly possible, added to what we have seen of M. de Gardoqui himself, that they may not have come under his inspection. When we mentioned to him the substance of these treaties, he expressed much satisfaction at the articles securing the Indians in their rights of property, and fixing the mode of punishment for crimes committed towards them, as well as the encouragement to be held out to them to dispose them to agriculture and civilization. The clause declaring them under our protection, he apprehended might create difficulty, as they had a previous treaty with Spain to the same effect. He seemed to wish us to believe, that he considered the favorable disposition of our Government towards the Indians as the most likely means to remove the difficulties existing with respect to the settlement of boundary. We are persuaded, however, that the same difficulties would still remain, and that they do not rest on our treaties with the Indians, or our conduct towards them, but on the fixing the limits between us and Spain. Humanity and justice towards the Indians may be the pretended, but the acquisition of territory, the domineering though extravagant passion of this court, will be the real, motive by which they will be actuated. Were it possible for us to agree upon the limits, no difficulties could be made by them with respect to the inhabitants within those assigned to us. We think you may rely, therefore, on their commissaries having seized the true principle of the interference of their court, in their conversation with you, as stated in your letter to the President of November 2. We mentioned in our last that M. de Gardoqui had declined absolutely precisising the origin of their claim to the exclusive navigation of the Mississippi. He has, since then, by acknowledging in conversation that the English were entitled to navigate that river also, previous to the late war, fixed the epocha of their exclusive right. Even this acknowledgment, of what must strike every body as unquestionable, he was brought to with evident reluctance. In our last we had the honor of stating to you the embarrassment in which we found ourselves, and, from the explicit declarations of M. de Gardoqui, showing the dispositions of this court to be opposite to what, we are convinced, must have been expected at the time our commission was formed; and, secondly, from the change of circumstances which have taken place among several European Powers since that epoch; as yet we can only confirm what we then said on these subjects. Situated as we are, under these circumstances, we conceive it will be the wish of the President that we should not, at this moment, press the negotiation in a manner which might produce an effect directly opposed to our interests and wishes, and which could not render any service under the present crisis—the most inauspicious that could have taken place for our business. We have already full conviction of the sentiments of this court, and know that they will not at present assent to what we must insist on. Should we immediately push the negotiation, it could produce no other effect than to make them acquainted with the fixed determination of the United States to exact their full right. This would unavoidably only make them more tractable with respect to England, and would tend, joined to the influence of the French war, to make them take a ground that they might repent of hereafter in vain, as well as ourselves. It might make them also take preparatory measures, with respect to us, which they would not otherwise do, and which we must desire that they should not do, whatever may be the intentions of our Government. Other considerations, also, weigh with us in favor of delay under our circumstances, and particularly that of leaving, thereby, time to receive further instructions. After the President shall have been made acquainted with the changes which have taken place in the relations between France, England, and this country, from what we conjecture of the time that this will have been announced to you as inevitable, we imagine we may ere long be made acquainted with the President's sentiments thereon. We will not take on ourselves to suggest any thing on a subject which will have been placed so amply under his contemplation. We should not, perhaps, omit mentioning a circumstance which is particularly unfavorable to our negotiation, arising from the actual situation of this cabinet, and the business we are charged with, being, in consequence thereof, exclusively committed to M. de Gardoqui. As he is fully known in America, we need not delineate his character here. It will suffice to say, that, notwithstanding his protestations of good will towards the United States, and desire to see this business terminated to their satisfaction, we have very full evidence of his sentiments being absolutely opposed thereto. As to those of the Duke de la Alcudia, whose power and influence are unlimited here, we can only judge of them from what M. de Gardoqui tells us, being precluded ourselves, by the character in which we are admitted here, from that kind of intercourse with him, which would enable us to judge for ourselves. He assures us, that the sentiments of that minister are conformable to those expressed to us in the conferences. We should rather apprehend, however, that he had not given himself the trouble to form any ideas on the subject. So far as M. de Gardoqui can have influence on him, the impressions he will receive will certainly not be such as we should wish.

Being young, and without experience, but at the same time well disposed to receive information, and having no other source so ready or so natural to receive it from as M. de Gardoqui, it is probable it is from him he will take his ideas thereon. He cannot have time, and certainly will not have inclination, under his present occupations, to attend to any course of argument on these subjects. He will ask only for the result, and that result he will receive implicitly from the person to whom he may give his confidence respecting it. It may be expected, also, that at this moment the English ambassador, in his close and constant communications with him, will not let slip opportunities of giving such insinuations as he may think likely to produce effect. And when we consider the situation of the two countries, and compare the two men, we cannot doubt they may have a considerable effect. We do not let M. de Gardoqui perceive the idea we have formed of his hostility to the business of this negotiation. We receive with calmness the constant protestations of his particular good will, which he takes every opportunity of repeating. He assures us often that there is no person in Spain who would be disposed to go so far in advising the King to make sacrifices for the termination of this business as himself. These sacrifices consist in what we stated to you in our last, as the result of the agreement between him and Mr. Jay. These assurances, however, by no means convince us; and although we have no direct opportunities of ascertaining the ideas of the other ministers (should they have formed any) on the subjects of our negotiation, still it appears to us that there are several causes which would contribute to render M. de Gardoqui, on the contrary, more hostile than others. His ideas of the rights of Spain and of the United States, were formed a long time ago, and, as too often happens, he was probably much influenced by the comparative power of the respective parties in considering their respective rights. The view he had of the United States, during his residence there, has manifestly not yet given place to those impressions which their present situation ought to have produced. He still sees them divided among themselves, and without efficient government; and

although he now and then recollects the change, yet in general it seems to have escaped him. Having been formerly charged with this business, and having probably at that time given assurances to his court of being able to procure different terms, he may not know now how to come forward and propose others to them. This circumstance, added to a considerable obstinacy of character, we conceive would have much weight with him. It is possible, also, that, being little accustomed to generalize his ideas, and having viewed this subject only on one side, and meditated on it in that point of view alone, he may have brought himself to have regarded these extraordinary pretensions of Spain as just; and indeed he affirms this to us with so much warmth, that we cannot help attributing it in some degree to that kind of error. His having been educated, also, and still being in the mercantile line, is by no means an indifferent circumstance, that class of people, in those European countries which have colonies, being more than any other prompt to take the alarm at whatever may tend to facilitate the intercourse of foreigners with those possessions. Another source of error which we observe in M. de Gardoqui is, that of drawing general conclusions from particular cases. He conversed with some individuals in America, who expressed their wishes to see the navigation of the Mississippi prohibited, and our limits narrowed, in order to have the productions of the Western country brought through the Atlantic States, and to have our population more concentrated. He saw some individuals of the Western country, or going to settle there, who treated their adhesion to the rest of the Union as visionary. From hence he has formed opinions, which he has not concealed from us, that the United States do not desire this navigation and the limits we ask, or at least do not desire it so generally as that they could be brought to make any general effort to obtain it. And also that the western inhabitants, whenever they shall acquire force, will separate from the Atlantic States. Under the influence of these opinions, it is possible that the navigation may be held back *in pectus*, in order to purchase this separation, if too long delayed, or to purchase the friendship of those inhabitants after being separated from us; and perhaps still further in order to purchase the promise of their allegiance to the crown of Spain. What we have said will give our idea of M. de Gardoqui's sentiments and influence on these subjects, so far as he may act of himself. We should add, however, that the general opinion of him here is, that no minister has ever given more constant proofs (notwithstanding the natural obstinacy of his character) of facility in relinquishing his own sentiments in favor of those of persons at the fountain of power. Should the present principal minister, for instance, be by any means disposed to treat these subjects of negotiation differently, nobody entertains apprehension that M. de Gardoqui would make opposition thereto, after being made acquainted with that disposition. There is another event also which may take them out of the hands of M. de Gardoqui. It is known that he has no weight in the cabinet, and that he is counteracted in all his operations by the persons employed under him. It has therefore been for some time believed that his place would not be long tenable. The exigencies of war naturally increase the difficulties of a minister of finance, and add to the probability of change in such a department. We have some reason to believe that M. de Gardoqui himself feels this, and that he is endeavoring to provide for a retreat by obtaining a foreign embassy. It has been reported that he is to have that at Turin. It is more probable, however, that it is not yet decided on: still, the usage of this court with respect to dismissed ministers gives good reason to believe he would be provided for. And as the diplomatic line is that which he desires, it would be probably in that. Should he be thus removed from hence, what we have observed with respect to the manner of doing business here, gives reason to believe he would have little influence in that which concerns us. In speaking of M. de Gardoqui we should not omit the opinion which he seems to have imbibed, and still retains, with respect to the faculties of the United States in relation to foreign Powers, either of injuring their enemies or aiding their friends. He did not conceal from us that he thought it impossible the Northern, Middle and Southern States should ever be brought to act in concert with respect to a foreign enemy out of their territory; and even if they should, that they had no means of acting efficaciously until they should have a marine—an event which he regarded as never to take place, or at least to be so far off as not to be worthy of present consideration. These sentiments of M. de Gardoqui are probably consonant to those of his court. He seemed fully impressed with the danger to which Spain was exposed from the balance of maritime force being absolutely destroyed by the present situation of France. He acknowledged his apprehensions on that subject, and his desire to see a sufficient number of maritime Powers united with Spain to restore that balance. It was evident, however, he did not count on this. He observed on the impossibility of several distant Powers uniting their interests, and still more of their acting in concert. He did not deign to take the United States into this account, and on this subject said he would quote to us an English proverb, “that whilst the grass was growing the horse would starve.” All this served to confirm a truth, with which we were fully impressed before, that a few ships of the line would have more weight in securing peaceably the territorial rights of the United States and those with respect to the Mississippi, than all the most unanswerable arguments and incontestible proofs that could be adduced in support thereof.

We are much mortified not to be able to give you more agreeable intelligence with respect to the commission with which the President has done us the honor to charge us jointly. We trust you will see that this situation of the business has depended, and still depends, on circumstances which do not and never could have depended on us. And we hope you will be persuaded, that should the present crisis of European affairs bring about any change in the relations of this country which may render her less indifferent to the friendship or enmity of the United States, whilst we remain here, we shall make the most pressing use of it in endeavoring to obtain, by pacific means, those rights which we are persuaded the United States will never abandon the pursuit of, and which we flatter ourselves the progress of their union and force will enable them to obtain with usury if withheld at present.

We have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

The SECRETARY OF STATE of the United States, Philadelphia.

[TRANSLATION.]

PHILADELPHIA, May 25, 1792.

SIR:

We received, with due respect, your letter of the 21st instant, and have this new assurance of the sincere desires of the President of the United States, to preserve the peace and harmony subsisting between Spain and the United States.

For the same reason which prevented your making any reflections on the treaties with the Creeks, Choctaws, and Chickasaws, we avoid at present transmitting you a voluminous relation, well authenticated, of the judicious and very opportune steps taken by the Baron Carondelet (whom you censure) after his arrival in Louisiana, to preserve peace and friendship between Spain and the United States, and the Indian nations, without exposing the known interests of the last, which otherwise would probably be sacrificed.

Nevertheless, we cannot avoid enclosing you a copy of the exhortations given by the same Baron Carondelet to the chiefs of the Cherokee nation, which not only contradict the opinion formed in these States of his character, but manifest that he has used prudent reasons only, not proposing to require from the Indians a decisive answer whether they would take arms against the United States in case that Spain should enter into war against them, as Governor Blount required from the various Indian chiefs, and particularly from Ugulayacabe; when, by dint of persuasions, and offering him to establish a store near Bear creek, and other promises, he made him go to Cumberland, where he asked lands from him, and whether he would assist the Americans in case these should fight with Spain? and afterwards dismissed him for his obstinacy in refusing the lands, and declaring that in such case he would remain neuter.

As little has the Baron de Carondelet created grand medal chiefs, as Governor Blount has practised; nor do we know if there has been distributed, on our part, to various chiefs, medals of silver, as those which the United States have distributed with the effigy of the President, and at the bottom, *George Washington, President, 1792; and others with the legend, friendship and trade, without end.*

In fine, as we rely that there will be established in the negotiation, now on foot between Spain and the United States, a fixed system of conduct with the Indians for both parties, we omit producing other different proofs which are in our possession, in vindication of the Government of New Orleans; and we flatter ourselves that your Government will use the most convenient means to avoid taking measures with the various nations of Indians, (pending the negotiation) which might have disagreeable results.

We have the honor to be, &c.

MR. JEFFERSON.

JOSEPH IGNATIUS DE VIAR,
JOSEPH DE JAUDENES.

Translation of a letter from Messrs. Viar and Jaudenes to Thomas Jefferson.

PHILADELPHIA, June 12, 1793.

SIR:

Desiring to convince the President of the United States, by proofs, that there was no error (as you supposed in your favor of the 5th instant) in the information which had been given us relative to the last letter which we had the honor of writing to you, we transmit to you a literal copy of one of the patents given by Governor Blount in the creation of great medals, (the original of which is in our hands, and may be exhibited here, in this hotel of the King, when you shall choose.)

We also copy literally for you, the relation of the Indian chief Ugulayacabe, of what happened to him on his journey to Cumberland, and what obliged him to undertake it; and we can likewise assure, that medals have fallen into the hands of the Governor of New Orleans, of the tenor which we mentioned to you in our former, distributed by Mr. Anthony Foster, James Randolph, and David Smith, commissioners, by the United States, to the Choctaws and Chickasaws, for the purpose; who, to attach more strongly various chiefs of the said nations, gave them the said medals, notwithstanding it must have been known to them that they had them from Spain ever since the year 1784.

We leave to the wise consideration of the President of the United States, if, after these, and many other steps (which we do not mention at present) taken, some with the open authority of your Government, and others, perhaps, without it, but still by its officers, the United States can justify easily any complaints whatever which they may make against the Governor of New Orleans, (which we doubt if founded but in presumption or suspicion,) even should he have proceeded on the footing of reciprocity.

We do not pretend to impeach the character of Governor Blount, nor would we produce evidence against him, if we were not persuaded, that, since they declaim so bitterly in these States against the Governor of New Orleans in words, it is very just that we should vindicate his proceedings, and show those of Governor Blount, and others, not only in words but palpable facts.

We duly note the other contents of your letter, and repeat assurances of the sincere esteem and respect, &c.

JAUDENES.
VIAR.

Literal copy of a Patent given by Governor Blount.

William Blount, Governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district, to all who shall see these presents, *greeting*:

Know ye, that, in consideration of the proofs of fidelity and friendship which we have had of the Indian called Itte-honnastable, of the Choctaw nation, maintaining close union with the United States, of his valor and consequence with the neighboring nations, and of his good disposition and knowledge to command; desiring to recommend such good qualities, I do appoint him chief and grand medal, admonishing him of the value he ought to put thereon, the obligation to govern his People well, and the respect he is to bear the People of the United States, venerating the name of the President.

For these reasons, we require all citizens of the United States to acknowledge him chief and grand medal, as aforesaid; the same to the Indians of his nation, that they respect and obey him.

Given under my hand and seal, in the said territory, this 10th day of August, 1792.

WM. BLOUNT.

By the Governor:

DANIEL SMITH.

A copy:

JAUDENES.
VIAR.

[TRANSLATION.]

Jaudenes and Viar to the Secretary of State.

PHILADELPHIA, June 18, 1793.

SIR:

Since our last letter which we had the honor of sending you, we are newly informed of different acts practised by Governor Blount, which not only are contrary to the treaty itself, which the United States concluded with the Creeks, and which your Government wishes to maintain, but which manifest views very distinct from those pacific and friendly ones towards our nation, and those Indians of which the United States have so repeatedly assured us.

We will state some of the undeniable ones, and which merit great attention.

The first article of the treaty between the United States and the Creeks, promises to maintain perpetual peace and friendship between both the contracting parties, and the fourteenth article promises to carry into full execution what is stipulated in the treaty by both parties, with good faith and sincerity.

Permit us to ask, now, does it denote good faith, or prove sincerity, to excite the Chickasaws to commence war against the Creeks, with the palpable views that they, being less numerous than the Creeks, may be under the necessity to ask the protection of Governor Blount and his troops, and so give him then a good occasion of asking in recompense from the Chickasaws, lands to form an establishment at the place called the Ecores Amargas, [bitter] and have a source whence to incommode and intercept the communication between New Orleans and the establishments of Spain, at the Illinois and New Madrid, practised with barques, which, by the eddy formed there by the river Mississippi, must pass within pistol shot of a point which commands the river at that place? With this object, and proceeding to the said place, a son of General Robertson passed by New Madrid the 7th of May, and about that time had already passed several Americans to the same post.

Does it argue good faith or sincerity towards the Creeks to succor the Chickasaw nation with a portion of corn, that they might with more convenience pursue the war, which the son of General Robertson carried with him; and, moreover, a piece of artillery, the use of which the Indians never knew, and always feared?

The Governor of New Madrid saw all this with his own eyes, and it was confirmed by many Indians of the Chickasaw nation, who went with the same young man, Mr. Robertson, who confessed that Congress had ordered this cannon to be given them at present, a declaration which indicates that it is also contemplated to furnish them more.

In the 11th article of the treaty between the United States and the Creeks, these last oblige themselves to give information to the citizens of the former, of every design which they shall know or suspect to be formed in any of the neighboring tribes, or by any person whatever, against the peace and interests of the United States.

Is it good reciprocity, sincerity, or good faith, on the part of these, not only not to inform the Creeks of the disposition of the Chickasaws against them, but that the said States should be the principal and inciting cause?

Let us pass under silence a thousand just reflections on the impropriety of the United States meddling with the affairs of nations who are, by treaties solemn and ratified, allied with Spain, and let us leave to the superior penetration of the President of the United States to decide, if the repeated and positive assurances which we have given to these States, in the name of the King our master, of the firm disposition and desire to preserve the strictest friendship with the United States, and to exert himself in effecting a continuance of the same, on the part of the Indian nations, under his royal protection; if the different proofs which we have produced of what has been practised by the Governor of Louisiana and St. Augustine, and the recent one which we have the honor to enclose, merit such a return as that which is experienced on the part of the United States.

You may vindicate the Government of the United States (in those cases which want equal evidence with that which we have produced in some others, and which admits no reply) by insinuating again, that steps of such a nature, if they have been taken, is without the authority or knowledge of the Government; let us suppose it in the article which admits of it, and let us pass on to the other.

Does it admit excuse, that the United States, after such repeated complaints on our part, founded on palpable facts and documents which cannot be refuted, against the persons employed to manage the business of the Indians, should not have availed themselves of efficacious means to prevent the disorders in question? To the justice of the President of the United States we leave the answer.

Are the steps which the Government of the United States has taken (evident from the proofs which we have presented before) less prejudicial than those which their subalterns have put in practice, without the authority of the Government, as you affirm? We are persuaded they are not.

Recapitulating all the proceedings of the United States, and of their agents, with respect to our nation, and the various nations of Indians, our allies, and comparing them with those of the King, our master, and his agents, we foresee, with no small sensibility, that the continuation of the peace, good harmony, and perfect friendship, which have so happily prevailed till now, between our nation and the United States, is very problematical for the future, unless the United States shall take more convenient measures, and of greater energy, than those adopted for a long time past.

These same considerations urge us to desire you to inform the President of the United States of the contents of this letter, and to entreat him earnestly, on our part, to use all his power and influence, to hinder the fatal consequences to which, in the contrary event, the United States stand indubitably exposed—an event which cannot but be sensible to two nations, whose reciprocal interests evidently require that they should remain united in friendship and good faith.

So we wish that it may be; and in the mean time, we repeat assurances of our sincere esteem and respect.

JAUDENES.
VIAR.

MR. JEFFERSON.

The Secretary of State to Messrs. Carmichael and Short.

PHILADELPHIA, June 30, 1793.

GENTLEMEN:

I have received from Messrs. Viar and Jaudenes, the representatives of Spain at this place, a letter, which, whether considered in itself, or as the sequel of several others, conveys to us very disagreeable prospects of the temper and views of their court towards us. If this letter is a faithful expression of that temper, we presume it to be the effect of egregious misrepresentations by their agents in America. Revising our own dispositions and proceedings towards that Power, we can find in them nothing but those of peace and friendship for them. And, conscious that this will be apparent from a true statement of facts, I shall proceed to give you such a one, to be communicated to the court of Madrid. If they find it very different from that conveyed to them by others, they may think it prudent to doubt, and to take and to give time for mutual inquiry and explanation. I shall proceed to give you this statement, beginning it from an early period.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly strongly pressed it on them, urging that it was a family quarrel, with which they had nothing to do, and in which we wished them to take no part; and we strengthened these recommendations, by doing them every act of friendship and good neighborhood which circumstances left in our power. With some, these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women, and children, indiscriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by expeditions of considerable magnitude, which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretence of injury. They had added greatly to the cost of that war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former Government, were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors, by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled. And, notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money, which have been regularly paid, and were equal to the prices for which they have usually sold their lands. Sensible as they were, of the wrong they had done, they expected to make some indemnification; and were for the most part satisfied with the mode and measure of it. In one or two instances, where a dissatisfaction was observed to remain, as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be susceptible of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of lands on their part, and by persons not duly representing their nation. They were therefore desired to appoint a proper deputation to revise their treaty, and that there might be no danger of any unfair practices, they were invited to come to the seat of the General Government, and to treat with that directly. They accordingly came. A considerable proportion of what had been ceded, was, on the revision, yielded back to them, and nothing required in lieu of it; and, though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation, too, would have been satisfied, for they were conscious of their aggression, and of the moderation of the indemnity with which we had been contented. But at that time came among them an adventurer by the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign interference which should undo what had been done, and force us to consider the naked grant of their peace a sufficient satisfaction for their having made war on us. Of this adventurer, the Spanish Government rid us; but not of his principles, his practices, and his excitements, against us. These were more than continued by the officers commanding at New Orleans and Pensacola, and by agents employed by them, and bearing their commission. Their

proceedings have been the subject of former letters to you; and proofs of these proceedings have been sent to you. Those, with others now sent, establish the facts, that they called assemblies of the Southern Indians, openly persuaded them to disavow their treaties, and the limits therein established, promised to support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities, for the avowed purpose of committing hostilities on us, and promised them future supplies to their utmost need. The Chickasaws, the most steady and faithful friends of these States, have remained unshaken by these practices. So, also, have the Choctaws for the most part. The Cherokees have been teased into some expressions of discontent, delivered only to the Spanish Governors or their agents; while to us they have continued to speak the language of peace and friendship. One part of the nation, only, settled at Chickamogga, and mixed with banditti and outcasts from the Shawanese and other tribes, acknowledging control from none, and never in a state of peace, have readily engaged in the hostilities against us, to which they were encouraged. But what was much more important, great numbers of the Creeks, chiefly their young men, have yielded to the incitements, and have now, for more than a twelve month, been committing murders and desolations on our frontiers. Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, inasmuch that few instances of retaliation have occurred even from our suffering citizens. We have multiplied our gratifications to them, fed them when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried into their country, and distributed among them gratuitously, 10,000 bushels of corn, and that, too, at the very time when their young men were daily committing murders on helpless women and children on our frontiers; and though these depredations now involve more considerable parts of their nation, we are still demanding the punishment of the guilty individuals, and shall be contented with it. These acts of neighborly kindness and support, on our part, have not been confined to the Creeks, though extended to them in much the greatest degree. Like wants among the Chickasaws, had induced us to send to them, also, at first, 500 bushels of corn, and afterwards, 1,500 bushels more. Our language to all the tribes of Indians, has constantly been, to live in peace with one another; and, in a most especial manner, we have used our endeavors with those in the neighborhood of the Spanish colonies, to be peaceable towards those colonies. I sent you, on a former occasion, the copy of a letter from the Secretary of War to Mr. Seagrove, one of our agents with the Indians in that quarter, merely to convey to you the general tenor of the conduct marked out for those agents; and I desired you, in placing before the eyes of the Spanish ministry the very contrary conduct observed by their agents here, to invite them to a reciprocity of good offices with our Indian neighbors, each for the other, and to make our common peace the common object with both nations. I can protest that such has hitherto been the candid and zealous endeavors of this Government; that, if its agents have, in any instance, acted in another way, it has been equally unknown and unauthorized by us, and that, were even probable proofs of it produced, there would be no hesitation to mark them with the disapprobation of the Government. We expected the same friendly condescension from the court of Spain, in furnishing you with proofs of the practices of the Governor de Carondelet, in particular—practices avowed by him, and attempted to be justified in his letter.

In this state of things, in such dispositions towards Spain, and towards the Indians, in such a course of proceedings with respect to them, and while negotiations were instituted at Madrid, for arranging these and all other matters which might affect our friendship and good understanding, we received from Messrs. de Viar and Jaudenes, their letter of May 25th, which was the subject of mine of May 31st to you; and now again we have received that of the 18th instant, a copy of which is enclosed. This letter charges us, and in the most disrespectful style—

1. Exciting the Chickasaws to war on the Creeks.
2. Furnishing them with provisions and arms.
3. Aiming at the occupation of a post at the Ecores Amargas.
4. Giving medals and marks of distinction to several Indians.
5. Meddling with the affairs of such as are allies of Spain.
6. Not using efficacious means to prevent these proceedings.

I shall make short observations on these charges.

1. Were the first true, it would not be unjustifiable. The Creeks have now a second time commenced against us a wanton and unprovoked war, and the present one, in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding, then, for us to engage allies, if we needed any, for their punishment. But we neither need nor have sought them. The fact itself is utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people, by a party of Creeks, and produced so instantaneously as to give nobody time to interfere, either to promote or to prevent a rupture. We had, on the contrary, most particularly exhorted that nation to preserve peace, because, in truth, we have a most particular friendship for them. This will be evident from a copy of the message of the President to them, among the papers now enclosed.

2. The gift of provisions was but an act of that friendship to them, when in the same distress, which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and we suppose not out of their own pockets, and this for purposes of avowed hostility on us; and they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain, but to defend themselves from the atrocities of a vastly more numerous and powerful people, and one which, by a series of unprovoked and even unrepelled attacks on us, is obliging us to look towards war as the only means left of curbing their insolence.

3. We are aiming, as is pretended, at an establishment on the Mississippi, at the Ecores Amargas. Considering the measures of this nature with which Spain is going on, having, since her proposition to treat with us on the subject, established posts at the Walnut-hills, and other places, for 200 miles upwards, it would not have been wonderful if we had taken countervailing measures. But the truth is, we have not done it. We wished to give a fair chance to the negotiation going on; and thought it but common candor to leave things *in statu quo*, to make no innovation, pending the negotiation. In this spirit, we forbid and deterred, even by military force, a large association of our citizens, under the name of the Yazoo companies, which had formed to settle themselves at those very Walnut-hills, which Spain has since occupied; and so far are we from meditating the particular establishment, so boldly charged in this letter, that we know not what place is meant by the Ecores Amargas. This charge then is false also.

4. Giving medals and marks of distinction to the Indian chiefs. This is but blindly hinted at in this letter, but was more pointedly complained of in the former. This has been an ancient custom from time immemorial. The medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good will towards us, and not designed to produce a contrary disposition towards others. They confer no power, and seem to have taken their origin in the European practice of giving medals, or other marks of friendship, to the negotiators of treaties and other diplomatic characters, or visitors of distinction. The British Government, while it prevailed here, practised the giving medals, gorgets, and bracelets, to the savages, invariably. We have continued it; and we did imagine, without pretending to know, that Spain also did it.

5. We meddle with the affairs of Indians in alliance with Spain. We are perfectly at a loss to know what this means. The Indians on our frontier have treaties both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and exhortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain, too, has made them presents, traded with them, kept agents among them, though their country is within the limits established as ours at the general peace. However, Spain has chosen to have it understood, that she has some claim to some parts of that country, and that it must be one of the subjects of our present negotiations. Out of respect

for her, then, we have considered her pretensions to the country, though it was impossible to believe them serious, as coloring pretensions to a concern with those Indians on the same ground with our own, and we were willing to let them go on till a treaty should set things to rights between us.

6. Another article of complaint is, that we have not used efficacious means to suppress these practices. But if the charge is false, or the practice justifiable, no suppression is necessary.

And lastly, these gentlemen say, that, on a view of these proceedings of the United States, with respect to Spain and the Indians their allies, they foresee that our peace with Spain is very problematical in future. The principal object of the letter being our supposed excitements of the Chickasaws against the Creeks, and *their* protection of the latter, are we to understand from this, that, if we arm to repel the attacks of the Creeks on ourselves, it will disturb our peace with Spain? That if we will not fold our arms, and let them butcher us without resistance, Spain will consider it as a cause of war? This is indeed so serious an intimation, that the President has thought it could no longer be treated of with subordinate characters, but, that his sentiments should be conveyed to the government of Spain itself, through you.

We love, and we value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free in the example and indulgence of peace with all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it, great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition and good understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications; and therefore we have removed the cause from them to their sovereign, in whose justice and love of peace, we have confidence. If we are disappointed in this appeal; if we are to be forced into a contrary order of things, our mind is made up; we shall meet it with firmness. The necessity of our position, will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our self defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier to the last moment, to repair with her, to the tribunal of peace and reason.

The President charges you to communicate the contents of this letter to the court of Madrid, with all the temperance and delicacy which the dignity and character of that court render proper, but, with all the firmness and self respect which befit a nation conscious of its rectitude and settled in its purpose.

I have the honor to be, &c.

TH: JEFFERSON.

To Messrs. CARMICHAEL and SHORT.

Extract of a letter from M. de Montmorin, Ambassador of France at Madrid, to M. de Vergennes, Minister of Foreign Affairs.

"The cabinet of Madrid, Monsieur le Comte, thinks it has the greatest interest, not to open the Mississippi to the Americans, and to disgust them from making establishments on that river, as they would not delay to possess themselves of the commerce of New Orleans and Mexico, whatever impediments should be opposed to their progress, and that they would become neighbors the more dangerous for Spain, as, even in their present weakness, they conceive vast projects for the conquest of the western shore of the Mississippi."

Montmorin adds, "that Spain is decided to make the savages a barrier between her possessions and those of the Americans; that it would oppose, if necessary, other obstacles to their progress; and, that, his most Christian Majesty could not give to his Catholic Majesty a greater proof of his attachment, than in employing his influence in the United States to divert their views from the navigation of the Mississippi."

The court of France conformed itself constantly to this insinuation, as is proved by the instructions which it gave to all its ministers with Congress.

The Secretary of State to Messrs. Viar and Jaudenes.

PHILADELPHIA, July 11, 1793.

GENTLEMEN:

Your letter of the 8th of June has been duly received and laid before the President of the United States. The matter it contains, is of so serious a complexion, that he chooses to treat of it with your Government directly. To them, therefore, his sentiments thereon will be communicated, through the channel of our commissioners at Madrid, with a firm reliance on the justice and friendship of his Catholic Majesty. In doing this, it will be impossible not to manifest the impression which the style, as well as matter of your communications, make on the Government of the United States.

I have the honor to be, &c.

TH: JEFFERSON.

MESSRS. VIAR and JAUDENES.

The Secretary of State to Messrs. Viar and Jaudenes.

The Secretary of State presents his compliments to Messrs. Viar and Jaudenes, and informs them that the Government of the United States, having occasion to send public despatches to their commissioners plenipotentiary at the court of Madrid, James Blake, a citizen of the United States, is employed as their courier to be the bearer of them. He is to embark on board the ship ———, bound to Cadiz, in Spain; and the Secretary of State asks from the commissioners of Spain their passport for the said courier, in such form as may protect his person and despatches from harm and search, both by sea and land. The Secretary of State offers to have conveyed by the same person, any despatches they may choose to transmit by him to the country he is going to. He departs the 13th instant.

July 11, 1793.

To Mr. James Blake.

SIR:

You will proceed with all diligence in the ship ———, bound to Cadiz, in Spain, with the despatches committed to you for Messrs. Carmichael and Short, commissioners plenipotentiary of the United States of America at Madrid. When arrived at your port of destination, or any other to which you may by accident be forced, proceed directly to Madrid, by such conveyance as will best reconcile safety, reasonable despatch, and due economy. You will be furnished with proper passports from the commissioners of Spain residing here, and myself, to ensure to yourself, as the courier of this Government, and the despatches of which you are the bearer, that protection from harm, and freedom from search or impediment, which you will be entitled to by the law of nations, from a friendly nation. When arrived at Madrid, deliver your despatches into the hands of the commissioners themselves, and no other. Await

there, their orders, and return to this place with their answers in such way as will again best combine safety, despatch, and economy. Keep an exact account of your disbursements, letting them be perfectly reasonable, according to the character in which you go; providing vouchers for such articles as will admit of it, and proving the residue on oath.

Over and above these reasonable expenses, you will be allowed at the rate of \$500 a year for your time and trouble.

Given under my hand, and the seal of the Department of State, this twelfth day of July, 1793.

TH: JEFFERSON.

[TRANSLATION.]

Messrs. Viar and Jaudenes to the Secretary of State.

PHILADELPHIA, July 11, 1793.

SIR:

Rumors have been circulating for some days among the People, giving to understand that there prevails, on the part of the King our master, and of ourselves, some design of interrupting the friendship and good correspondence which so happily subsist between the two nations on the subject of the Indians.

We have heard, without noticing this, hitherto, endeavoring to convince those who have spoken to us on the subject with such reasons as justice and our understanding have suggested; but a piece having been published in the Gazette of Mr. Bache, of this morning, the contents of which cannot but produce great disgust against his Majesty and those whom we have the honor to represent, it appears to us indispensable to desire you to be so good as to inform the President of the United States thereof, on his return, that he may be pleased to take, in justification, those measures which he may judge most proper to remove from the public the impression of so unfounded a charge with which they calumniate the King and ourselves.

You well know, sir, that in all our communications, we have had the honor to assure the United States of the pacific and sincere disposition of his Majesty towards them and the Indians their neighbors; and that the King's orders to us, and all the Governors of his possessions on the frontiers, have been of the same nature; and you know also, that whatever information we have given to the United States on the turbulent dispositions of the Indians towards the United States, and of the conduct of their agents on the frontiers, have, and could have, no other object than to induce the United States to use all possible means on their part to prevent the dissensions now in fermentation, our Government promising to continue doing the same, as it has proved to have done hitherto.

You are equally possessed of the different evident proofs which we have had the honor of producing to the United States, by which it is discovered clearly, that the agents of the Government of the United States have not proceeded conformably to the principles of friendship, good correspondence, and sincerity, which you have repeatedly assured us is the object of the United States.

The principal object in all our communications has been, and is, to obtain from the United States a cessation of acts which may be construed in a sense neither pacific nor friendly, while a negotiation is depending between the two nations, pledging ourselves solemnly that the same shall be done by the King's Governors on the frontier.

The reciprocal tranquillity and interest of the two nations require, that the minds of the inhabitants should not be irritated on either side, and in a government of the nature of that of the United States, the opinion of the People is of the greatest importance.

This consideration urges us to entreat the President of the United States to be pleased to assure the public, in such way as he thinks most convenient and satisfactory, that the disposition of the King our master, as well as of his representatives, neither has been, nor is, to foment the discord between the two nations, nor with the Indians; but on the contrary to establish the most solid and reciprocal friendship and advantageous correspondence; and that, on all occasions, they have given unquestionable proofs of it: the discord observed at present, flowing solely from misintelligence, or a defect of rigorous observance of the orders of their superiors by the agents of this Government on the frontiers; assuring you that, if any of the agents of the King has contravened the orders of his Majesty, (of which we have no proof, but quite the reverse) and the United States shall produce to the King due proof of the fact, we have no doubt they will obtain the most complete satisfaction, they doing the same on their part.

We are firmly persuaded that the President of the United States, with his superior understanding, will adopt the most proper and efficacious remedies which this inveterate ill requires, until the negotiation depending shall present a radical cure.

We have the honor to repeat, &c.

JOSEPH IGNACIO DE VIAR,
JOSEPH DE JAUDENES.

To Mr. JEFFERSON, &c.

[TRANSLATION.]

Messrs. Jaudenes and Viar to the Secretary of State.

PHILADELPHIA, July 13, 1793.

SIR:

It is with great sensibility we observe that the office which we had the honor to send you on the 18th of June last, has given any kind of disgust to the Government of the United States, as we perceive by your favor of the 11th instant.

We assure you particularly, with the purest truth, that if any warmth is observed in it, it has no other object than to give all possible energy to the reason which we are persuaded is on our side, and that we are very far from having the least desire of offending the Government of the United States, or of showing the least want of respect, but the most cordial affection to their most worthy President, and to your own merit.

Be pleased, sir, to present this to the President of the United States, and to receive yourself this sincere assurance of our true esteem and indubitable attachment to the United States, and the very worthy heads of its Government, while we remain firmly convinced that the King our master will not fail to prove the justice, friendship, and generosity, which characterise him, and which he has always manifested to the United States.

We have the honor to subscribe ourselves, &c.

JOSEPH DE JAUDENES,
JOSEPH IGNATIUS DE VIAR.

To Mr. JEFFERSON, &c.

The Secretary of State to Messrs. de Viar and Jaudenes.

PHILADELPHIA, July 14, 1793.

GENTLEMEN:

I have laid before the President your letters of the 11th and 13th instant. Your residence in the United States has given you an opportunity of becoming acquainted with the extreme freedom of the press in those States.

Considering its great importance to the public liberty, and the difficulty of subjecting it to very precise rules, the laws have thought it less mischievous to give greater scope to its freedom than to the restraint of it. The President has therefore no authority to prevent publications of the nature of those you complain of in your favor of the 11th. I can only assure you that the Government of the United States has no part in them, and that all its expressions of respect towards his Catholic Majesty, public and private, have been as uniform as their desire to cultivate his friendship has been sincere.

With respect to the letters I have had the honor of receiving from you for some time past, it must be candidly acknowledged that their complexion was thought remarkable as to the matters they brought forward, as well as the style of expressing them. A succession of complaints, some founded on small things taken up as great ones, some on suggestions contrary to our knowledge of things, yet treated as if true, on very inconclusive evidence, and presented to view as rendering our peace very problematical, indicated a determination to find cause for breaking that peace. The President thought it was high time to come to an *éclaircissement* with your Government directly, and has taken the measure of sending a courier to Madrid for this purpose. This of course transfers all explanation of the past to another place. But the President is well pleased to hope, from your letters of the 11th and 13th, that all, perhaps, had not been meant which had been understood from your former correspondence; and will be still more pleased to find these, and all other difficulties between the two countries, settled in such a way as to ensure their future friendship.

I beg you to accept assurances, &c.

TH: JEFFERSON.

MESSRS. DE VIAR and JAUDENES.

Messrs. Jaudenes and de Viar to the Secretary of State.

NEW YORK, November 30, 1793.

SIR:

Corroborating the good disposition of our Governors in Louisiana and St. Augustine, towards preserving peace with the United States and the Indians of the frontiers, as we have repeatedly manifested to you on former occasions, we have now the honor of transmitting to you a copy of a letter written to us by the latter Governor, and of the document which it enclosed, as also a copy of an extract of a letter which we have received from the former. We request you to acquaint the President of the United States with their contents, that he may be thoroughly convinced of the facts that, on many occasions, we have suggested, and that he may renew his wise dispositions for the object so desirable, of preserving the good harmony and friendship which happily exist between the two nations. We hope it may be so. Mean while we have the honor to subscribe ourselves,

With the greatest respect, &c.

JOSEPH DE JAUDENES,
JOSEPH IGNACIO DE VIAR.

HON. THOMAS JEFFERSON, Esq.

[TRANSLATION.]

Copy of a letter from the Governor of St. Augustine, of Florida, to the King's Chargés des Affaires.

A rumor having been spread in this province, with mischievous activity, that some of its inhabitants had written a letter to the Indian nations, in order to kill four white men there settled, some adding an insinuation that this determination was with the support of government, and others, that it came from Mr. Pantón, settled in Pensacola, and a merchant in the Indian trade, with the permission of our court, I could not persuade myself to believe that a neighbor, whose conduct is so perfectly qualified, should proceed in such a manner; and, having previously some ground to believe that such transactions might be originated in the frontiers, on account of the dissensions which prevail there, it appeared to me indispensable, and not to be omitted, to take some measures to verify the fact; and from those it has resulted, what you will find in the enclosed documents which I send, that you may make the use of them which you shall think proper. Perceiving the approach of a very general displeasure in St. Mary's river and coast of the north, according to the advice I continually receive from the south of that jurisdiction, the greater part of whose inhabitants have their connexions with the former, and catch from thence the sparks that I endeavor to extinguish, in order to maintain the peace and good harmony so much recommended by our superiors, I fear this may be interrupted, if the Executive power of the United States does not take the most active measures to extinguish in time this conflagration. Your constant and well known prudence will adopt, on this information, what you judge most expedient for the service of his Majesty and his royal and good intentions.

God preserve you many years. Saint Augustine of Florida, September 12, 1793.

JUAN NEPOMUCENO DE QUESADA.

JOSEPH DE JAUDENES, and JOSEPH IGNACIO DE VIAR, Esqrs.

Is a copy.

JAUDENES,
VIAR.

[TRANSLATION.]

Extract of a letter from the Governor of Louisiana to the King's Chargés des Affaires.

NEW ORLEANS, October 15, 1793.

In consequence of the attack made by the people of Georgia on a town belonging to the Creek nation, on this side of the Oconee river, they resolved to invade the State of Georgia with four armies, or numerous bodies, and in four different parts. But Peter Olivier, Esq. the King's commissary, threatened those Indians to retire from their nation, and to leave them without the protection of Spain, if they should execute their resolution. And in the end he effected the prevention of it. But, a few days after, the people of Georgia returned again, and attacked and burnt another small town called Hoethletiaga, forty-five miles distant from Cowittas, killing four Indians, wounding three others, and carrying away four women, a boy, and three girls; which obliged the nation to renew hostilities, and to send to us, Hallowing King, soliciting our protection, arms, and ammunition, agreeably to the treaty concluded between his nation and Spain. I cannot refuse attention to his petitions, as the Georgians have been the aggressors; and if I refuse to help them with arms and ammunition, the Georgians will drive them from their country into ours; so that I find myself in a very critical situation.

Is a copy.

JAUDENES,
VIAR.

DECREE.

In the city of St. Augustine, of Florida, on the 31st of August, 1793, Juan Nepomuceno de Quesada, Esquire, by the favor of his Majesty, Colonel of the royal army, Governor General, Commander and Royal Vice Protector of him and his province, noticing that it has been rumored, that, from the province aforesaid, letters were sent from the

Indian nations, with orders to kill some white men settled amongst them, and some with children; and that such an important publication is worthy of the greatest attention; in order to avoid, by prudent means, the very fatal consequences which might flow from it, to proceed with proper certainty, and to ascertain the fact, together with its author, and, in consequence, to give the competent orders for his punishment, according to the enormity of his crime, and others necessary to ensure peace: His honor has commanded, by this decree, that a declaration be taken from John Hambly, of whatever he may have learnt of this particular in his last visit to the said nations, on the King's business, by virtue of the commission he has, as a person acquainted with the Indian language; wherefore, he is ordered to appear before his honor with the public interpreter, he, the said Hambly, not speaking the Spanish language, but the English, which is his native tongue; and the said declaration being made, together with its additions, if he shall make any, that they be produced. Whereupon, by his honor's commands, the same is ordered. In faith whereof, he signs these presents.

Before me,

JOSEPH DE ZUBIZARRETA,

Notary of the Government.

QUESADA.

DECLARATION.

In the city of St. Augustine, of Florida, on the day, month and year aforesaid, appeared before his honor, Mr. John Hambly, who, before me, the notary, and through Mr. Mitchel Isnardy, public interpreter, took the oath in presence of God Almighty, believing in the Holy Bible, according to the protestant sect, which he professes, to tell the truth as to whatever he knows and shall be asked, according to the foregoing decree; and has deposed, that, being amongst the Indian nations, where he went with a particular commission from this government, he lodged in the house of James Burgues, who repeatedly told him that he had seen a letter written by James Seagrove, to the chief of that nation, called John Canard, in which he earnestly requested him to procure the death of four white persons, his own included, George Barnett, Noah Harold, and George Welbank, who were also settled in the nations aforesaid, by which means he might obtain for Robert Seagrove, his brother, the recovery of the property the Indians took from him, with that belonging to those whom he wished to be killed, and that, if this could be put into execution, it would save the lives of the four Indians demanded by the Americans, for the same number of their people, killed by the said Indians; and that, if he should comply with it, as he hoped, he would appoint him a commissioner in the lower nations of the Creeks. To which he added, that he thought Seagrove had been influenced to write such a letter because Jacob Allen had told Seagrove that Burgues was the cause of his brother Robert's loss. Being asked whether the aforesaid James Burgues (from whom he learnt what he had just now declared) told him, that any person living or inhabiting this province had any interference or knowledge in the letter aforesaid, or whether, by means of any body of this province, it was conveyed to the hands of John Canard, or if he knows any thing on this particular; he said, that Burgues neither told him the means or conveyance through which Canard received the letter; nor whether any body of this province had, or had not, any thing to do in the business; neither does he who makes this declaration know more than what he has just said; and answers that all this is the truth upon his oath; and this declaration of his, having been read to him, he agreed with its contents, adding, that after he spoke with Burgues, and arrived at Canard's house, to which he was directed, the latter confirmed to him the same report, without telling him who was the bearer of the letter; however, reflecting upon the matter, he supposes it to have been George Galphin, who, according to what Canard said to him, had been a few days before in his house: that he is two and forty years old; and he signed, together with his honor and the interpreter, which I do certify.

QUESADA.

JOHN HAMBLY,
MICHEL ISNARDY.

Before me,

JOSEPH DE ZUBIZARRETA,

Notary of the Government.

DECLARATION.

At the same time, by order of his honor, appeared Jacob or James Allen, who, before me, the notary, and through Mr. Michel Isnardy, public interpreter, to an oath in the presence of God Almighty, believing in the Holy Bible according to the Protestant sect, which he professes, and being examined in consequence of the foregoing decree, and requested to relate whatever he knows respecting this particular, without omitting the least circumstance, his honor being informed that the evidence is acquainted with it, he deposed that, having been lately in the Indian nation, and in the house of Pen, the Chief of Lachuas, the same told him that he heard from John Hambly that John Canard, Indian Chief of the Chatoes, had received a letter from Mr. James Seagrove, superintendent and general commissioner of the Indians for the United States, requesting him to take the life of John Galphin, George Welbank, James Burgues, with his son, and an Indian called Mecaticochiske; that he thinks this proceeds (if the fact be so, he having no knowledge of it) from the animosity of Seagrove against the Indians and some white men, on account of the murders they committed in Georgia, together with the plundering of his brother Robert's store, the authors of which are supposed to be Burgues and the others mentioned: and being asked whether he, who says he has been so much with Mr. James Seagrove, believes him capable of such a perpetration, being a respectable man, he said that if Seagrove was determined to it (of which he neither knows, nor has heard any thing) he had it in his power, because he knows how to write, and entertains the animosity aforesaid. Being asked whether Pen, speaking to him about the said letter, told him that Seagrove had offered to Canard any reward or employ to encourage him to the execution of the murders aforesaid, answered that he did not tell him any such thing. Being asked whether he knows any thing about the murders lately committed upon the Indians in St. Mary's river, and who gave such orders, he says he knows that David Cornell fell in the action, and that the other man who went along with him has not appeared in the nation, from which he supposes him to have been murdered; and concerning the order by which this mischief had been committed, Mr. Hammond, neighbor of the same river on the American coast, told him that two men of the company, living on the said coast, informed him that they had perpetrated the murders by order of Mr. Randolph their commander, and that they had declared the same before a justice of the peace in Savannah. This declaration having been read to him by the interpreter, he said it was faithfully written, and that he had nothing to add to it, or to change; that he is three and thirty years old. He did not sign his name, because he said he could not, and made only his usual mark. His honor signing it, and the interpreter, which I do certify.

QUESADA.

Here the mark.

MICHEL ISNARDY.

Before me,

JOSEPH DE ZUBIZARRETA,

Notary of the Government.

ST. AUGUSTINE, Florida, September 2d, 1793.

For the purposes which it may concern, I, the present notary, certify that Pen, the Indian Chief of Lachua nation, declared, the last time he was in this city, upon the different questions proposed to him, concerning the point which is now under proof, at which conversation the said officer was present, and this certificate being authenticated, will be produced with the other papers.

QUESADA.

Before me,

JOSEPH DE ZUBIZARRETA,

Notary of the Government.

CERTIFICATION.

I do certify, according to the best of my abilities and duty, that, on the last occasion when Pen, the Indian Chief of Lachua nation, was in this city, I was present at the conversation which he had with his honor by means of an interpreter; and amongst other things, they spoke about letters sent to the Indian nations to kill some white men who were settled there; and notwithstanding the repeated questions proposed to him by his honor to discover the truth, as likewise whether he had any knowledge that they were sent from this province, or by any body of it, the Indian said, that although he had some information of the letter by hearsay, and that they were directed to take the life of some white men, he could not discover the motive or cause, neither was he certain of it, for the men mentioned gave no reason for it; therefore, what he thought, and was believed, was, that nothing went from this province, but that they were the transactions of the Americans in resentment for the slaughters committed on them in some skirmishes, and in the war commenced, of which they suppose the white men aforesaid to be the authors; consequently he affirmed that they were killed neither by him nor the rest of the chiefs of the other nations; and in compliance with the orders expressed in the precedent decree, I set my hand to this certificate.

FLORIDA, September 2, 1793.

JOSEPH DE ZUBIZARRETTA,
Notary of the Government.

DECREE.

St. AUGUSTINE, of Florida, Sept. 4, 1793.

Reserving the continuance of the examination, to which this instrument is directed, should there be any ground for it, let an authentic copy be made out by duplicates of all the proceedings for the object reserved.

QUESADA.

Before me,

JOSEPH DE ZUBIZARRETTA,
Notary of the Government.

Conformable to the originals, which remain in the archives under my care, whereto I refer myself, and in compliance with orders, I set my signature to this, on common paper, the practice not being to do it on that which is stamped.

FLORIDA, September 7, 1793.

JOSEPH DE ZUBIZARRETTA,
Notary of the Government.

Is a true copy.

JAUDENES,
VIAR.*Messrs. Carmichael and Short to the Secretary of State.*

ARANJUEZ, June 6, 1793.

SIR:

We had the honor of writing to you jointly on the *19th of February, 18th of April, and 5th of May. These letters were sent by duplicates, and went into very minute details of whatever had occurred here with respect to the business of our joint commission. Such conveyances as could with propriety be made use of, have not presented themselves so as to admit of our writing more often; and the state of things did not appear to us such as to require the sending of special messengers.

These letters will have informed you of the delay which took place before opening the first conferences with M. de Gardoqui, on the 23d of March; of the manner in which our ideas on the navigation of the Mississippi and territorial limits were received by him. If his ideas on the same subjects, being so divergent therefrom, and expressed to us in such a manner as to show beyond all kind of doubt that they could not then be brought within the circle of negotiation, of the embarrassing position in which this placed us on account of the changes which had taken place in the foreign relations of this country, since your instructions had been drawn up, and particularly those which it was probable they were then forming with England, and finally, of our determination, therefore, not to push the negotiation until some change should turn up, or until we should hear further from you, or until the President should have been made acquainted with the events which had thrown England and this country into the same scale, and that the one in which most of the military and marine Powers of Europe were already placed, and the rest of them likely to enter either of themselves or by force.

According to our calculation of the time when you would probably have received from your ministers at London and Paris, the intelligence of this posture of European politics, we flattered ourselves we should hear from you in pursuance thereof, before this; and we have found that we were not mistaken in the time we allowed, as M. de Gardoqui has already received letters from the Spanish commissaries, informing him of the arrival in America of the news of the execution of Louis XVI. of the declaration of war between France and England, and the certain expectation of the same between France and this country. We still suppose it impossible you should not have done us the honor to write to us, after being informed of a revolution of that kind, whether the intention of the President should have been, that the negotiation should be accommodated to the effects produced by that revolution, or that it should be pushed without regard thereto, conformably to the instructions originally sent us. We trust that your letters on that subject must be now on their way, and we are in impatient expectation of receiving them.

Whatever we shall learn from you to be the President's intention on the subject, we shall immediately proceed to execute; and we trust you will readily see that the present system of prolongation, which we have taken on ourselves, does not proceed from a desire to exercise our own will, but to leave time for being more unquestionably informed of that of the President. We are fully persuaded the line we have thus pursued will be considered the proper one; and particularly as the greatest inconvenience which could result therefrom, as it appeared to us, was a short delay; whereas an opposite one might have produced very disagreeable and dangerous effects, which both the United States and Spain might have repented of hereafter in vain.

Our letters will have already given you such a statement of affairs here, at that time, as to have exhibited this dilemma in a very clear point of view. Still we beg leave to recapitulate it here for the greater certainty of its reaching you. This we consider the more important, as, generally speaking, the eve of a nation's being drawn into a war, being an auspicious moment for those who are at peace with them to demand a restitution of their rights, this may therefore be considered in America the proper time for the United States to have urged their claims here.

Our joint commission arrived at Madrid, as we have already had the honor of informing you, on the first of February, almost at the same moment with the news of the catastrophe of the 21st of January. The probability which had previously existed of this country being brought into an union of measures with England, was now changing daily into certainty, and, before the commencement of our conferences, was placed beyond doubt.

Although Spain, thus circumstanced, would consider her position in general as a much less eligible one than whilst united with France, yet, with respect to us in particular, she would consider her present posture more favorable than her former one, or, in other words, she would consider herself better secured against us whilst united with England against France, already attacked by the most formidable Powers of Europe, than whilst united with France, whose partiality for us she distrusted, and opposed to England, whose concert with us she would have apprehended.

We were persuaded of this, both from the nature of the case and from different circumstances which it occurred. Our first conference with M. de Gardoqui, put this beyond doubt, and showed unquestionably, that it was far from the intention of the cabinet at this time, to yield any thing correspondent to our claims, whatever it

might have been under the administration of Count de Florida Blanca, or whatever assurances, unknown to us, they may have formerly given to the President, so as to have induced his sending a commission to treat here.

Whilst we were fully impressed with this conviction, and satisfied that no mode of negotiation which we could adopt would induce this court to come to any terms which we were authorized under your instructions to accept, we saw Spain and England now decidedly placed on the same side, by having a common enemy, and then treating of the basis of their future union. It was unquestionable that England would desire this to be as close as possible, in order to have Spain the more in her dependence, and to cut off hopes of the revival of the family compact in the case of a counter revolution in France. It was as unquestionable that Spain, keeping still an eye on this event, and being the weaker and more distrustful Power, would enter timorously and cautiously into this system.

It could not be doubted that the effects of their distrust, with respect to England, would be diminished in proportion to their apprehension of danger from any other quarter. Had we then pressed this negotiation, and convinced them of our fixed determination not to desist from any part of what we consider as our right (and what they seem now to consider as a commencement of the loss of their American commerce and territorial possessions) and forced them by this means to give us a positive refusal, on a solemn demand having been made by an express commission formed and sent for that purpose, it is impossible, in whatever manner we might have received it, or whatever reasons we might have given, to have persuaded them of the pacific intentions of the United States, that they should not have supposed it their determination to have resorted to other means of redress. That apprehension acting on them would unavoidably have made them more tractable with respect to England, and would have secured them the protection of that country, as they would have made fewer difficulties about the price to be paid for it.

This kind of alarm in the Spanish cabinet, with respect to us, would at any time during the war have an influence on their relations with England, different from what we should desire; but it appeared to us that it would be still greater at the moment the two courts were feeling each other's pulse, as it were, and agreeing on the arrangements to be entered into against a common enemy, than at any future period. Although we have remained altogether uninformed of the present dispositions of England with respect to the United States, still we could not help supposing that the present situation of European affairs would appear to that Power as by no means favorable to them, so far as should relate to their European connexions, or prospect of aid from thence in case of need.

From pushing the negotiation immediately to its close, under these circumstances, we apprehended the inconveniences above mentioned. On the other hand, it appeared to us, that a temporizing mode of proceeding presented several advantages.

It enabled us (being fully convinced of the decision of this court without proceeding further) to inform you of that decision, and give time for whatever measures might be thought proper to be taken before the views of the United States, with respect to what they will invariably insist on, are fully and officially known here; which will not be until the breaking off of our conferences, as they may still suppose that we may be induced to recede from a part of what are stated in our first conference as our right. It enabled us also to receive (before taking steps that might render it too late) further instructions from you, grounded on the change of European affairs, which had been such as to render it highly probable that the President might choose to adapt thereto those which you had forwarded to us under circumstances so different.

These considerations seemed to us to exact our pursuing the line we have mentioned; and we did not doubt the delay which we then contemplated would be amply repaid by those advantages. However disagreeable this mode of prolonging a business, of which we already know the issue, has been, and still is, personally, to us, still we do not think ourselves authorized thereby to risk what we consider disadvantageous to the public.

As circumstances have turned out, we cannot help considering it unfortunate that an express commission should have been sent to treat here. It seems to us desirable that the United States and their claims should have been as much as possible out of the view of this country whilst forming their arrangements with England. That court will certainly excite whatever alarm they can with respect to us; and this country may, under that influence and the hope of full protection and good treatment from England, do many things that she would not be willing to do hereafter, when she shall have made trial of her protectress. Between two countries, one characterized by indolence, with wealthy possessions and the desire to preserve them by monopoly, the other by commercial enterprise and insatiable avidity, it appears to us difficult to suppose that there can long remain confidence and union. Of course we should imagine Spain would be less ready to apply to England for protection against us, at any future period than the present; and at present she will be more or less ready to do it, in proportion as she may apprehend more or less from the present conduct of the United States.

Arrangements between England and Spain have for some time been negotiating, as you have been informed. Nothing has yet transpired of their particulars which can be relied on, or of the progress made in them. It seems certain, however, that these arrangements are concerting here, without the participation of the other Powers, already leagued and at war also against France. It is believed by some that something conclusive has been settled, and was forwarded from hence by a special messenger despatched by the English ambassador eight days ago. This, however, is only conjecture among those the most in the way of being informed. We cannot assure you of it; nor can we satisfy ourselves whether, in the negotiation on foot, any arrangements have been really proposed which are eventually to regard the United States and their claims with respect to the Mississippi and territorial limits. You will readily see, however, that, should this country, from apprehension with respect to us, have been induced to consider such arrangements as essential, they have in their power very tempting means for procuring them.

We have had the honor of informing you, in a precedent letter, of the particularly hostile dispositions of M. de Gardouqui as to the rights of the United States. We have found, on the contrary, from his mode of proceeding in business of every kind, the greatest facility given to the temporizing system we have adopted. Hitherto we have followed the conferences as regularly as his ministerial occupations would admit of; and they have been employed in discussing the general subjects of our commission, waiving those of the navigation of the Mississippi and limits. We shall probably not be pressed by him to come forward in a more direct way, not only because, from want of order, he is overwhelmed and in arrears of his department, but also because that business affects him much more sensibly, and presses him much more than that with us.

We flatter ourselves, however, that we shall ere long be relieved from this position by the receipt of your letters, which will dictate to us the line to pursue, and which we shall follow without deviation, and without regard to our own opinion. Were we allowed to consult it, it would be, that it would be most advantageous for the United States that the joint and express commission with which we are charged should be recalled, without our being obliged to press the negotiation to its end at this time; and that this court should be informed that the continuance of the negotiation was confided to their former standing representative here, or whomever the President should name for that purpose, with proper powers. In this manner it might be suspended, without exciting alarm here, and pushed whenever any proper opportunity should present itself, if it should be judged most advisable to wait for that mode of obtaining the rights which we are persuaded the United States will never abandon.

In our late conferences with M. de Gardouqui, we have resumed our representations with respect to the conduct of the agents of the Spanish Government in America, and particularly of the person who styles himself a commissioner of his Majesty with the Creek nation. M. de Gardouqui, as we have already had the honor of informing you, opposed his denial of any such conduct of their agents to our affirmation, supported by the testimony with which you furnished us, and to which he considered very little authority as due. Since receiving the attestation with respect to Olivier, and the copy of the passport he gave, we brought forward that circumstance as being clearly authenticated by an act of his own. M. de Gardouqui assured us that he was convinced himself that no such person had been authorized; he added, however, that he would make inquiry in the foreign department. After having done this, he confirmed to us what he had previously said. We proposed that he should give us a disavowal of this commission in writing, that we might transmit it officially to the President of the United States, to which he assented with much willingness. He observed that the proper mode would be for us to write to him on the subject, to which he would give us an immediate answer, conformably to what he had expressed to us verbally.

In consequence thereof we wrote to him on the 26th ultimo, and according to his promise should have received his answer without delay. One day of conference has since intervened. In it he told us he had translated our letter and submitted it to his Majesty, and that he would send us the answer immediately on having received his orders thereon; still confirming what he had formerly told us with respect to the disavowal. As yet, however, we have not received it; and from M. Gardoqui's mode of doing business we cannot say when we shall, although we shall not cease to press him on his own promise. The answer, if commensurate with our letter, and conformable to his promise, will contain also an assurance of the orders given to their agents in America, and a promise of their being reminded of his Majesty's intentions that they should strictly adhere thereto. Such assurances are of little importance in themselves; but these being given or withheld, and particularly the manner in which it is done, may be some indication of the ground on which they consider themselves with respect to England and us. So soon as we shall receive this answer, of whatever nature it may be, we shall not fail to transmit it to you.

The last letter which we have had the honor of receiving from you was of the 3d of November; (the duplicate only came to our hands as mentioned formerly.) What we have said will apprise you, agreeably to your desire, at least as far as we know, of what may be expected from Spain with respect to their conduct towards our Indian neighbors. Whatever assurances they may give to the contrary we believe they will endeavor to strengthen them, and make them their friends and our enemies, until the territorial and other claims shall be settled; and that, that being done, they will be indifferent as to those who remain within our limits.

We have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

The SECRETARY OF STATE for the United States.

Mr. Short to the Secretary of State.

MADRID, July 1, 1793.

SIR:

The court having determined to transfer its residence from Aranjuez to this place, I preceded it four days ago with the members of the corps diplomatique.

I had the honor of writing to you last on the 7th of June. That letter was sent by a person going from hence to England, who was to forward it from Lisbon or England, as he should find best, together with a joint letter from Mr. Carmichael and myself. As copies of these letters were sent also, by the same conveyance from hence, I flatter myself you will have received them in due time.

In my last I had the honor of mentioning to you the information I had received with respect to the intention of this Government as to New Orleans. An ordinance on the subject has been since printed, in date the 9th of June. This is the date of its being passed; its impression is later; and though now printed, it will not be published perhaps for some time, according to what I am told is the usage here. A copy has been lent me on the condition of my returning it immediately. Not having time to translate it at full length, I have extracted from it the most important parts, which I here enclose to you.

I mentioned to you, in my letter of the 7th of June, that one of the objects of this plan was to supply the Spanish possessions from New Orleans with such goods as they might choose to admit. I find, however, I was misinformed in this, as one of the articles of the ordinance prohibits communication between New Orleans and their other American possessions. I am well assured now, that the plan has been adopted at the earnest solicitation of the inhabitants of Louisiana and the Floridas, and will no doubt give them very high satisfaction. The ground of their demand is their being for the present deprived of their commerce with France.

The ordinance is stated to be a temporary one, and it is said it is to continue only until the minister shall have matured and brought forward a new and general system of commerce, on which he has been for some time meditating. I hardly expect, however, this will take place very soon; nor do I know of what nature it is to be. Such as it may be, you will of course be informed of it by your agent at this place.

I have the honor to be, &c.

W. SHORT.

Extract of an Ordinance for regulating, provisionally, the commerce of Louisiana and the Floridas.—June 9, 1793.

The preamble states, that the inhabitants of Louisiana, being deprived of their commerce with France (on account of the war) as allowed by the ordinance of January, 1782, and his majesty considering that they and the inhabitants of the Floridas, cannot subsist without the means of disposing of their productions, and of acquiring those necessary for their consumption; for that purpose, and to increase the national commerce, the commerce of those provinces and their agriculture, has directed the following articles to be provisionally observed.

The inhabitants of the above mentioned provinces to be allowed to commerce freely, both in Europe and America, with all friendly nations who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles sent or to be received. Every vessel, however, to be subjected to touch at *Coreubien, in Galicia, or Alicante*, and to take a permit there, without which, the entry not to be allowed in the ports abovementioned.

The articles of this commerce, carried on thus directly between these provinces and foreign nations, to pay a duty of 15 per cent. importation, and 6 per cent. exportation, except negroes, who may be imported free of duty. The productions and silver exported to purchase those negroes, to pay the 6 per cent. exportation duty; the exportation of silver to be allowed for this purpose only.

The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules, and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces, as for the other Spanish colonies.

To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain; and in like manner tobacco, and all other prohibited articles, may be imported into Spain from those provinces, to be re-exported to foreign countries.

To improve this commerce, and encourage the agriculture of those provinces, *the importation of foreign rice into the ports of Spain is prohibited*; and a like preference shall be given to the other productions of those provinces, when they shall suffice for the consumption of Spain.

All articles exported from Spain to those provinces, shall be free of duty on exportation; and such as, being foreign, shall have paid duty on importation into Spain, shall have it restored to the exporters.

These foreign articles, thus exported, to be subject to a duty of 3 per cent. on entry in those provinces; those which are not foreign to be free of duty.

The articles exported from those provinces to Spain to be free of duty, whether consumed in Spain, or re-exported to foreign countries. Those Spanish vessels, which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of 3 per cent.

All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in his Majesty's American dominions.

No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands or other dominions in America, except for some urgent cause; in which case only, the respective Governor to give a permission; but without allowing any other articles to be embarked than the productions of those provinces.

All foreign vessels, purchased by his Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof.

Messrs. Carmichael and Short to the Secretary of State.

MADRID, August 15, 1793.

SIR:

In our last letter of the 6th of June, we had the honor of informing you of our having written a letter to Mr. Gardoqui, on the 26th of May, agreeably to his desire, and in consequence of his promise to give us an immediate answer, to be transmitted officially to the President of the United States.

That answer, though promised to us daily at every interview, was daily postponed until the court began to prepare for their departure from Aranjuez; on account of its being necessary, as he informed us, to concert the answer, for form sake, with the foreign department. From that time, we were assured we should have it on their arrival at Madrid, and then, as is done with all business, it was delayed for some time on account of papers not being unpacked. After this, he came to what is considered the last step in the procrastinating routine, viz. to desire us to write to him again on the subject, observing that that would enable him to push the foreign department.

In consequence, therefore, we wrote to him our letter of July the 15th. On the 5th of August, we received his answer, which was dated the 1st of the same month, probably by mistake, as it must have got to our hands in an hour after coming from him. On the 11th we replied thereto, previously to his leaving this place for St. Ildefonso, on the 13th. We do ourselves the honor to enclose you copies of these several pieces, Nos. 1, 2, 3, and 4. As we consider it proper to send them by duplicate, we hope you will excuse one of the copies being from the press.

They will render any comment on our part unnecessary; except as to Mr. Gardoqui's answer being so different from what we had expected. The only external cause to which we could have attributed it, would have been what we mentioned in the last page of our letter of June the 6th. There are some circumstances, however, which induce us to believe, that the ground there mentioned, is not at present as agreeable here as it was expected it would be. Although this ground may become more favorable, yet, from what has hitherto taken place, we should rather imagine now, that the difference between Mr. Gardoqui's written, and his verbal answer, may have proceeded from his having been in an error himself, at first, as to this commissary, and having been confirmed in it also, perhaps, from his first inquiry from the minister of foreign affairs. For it appears to us, at least as likely that this minister should be ignorant of the existence of that commissary as Mr. Gardoqui, who is in correspondence with the Spanish agents in America, and who, from the time of his being named to treat with us here, would naturally have been informing himself on all these subjects. And he acknowledges in his letter his having told us of his own ignorance of a commissary having been employed among the Indians.

Our letters will have informed you of the conduct we had determined to pursue, with respect to the negotiation with which we are jointly charged, and of our reasons therefor. It appeared to us at that time, unquestionable, that you would do us the honor to write to us immediately on your being informed of the circumstances therein attended to; and from our idea of the time you would have received that information from the persons there mentioned, it seemed to us certain, we might expect your letter before any considerable lapse of time. We have gone on with some degree of impatience and anxiety, under this expectation, until now, and although we have not had the honor of receiving from you the orders expected, yet we had been so firmly persuaded that you would have thought it necessary to have written to us, after the circumstances abovementioned, although it should have been merely to have expressed that they had occasioned no change in the President's intentions, that we continued to impute our not hearing from you rather to the accident of the sea, than your not having written.

After so long a delay, we have begun to be less easy about your opinion as to the propriety of the line we have adopted, although our own sentiments on that subject remain the same with those we have hitherto expressed to you. Being persuaded, however, that whilst the court resided here, it would be impossible for the minister to enter seriously on the business, we have considered it best not to bring it forward before their being settled at St. Ildefonso, as this will still give us a further opportunity of previously hearing from you. They arrived at that place on the 13th, and we are now about to follow them. From the considerations abovementioned, and our present view of circumstances, we have determined, whilst there, to proceed to the discussion, if we should have received no letter from you. We should add, however, that we have no reason whatever to suppose the result will be different from what we have formerly announced to you.

We have thought it proper to give you this previous notice of our intention, and we shall also do ourselves the honor of writing to you immediately on any step being taken in consequence thereof.

This letter will be sent by post, and will carry you assurances of the profound respect with which we have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

The SECRETARY OF STATE for the United States.

No. 1.

Messrs. Carmichael and Short to M. Gardoqui.

ARANJUEZ, May 26, 1793.

SIR:

We had the honor of informing your Excellency that a person by the name of Olivier had established himself in the Creek nation of Indians, and presuming to take on himself the title of an officer of his Catholic Majesty, and of his commissioner with that nation, had proceeded to exercise the functions of that character. It was with much satisfaction that we learned from your Excellency, that no such person had been authorized by this court. Your Excellency did us the honor to tell us that you would enable us to transmit this information officially to the President of the United States. We now repeat what we have already mentioned to your Excellency, that we shall be the more happy to have it in our power to do this, as it has been found that whatever influence this person may have acquired from being supposed the agent of his Majesty, has been employed to alter the pacific dispositions with which it is known the justice, humanity, and moderation of the Government of the United States has inspired that nation in particular. We cannot forbear adding, that we persuade ourselves that measures will be taken to prevent the continuance of such an abuse of his Majesty's name, and for purposes so contrary to the dispositions of his Majesty.

We have taken occasion, also, in the course of the conferences which we have had the honor to have with your Excellency, to notice the conduct of some of the agents of the Spanish Government in America, and particularly of the Baron de Carondelet, in exciting among the Indian tribes animosity towards the United States, and in endangering thereby the peace of our citizens on that frontier. Your Excellency did us the honor to assure us that such a conduct would have been in direct contravention to the orders those agents had received, and which you supposed they could not have dared to have violated. Still your Excellency considered it proper that strict inquiry should be made therein; and we apprehend it will be found that they have taken on themselves to deviate from the orders they have received, at least in the instances which we have had the honor of mentioning to your Excellency, of furnishing those Indians with arms and ammunition, as an incitement to, and for the purposes of, commencing hostilities against the United States. We flatter ourselves that, when this Government shall have satisfied itself of the certainty thereof, efficacious steps will be taken for preventing a repetition of what is so contrary to the principles of good neighborhood; and we hope that your Excellency will authorize us to transmit, officially, assurances thereof also to the President of the United States.

We have already had the honor of mentioning to your Excellency the disposition of our Government on this subject; and which has induced them (as well from a desire to give proofs of their attachment to his Catholic Majesty,

as from a regard to humanity and the interests of their Indian neighbors,) in cultivating their pacific dispositions towards the United States, uniformly to use the same efforts in exciting in them the same dispositions towards the possessions of his Majesty.

Your Excellency is too well acquainted with the moral character and habits of the Indian nations, not to know with how much more facility they are prompted to hostile aggression, even against their manifest interests, than withheld therefrom. We trust, therefore, you will think with us, that it will be for the interest, as well of his Majesty's subjects, as of the citizens of the United States, and the Indians themselves, that both Governments should agree on rules for frankly co-operating in disposing of the arts of peace and civilization such of those nations as inhabit within their respective territories or on their frontiers. We have postponed as yet bringing forward this subject, as appearing naturally connected with the final arrangements of the territorial limits. When this shall be settled, we flatter ourselves there can remain no difference of opinion as to the conduct to be held towards their Indian neighbors by two Governments which will unite in adopting humanity and justice towards them as the rule of that conduct.

With sentiments, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency DON DIEGO DE GARDOQUI,

Minister of Finance, &c. &c. &c.

No. 2.

Messrs. Carmichael and Short to M. Gardoqui.

MADRID, July 15, 1793.

SIR:

We had the honor of addressing your Excellency on the 26th of May last, relative to a person of the name of Olivier, who had established himself in the Creek nation of Indians, and taken on himself the title of an officer of his Catholic Majesty, and of his commissioner with that nation; and also with respect to the conduct of some of the agents of the Spanish Government in America.

We then flattered ourselves, from the previous conversation which we had the honor to have with your Excellency, that the answer to that letter could meet with no delay. Notwithstanding the time which has since elapsed, we have hitherto forbore to trouble your Excellency with a second letter on the subject, because, in the frequent occasions we have taken of speaking with you thereon, your Excellency has always done us the honor to inform us that the answer to that which we had written was delayed only by form, and that we might count on receiving it.

At present we take the liberty of recalling the subject to your Excellency's mind, begging leave to refer you thereon to our abovementioned letter. We remain persuaded that your Excellency will continue to think it proper that we should be enabled, as soon as possible, to transmit officially to the President of the United States those assurances which your Excellency did us the honor to give us verbally, and particularly as it will be a new proof of the friendly sentiments of his Majesty at a time when the animosity of several Indian tribes, otherwise pacifically disposed, has been excited against the United States by persons who have exhibited themselves as acting under the authority of this Government. We have the honor, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency DON DIEGO DE GARDOQUI,

Minister of Finance, &c. &c. &c.

No. 3.

Translation of a letter from Diego de Gardoqui to Messrs. William Carmichael and William Short.

PALACE, August 1, 1793.

GENTLEMEN:

Being now furnished with the information necessary to answer your office of the 26th of May last past, I will do it with the sincerity which forms my character, and which you deserve. Permit me, however, first to rectify the idea, inexact and equivocal, which I observe in the said office; and which I cannot but controvert, because it is necessary to fix the true sense of my explanations, to which you refer.

You begin by saying that I declared to you that our Court had not authorized Mr. Olivier, nor any other person, to exercise the functions of agent or commissary of his Catholic Majesty with the Creek Indians; and that I would enable or authorize you to give this notice officially to the President of the United States.

I confess, ingenuously, that I do not recollect to have made such an assertion, although I have perfectly in my mind all which was discussed of in our various conversations. What I declared to you was, that I did not know that his Majesty had the commissaries which you mentioned, although I by no means could offer to enable you to make a declaration which might assure the President, this being the particular business of the Minister of State. By the documents which have since come to my hands, I am every day more and more confirmed in what my residence in that country proved to me continually, and it is, that the commissaries themselves, of the United States, are continually making suggestions which are untrue, and contrary to the good understanding which ought to prevail, and which happily is observed between the two Governments, interpreting unfavorably the most sincere measures of our agents, and the most innocent acts of the Governor of Florida, as has happened probably with Mr. Seagrove, who has been the origin of this business, by having fomented the hatred and enmity of those nations against Spain, with which your constituents know that the same Indians have made a solemn treaty in the beginning of the year 1784, in which they acknowledge his Catholic Majesty for their only sovereign and protector.

In consequence of this treaty with those nations, the Governor of West Florida was in duty bound to take convenient measures to assure the observance of the compact, by naming a person who might reside among them for the purpose of keeping them in peace, and who might equally take care to counterwork the designs of some, who, in fact, have endeavored to separate them from their alliance with Spain, as it appears to us that the commissary Seagrove has done; while the agents of our court have omitted no means of keeping them in peace, exerting their utmost force to dissuade them from their resolution, which they had formed the last year, of commencing hostilities against the State of Georgia, to recover the lands which that State had usurped from them.

This fact, that our Government restrained those Indians, when they intended to attack the said State, must be known to Mr. Jefferson, by the office which the charge of his Catholic Majesty transmitted to him, accompanying it with an extract of a letter of the 24th September of the last year, written by the Governor of Louisiana, of which you are naturally informed.

From what is said, may be inferred how far the agents of our court have been from promoting the hatred of those nations against the United States. However, the demarcation of boundaries being one of the principal causes of the complaints which are always occurring on the one side or the other, it is to be hoped, that, when this point shall be settled, these differences will cease and be cut up by the roots, as on repeated occasions I mentioned to President Washington, treating on the same business.

In the mean while, I have only to add, that you may assure your constituents that the King has given, and will give, the strictest orders to our agents to avoid every ground of complaint on the part of the United States, with

whom he desires to preserve the greatest harmony, and to concur in the reciprocal interests of both Governments, restraining the said nations from all hostile intentions against their neighbors, as is proved to have been done hitherto. I renew my sincere esteem, &c.

DIEGO DE GARDOQUI.

TO MESSRS. WM. CARMICHAEL AND WM. SHORT.

No. 4.

Messrs. Carmichael and Short to M. Gardoqui.

MADRID, August 11, 1792.

SIR:

The letter which your Excellency did us the honor to address us the 1st instant, in answer to ours of the 26th of May, was put into our hands the 5th.

We have considered it with that attention which is due to whatever comes from your Excellency, and we find ourselves obliged candidly to own our surprise as well as our mortification at learning from your Excellency that we so completely misunderstood what passed at the conferences which preceded our letter of the 26th of May, and occasioned its being written.

Your Excellency will unquestionably recollect our having, on different occasions, represented to you the conduct of the agents of the Spanish Government in America, in exciting the animosity of the Indian nations against the United States. As your Excellency seemed to consider very little credit due to the proofs which we adduced thereof, (though founded on the solemn attestations of those most in the way of being informed, and though corroborated by the subsequent conduct of the Indians) we mentioned the case of the person named Olivier, with respect to whom there was testimony, of a different kind at least, of his having established himself in the Creek nation, and taken on himself to act as his Majesty's commissary there.

On your Excellency seeming to doubt the existence of such a character, we informed you that we had in our possession a copy of a passport which he had given as commissary of his Catholic Majesty. Your Excellency then added, that, as for your own part, you knew of no such person being authorized by your court, and did not believe that any such had been authorized; but that you would make inquiry thereof in the foreign department; for which purpose we furnished you, agreeably to your desire, with a copy of the passport, containing the style and title of this agent.

At a future conference, your Excellency informed us, as we understood you, that you had made that inquiry, and confirmed to us that no such agent had been employed by this Court.

On our mentioning to your Excellency our desire to receive this in writing, that we might transmit it officially to the President of the United States, you assented instantly, adding yourself that the proper mode would be for us to pass you an office on the subject, to which you would give us an answer conformable to what you had expressed to us verbally. We accordingly, the next day, in conformity to the suggestion of your Excellency, addressed you our letter of the 26th of May, in which we endeavored to adhere literally to the demand which your Excellency had authorized us to make.

We have thought it proper to recall these circumstances to your Excellency's recollection, in the order in which they occurred; and we think your Excellency will agree, that it would have been difficult for us to have derived from them any other idea than that which we had the honor to express in our letter of the 26th of May. It being our desire, however, as well as our duty, to make the President of the United States as fully acquainted as we can with the sentiments of this court on that subject, we shall not fail to transmit to him, for greater exactitude, a copy of your Excellency's letter.

We cannot forbear, in the mean time, noticing several parts of it, and particularly those most connected with the subject above mentioned.

Your Excellency does us the honor to inform us, that an agent has been named to reside with the Indians, and that in consequence of the treaty formed between Spain and them, in the year 1784, by which they acknowledge his Catholic Majesty for their only sovereign and protector. The contents of that treaty having never been made known to us, we can say nothing with respect to it. We take it for granted, however, that it must have been intended to apply to such tribes as inhabit within the dominions of his Catholic Majesty. To pretend that one sovereign has a right to treat with persons inhabiting within the territory of another, and to take those persons under his sovereignty and protection, would be so contrary to the established laws of nations, and so subversive of all social order and government, that we must suppose this court would be less disposed than any other to admit of such a precedent.

Your Excellency will readily see that such a system, being adopted by one party, would give the other an unquestionable right to make use of it also; the consequences of which it is unnecessary for us to suggest, because they will present themselves as fully to your Excellency as to ourselves, and because we are convinced all his Majesty's ministers would be as far from countenancing so destructive a system as the United States have been. The conduct they have observed in this respect is well known to your Excellency. In their treaty with the Creek nation (which was immediately rendered public and notorious to all by the way of impression, and of which we put a copy into the hands of your Excellency,) you will have observed they confined their protection expressly to those inhabiting within the limits of the United States.

Another motive which your Excellency gives us for establishing a commissary among the Indians, was to counteract the designs of such persons as had attempted to separate them from their allegiance with Spain, and nominatively Mr. Seagrove.

As to the alliance, we can add nothing to what we have said above, and for the reason there mentioned. But with respect to Mr. Seagrove, we repeat here, what we have often had the honor of mentioning to your Excellency, that our agent with the Indians bordering on the territories of Spain has a standing instruction to use his best endeavors to prevent them from committing acts of hostility against his Majesty's dominions. And we know so fully this to be the decided will of our Government, that we do not scruple to say, that, if Mr. Seagrove, or any other agent, should have acted contrary thereto, they will, on its being made appear to them, so conduct themselves towards those agents as to give an unquestionable proof of their determination to have that will fully complied with. And here it will not escape your Excellency, how much more facility you would have in establishing the proof of any improper conduct in the agents of the United States than we have, under similar circumstances, with respect to those of Spain—the situation of our Government, and their immediate communication with the scene, exempting them from the necessity of applying for information with respect to complaints of this kind to the very agents complained of.

The same situation would prevent the President of the United States from being led into error by the agents he employs with the Indians, if, as your Excellency informs us, they were to be making suggestions contrary to truth, and the good understanding which happily subsists between the two Governments.

Your Excellency does us the honor also to inform us, that the agents of your Government had dissuaded the Indians from the resolution they had taken last year of commencing hostilities against the State of Georgia, in order to recover the lands which they had usurped from them. And your Excellency adds, that it is to be inferred from thence how far these agents have been from exciting the animosity of the Indians against the United States.

It was unknown to us that the State of Georgia had usurped those lands from the Indians. On the contrary, the treaty above mentioned will have shown your Excellency that these Indians had, for stipulated sums, alienated whatever claim they might have to occupy the lands within the bounds there agreed to, and which were to be marked in such a manner as to be visible to all parties, and to prevent usurpation on all sides. The United States have been ever since disposed to mark that boundary in the manner agreed on; and we can hardly suppose that any of the citizens of the United States would have ventured to have transgressed it.

There is one error into which we find your Excellency has been induced, and which we consider it our duty here to mention: namely, that it had been shown to Mr. Jefferson by the office of his Majesty's chargé d'affaires, accompanying an extract of a letter from the Governor of Louisiana, that the Indians had been restrained from

attacking the United States. We were informed, on the contrary, by that minister, that this was so far from being the case, that at that time they had invaded our frontier in force.

It is useless to add, that an invasion which had taken place cannot be said to have been prevented; and we trust your Excellency will agree with us, that the conduct of your agents being thus different from what they had represented it to be, the inference proposed cannot be considered as derivable therefrom.

We have repeatedly had the honor of mentioning to your Excellency what their conduct in general had been, and that of the Governor of Louisiana in particular. We have never failed to add, at the same time, what we repeat here, that the Government of the United States remained in the full persuasion that this was without the knowledge, and contrary to the intentions of this court. It was in consequence of this persuasion that we were instructed to enter into the most friendly expostulations with you on the conduct of those agents. We accordingly did it, and stated (what we again beg leave to observe, we were authorized by the Secretary of State to do) that the Baron de Carondelet had excited the Indians to war on us; had furnished them with abundance of arms and ammunition, and promised them whatever more might be necessary. After having brought this conduct to the knowledge of your Excellency, and in such a manner as to show the full reliance of the United States on the friendly dispositions of his Catholic Majesty, we trust your Excellency will agree that they are entitled to expect that the event should show that adequate measures have been taken to prevent these agents from a future deviation from the intentions of this Government.

We persuade ourselves, with your Excellency, that when the demarcation of the limits shall be settled, all differences will be eradicated; and we do not doubt that your Excellency will be of opinion that, in the mean time, and until so desirable an event shall have been attained, every step should be taken by both Governments, with sincerity and good faith, to prevent groundless complaints on either side. With sentiments, &c.

His Excellency DON DIEGO DE GARDOQUI,
Minister of Finance, &c. &c. &c.

WM. CARMICHAEL,
W. SHORT.

Mr. Short to the Secretary of State.

St. ILDEFONSO, August 20, 1793.

SIR:

This letter is merely to enclose you a copy of the convention between this country and England. For what reason I know not, an uncommon degree of secrecy has been observed with respect to it, even since its being signed; and, as yet, very few persons, even of the corps diplomatique, have had a sight of it, or have ever known with certainty whether any such convention was really signed, although it has been suspected by most of them that something had been concluded on between the two countries.

Although it is probable it will be published in England, and thus get to you sooner by that route, still I have thought it proper, by way of precaution, to send you the copy which the departure of the post has barely allowed me time to take. I shall, by the next post, forward it to you by duplicate.

It would seem that the usual language of such pieces had been abolished, as it was signed, I believe, only in Spanish and English! I have only seen it in the former. It was communicated to me as a mark of particular friendship and confidence, by a person whose name I am not at liberty to mention, and which, of course, would be useless.

I have the honor to be, &c.

W. SHORT.

The SECRETARY OF STATE for the United States, Philadelphia.

Translation from the Spanish of a Convention between Spain and Great Britain, signed at Aranjuez, May 25, 1793.

Their Catholic and Britannic Majesties, having resolved, on view of the present circumstances of Europe, to establish a mutual confidence, friendship, and good correspondence, by means of a provisional convention, until they shall perfect entirely the solid system of alliance and commerce, which they so much desire to establish between them and their respective subjects, have named and authorized for this purpose, viz. his Catholic Majesty, the Duke de la Alcudia, &c. and his Britannic Majesty, Lord St. Helens, &c. who, after having communicated in due form their full powers, have agreed upon the following articles:

ARTICLE 1. The said Kings will employ their greatest attention, and all the means in their power, to re-establish the public tranquility and to support their common interests, and they promise and oblige themselves to proceed perfectly in concert and with the greatest confidence, for the establishment of these salutary ends.

ART. 2. As their said Majesties have had just grounds of jealousy and inquietude for the security of their respective States, and for the preservation of the general system of Europe, in the measures which, for some time past, have been adopted in France, they have agreed and established between themselves an intimate and entire concert as to the means of opposing a sufficient barrier to those views, so prejudicial, of aggression and aggrandizement; and France having declared an aggressive and unjust war, as well against his Britannic Majesty as against his Catholic Majesty, their said Majesties oblige themselves to make common cause in this war. The said high contracting parties will concert mutually whatever may be relative to the succours which they are to give the one to the other, as also the use of their forces for their respective security and defence and for the good of the common cause.

ART. 3. In consequence of what is provided in the preceding article, and to the end that the Spanish and British vessels may be mutually protected and aided during the present war, as well in their navigation as in the ports of the two high contracting parties, their Catholic and Britannic Majesties have agreed, and do agree, that their squadrons and vessels of war shall give convoy, without distinction, to the merchant vessels of their nations, in the manner established for their own, as far as circumstances will permit; and that, as well the vessels of war as the merchant vessels, shall be admitted and protected, in the respective ports, facilitating to them the succours which they need, at the current prices.

ART. 4. Their said Majesties oblige themselves reciprocally to shut all their ports to the French vessels; not to permit that, in any case, there shall be drawn from their ports, for France, warlike or naval stores, nor wheat, nor other grain, salted meats, nor other provisions; and to take all the measures which are in their power to injure the commerce of France, and to reduce her, by that means, to just conditions of peace.

ART. 5. Their said Majesties oblige themselves, equally, inasmuch as the present war is of common interest to every civilized country, to reunite all their forces, in order to hinder the Powers which take no part in the war from giving, in consequence of their neutrality, any protection, direct or indirect, on the sea, or in the ports of France, to the commerce of the French, or to any thing which belongs to them.

ART. 6. Their said Catholic and Britannic Majesties promise, reciprocally, not to lay down their arms, unless it be by common consent, without having obtained restitution of all the states, territories, countries, and places, which may have belonged to the one or the other, before the beginning of the war, and of which the enemy may have possessed himself during the course of hostilities.

ART. 7. If the one or the other of the two high contracting parties shall be attacked, molested, or inquieted, in any of their States, rights, possessions, or interests, in any time or manner whatsoever, by sea or by land, in consequence, or in hatred, of the articles or stipulations contained in the present treaty, or of the measures which shall be taken by the said contracting parties in virtue of this treaty, the other contracting party is obliged to succor and make common cause with him, in the manner which is stipulated by the preceding articles.

ART. 8 relates to the ratification, which is to be exchanged in six weeks.

[L. S.]
[L. S.]

THE DUKE DE LA ALCUDIA.
ST. HELENS.

Messrs. Carmichael and Short to the Secretary of State.

ST. LORENZO, Sept. 29, 1793.

SIR:

The despatches which you forwarded by Mr. Blake having been delivered to us, we think it proper to make use of the first conveyance to announce it to you. This being by the ordinary post, we shall send two copies of this letter by to-morrow's mail, being the first for Cadiz and Lisbon. Mr. Blake arrived at Madrid on the 24th instant. The Court was to come the next day from St. Ildefonso to this place. Mr. Carmichael's indisposition prevented his proceeding here in company with Mr. Blake until the day before yesterday, when he arrived, and found the other commissioner, who had come directly to this place from St. Ildefonso. We immediately proceeded to take a joint communication of your several letters of May 31, June 30, July 12, and 16, and the papers they respectively enclosed; and have since then been employed in weighing them with the most anxious care and attention.

It is with a mortification which you will easily conceive, that we have observed that none of our letters had been received by you so low down as the departure of Mr. Blake. Those written February 19, April 18, and May 5, we might have hoped would certainly have got to your hands before that time, and possibly that of June 6th. The three first were sent by duplicates, and the fourth by triplicate. They were prolix in the extreme, and gave you a full account of all that had taken place, and of all we knew or expected. Nothing has since occurred to change our opinions or expectations on those subjects, nor can we yet add any thing of importance to what we then said. Taking it for granted that some of the copies of these letters will have been received, we think we cannot do better by this conveyance than to confirm what we therein said.

Although nothing new occurred after the first conferences, of which we rendered you a full account in our letters of April 18, and May 5, yet we should have written more often, merely to have repeated their contents, had such conveyances, as we could with propriety have made use of, occurred more often.

This, however, was not the case, and as the conveyances did not depend on us, the two letters above mentioned were delayed thereby after having been written.

Nothing in the bosom of futurity appeared to us more inevitably certain, than that you would consider it indispensable to write to us, after having received information, which we knew would get to you from others previous to the receipt of our letters; and that expectation had the influence on us which we have formerly mentioned to you. Until Mr. Blake's arrival, however, we have not had the honor of receiving a single line from you since your letter of Nov. 3, 1792. We received the Gazettes as low down as January 1, and three of the month of April, except which, we have remained in an ignorance of what was passing in the United States, to a degree which added beyond measure to our embarrassment.

We had the honor of writing to you, also, on the 15th of August, enclosing copies of letters which had passed between M. de Gardoqui and ourselves. The intention which we therein announced to you for St. Ildefonso was changed after our arrival, for the reasons which we shall mention by another conveyance. Those matters therefore remain *in statu quo*.

We shall immediately proceed to lay before M. de Gardoqui the substance of your letter, and will endeavor to get his answer in time to despatch Mr. Blake by the middle of October. Our experience, however, of the delay generally used, by no means allows us to be sure of it. An answer to the subject contained in your letter is all that you can expect by him. Nothing new will be known with respect to the subjects of our former letters to you, or at least nothing more favorable than what we then mentioned to you.

Col. Humphreys wrote us some time ago that he had received from you two letters for us, which you desired he might entrust to some person of confidence, and that not having found such an one to forward them by, he should leave them, on his departure, with Mr. Church, the consul, to forward them if a proper conveyance should present itself, or if not, to take our orders thereon. As you did not direct Col. Humphreys to send a special messenger with them, we fear to do it, being unacquainted with the nature of their contents, and the expense being considerable. We know not, therefore, when or how we shall receive those letters, but hope Mr. Church will find out some means of conveying them to us by some person of confidence coming from thence.

* You will have received the convention between England and Spain; we think you may be as sure it will be interpreted in its most extensive sense, [grew, 512] and that a rupture with either party, for any cause, however different from those expressed, would be made common to both.

Naples has entered the league against France, by a convention of the month of July. It is thought that their succors and the Piedmontese troops are by this time at Toulon.

We have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

P. S. The treaties alluded to in your letter of May 31 were not enclosed, as announced by you.

SECRETARY OF STATE for the United States, Philadelphia.

Articles of Convention, Treaty, and Pacification, stipulated and agreed on by the Spanish nation with the Talapuche Indians, at the Congress held for this purpose in the Fort of Pensacola, the capital of West Florida, on the 31st day of May and 1st of June, 1784.

In the name of God Almighty, be it known to all to whom these presents come or may come, That we, Don Stephen Miro, Colonel of the regiment of infantry established in Louisiana, and commandant charged with the civil and military government of that province, by order of his Excellency the Count De Galvez, Lieutenant General of the royal armies, Governor and Captain General of the provinces of Louisiana and West Florida, Colonel Don Arthur O'Neill, Governor, civil and military, of this town of Pensacola, Don Martin Navarro, Intendant General of the said provinces, and Alexander McGillivray, principal representative of the towns of the Upper Talapuches, Middle Talapuches, and Lower Talapuches, called Seminoles or Wanderers, the Savanas or Joannis, and part of the Natchez and Chickasaws; stipulating in the name of all in general, and particularly for Abueg-le, principal chief of the four towns of Talasie; Ysacho, or the mad dog, chief of the town of Tocopaaché; Mecko Apoheza, of that of Hudco-caye; Taske Ohuina, of that of Sihilabe; Opayaacho, of that of Pakana Tahalaché; Taskikina, of that of Cre-vales Oeragula, of that of Ataché; Opayé Mecko, of that of Ochiapo; Nenni Guaquichi, of that of Edomé; Mecko Deteski, of that of Mongulaski; Paychaché, of that of Oyocoské; Opeztlé, of that of Yosata Ayufalaacho; of that of Taskika; Acabe Niacho, principal chief of Abecuchi, and three towns of Abecas; Opayé of that of Statelocalga; Niachumaetaopayé, of that of Uihhuoca, or the waters which follow, with the towns of Alibamas, Conchatis, and Tauachas, and the towns of Osashe, Taskeys Tehonacale, or the middle road, Canauatke, or Tetuchina, Touchatchie, Otasie, Sougaatche, all Upper Talapuchy towns; which chiefs, with many others, remain in the nation, having given consent to whatever the above said Alexander McGillivray shall do and treat, who treats also in the name of Yahuta Mecko, principal chief of the three towns of Cahuitas, in the Middle Talapuches; of Pisto Mecko, principal chief of the towns of the Uchises; Chahuapé, of that of Stlecaasa; Cyocte Mecko, of that of Echité; Cachita Mecko, of that of Cachita; Sincheis Mecko, of that of Apalichocola; from Oloche, and of the towns of Chapeache, Oconé, Lower Talapuches, or Seminoles; of Usatanequé, or war dog, chief of the town of Natchez; of Chickasaw Mingo, of that of the Chickasaw retired arrow, the Talapuchy; in the name, also, of various other towns, chiefs, captains, and warriors, not present, their wives and children, and of all the nation in general, desiring unanimously to obliterate the remembrance of the evils caused by the last war, and to make all the subjects of his Catholic Majesty enjoy the fruits of peace, to conclude and cement, on the most solid foundations, the friendship and good union which the Spanish nation proffers to the Talapuchy tribes, have agreed on the following articles:

* This paragraph written in ciphers.

ARTICLE 1. We, the said chiefs of the Talapuchy nation, for ourselves, and in the name of the other chiefs, captains, warriors, and other individuals, of whatever quality, sex, or condition, they be, promise and engage ourselves before the Supreme God, creator of the heaven and earth, to whom are subject all things visible and invisible, to keep and maintain an inviolable peace and fidelity with his Catholic Majesty, his provinces, subjects, and vassals, procuring to ourselves reciprocally whatever advantages may contribute to the interest and glory of both the contracting parties. We undertake to expose, for the royal service of his Catholic Majesty, our lives and fortunes; and we promise to obey the sovereign orders which, in a case of necessity, shall be communicated to us by the Captain General of the provinces of Louisiana and Florida, and, in his name, by the respective Governors or particular commanders of said provinces, conducting ourselves always with the greatest harmony, union, and good friendship; moreover, from this instant, of our proper and spontaneous will, we promise to obey the laws of the great King of the Spains, in those points which are compatible with our character and circumstances, conforming ourselves to the usages and municipal customs which are established, and hereafter shall be established, in the provinces of Louisiana and both Floridas; regulating, in every thing of common accord, and in good faith, the difficult points which may need explanation.

ART. 2. To correspond on the part of his Catholic Majesty, to the confidence which merit the worthy and honorable chiefs of Talapuchy nation, and the others who are in the lands conquered by the arms of his Majesty, we, the above named Don Stephen Miro, deputy Governor of the province of Louisiana, Don Arthur O'Neill, commandant of the fortress of Pensacola, and Don Martin Navarro, Intendant General of both provinces, promise, in the name of the King, to proportion among the contracting nations a commerce permanent and unalterable, unless the inevitable event of war impedes the exact fulfilment of this promise, at the most equitable prices; to which effect there shall be formed, by agreement of both parties, conjointly, in this present Congress, corresponding tariffs or regulations, by which the mutual traffic shall be fixed, and which shall be inviolably observed by the individuals of the contracting parties, with the most religious scrupulousness.

ART. 3. To encourage more and more commerce and agriculture, the Talapuchy nation shall establish a general peace with the nations of Chickasaws, Choctaws, and others of the continent, ceasing all kind of hostility, forgetting all the past, and living in the greatest harmony. The disturber of these good dispositions and desires, shall be considered as an enemy of the public tranquillity of mankind, and of the contracting parties.

ART. 4. We, the already mentioned chiefs of the Talapuchy nation, as often as any stranger shall introduce himself into our towns, with the insidious idea of inducing us to take up arms against our sovereign, the great King of the Spains, his vassals, and allies, oblige ourselves to arrest him immediately, submitting him to the disposal of the Governor of Pensacola, without that, that his having been taken within our possessions shall serve him as an immunity from punishment.

ART. 5. We will not admit into our towns any white person, of what nation soever he be, without any distinction, (whether it be under the pretext of commerce, or other pretence) who shall not bear the correspondent passport of these provinces, or, in particular, of this fort.

ART. 6. In pursuance of the humanity, and corresponding to the generous sentiments of the Spanish nation, we renounce forever the practice of taking scalps, or making slaves of the whites; and in case that an unexpected war against the enemies of his Catholic Majesty should put us in the case of making any prisoner, we will treat him with that hospitality which corresponds in imitation of the civilized nations, exchanging afterwards with an equal number of Indians, or receiving in place thereof the quantity of merchandise which shall be previously stipulated, without committing on any of the said prisoners of war the least attempt on their life.

ART. 7. We will deliver, in good faith, to the order of the Governor General of these provinces, all the white prisoners subjects of the United States of America, if it be found that there is any one detained, and we will not exact for them any reward.

ART. 8. We will not admit deserters, nor negro nor mulatto slaves, fugitives (amarones) of the provinces of Louisiana and Florida, into our establishments; and those who shall present themselves within them, shall be immediately apprehended by us, at the orders of the Governor, satisfaction being made us for the apprehension by the corps, if the person apprehended be a soldier, or by the master to whom he belongs, if he be a slave.

ART. 9. We will prevent our people, by all means possible, from committing any theft of horses or cattle, of whatsoever kind they be; and those which shall be met with, stolen, in whatsoever place it be, shall be returned with good faith, whenever they shall be reclaimed by the parties interested, who shall be under the necessary obligation of proving before the Governor, or chiefs of the towns in which they shall be, the property of the prize demanded.

ART. 10. We will afford to the Spanish traders, who may go with the respective licences of the Governor to trade in our towns, all the protection and assistance which they may want, observing our contracts according to good faith, and the rules of the tariff, of which they shall deliver us the necessary copies.

ART. 11. As the traders ought to establish themselves within the towns, we will not permit them to do it secretly, fixing their magazines in the woods, and other private places, to the end to avoid, by these means, the disorder which a like abuse and mal-practice would occasion. If any one shall contravene this article, we will give notice thereof to the chief of the place, that he may take the measures which he may esteem necessary.

ART. 12. To maintain the order exacted by reason, equity, and justice, the principal bases of this congress, and on which depend our lives and properties, as well as the tranquillity of our towns, whenever any individual of our nation shall commit the horrible and detestable crime of murder on the person of any subject of his Catholic Majesty, we oblige ourselves to deliver the head of the aggressor. In mutual consideration of which, we, the said deputy Governor, and the respective commandants of these provinces, oblige ourselves, that when the same case shall happen by the subjects of his Catholic Majesty, we will punish the delinquent conformably to the laws of our kingdoms, in presence of the chief of the sufferers.

ART. 13. As the generous mind of his Catholic Majesty does not exact from the nations of Indians any lands to form establishments, to the prejudice of the right of those who enjoy them, in consequence, and with a knowledge of his paternal love towards his beloved nations, we promise, in his royal name, the security and guarantee of those which they actually hold, according to the right of property with which they possess them, on condition that they are comprehended within the lines and limits of his Catholic Majesty, our sovereign. And to make more evident the extent of his royal clemency, whenever by any war or other accident the Talapuches may be dispossessed of their lands by the enemies of the crown, there shall be granted to them others equivalent, which may be vacant, for their establishment, without other concern or retribution than that of their constant fidelity; and for the proof, accomplishment, and entire observance of this, while the royal approbation of his Majesty shall be solicited, to whom the said deputy Governor of Louisiana will send it, we, the said Governor and Intendant, with the said Alexander McGillivray, informed of the whole, by means of a literal and exact translation, which, for this purpose, was reduced by Don Juan Joseph Duforet, Captain of the militia of Louisiana, and interpreter of the English idiom for his said Majesty in the said province, have signed these presents, and sealed the same with the seal of our arms, and countersigned by the underwritten Secretary of the Government, and Captaincy General of the provinces of Louisiana and West Florida, in the fort of Pensacola, the first of the month of June, in the year 1784.

STEPHEN MIRO,
ARTHUR O'NEILL,
MARTIN NAVARRO,
ALEXANDER MCGILLIVRAY.

By order of his superiors:

ANDREZ LOPEZ DE ARRESTO.

A copy:

JAUDENES,
VIAR.

A TREATY OF FRIENDSHIP

Between his Catholic Majesty, the great King of the Spains and the Indies, on the one part, represented by Don Manuel Gayoso de Lemos, colonel of the royal armies, Governor of the fort and the district of the Natchez, and on the other, Tascaduca, King of the Chickasaw nation, and Franchimastabia, principal chief of the Choctaw nation, accompanied by Yteleghana, Stonahuma, Tapenahuma, and Noesahuma Acho, all chiefs, and in presence of many captains and warriors of both nations, who came to the same fort voluntarily, and being assembled before the said Governor, of all the officiality, the persons in employ, and many respectable neighbors, promised reciprocally, perpetual friendship between the people of the three nations, Spanish, Chickasaw, and Choctaw; and that nothing might in future disturb or change this good harmony, they agreed unanimously on the following articles:

ARTICLE 1. That all the individuals of the Spanish, Chickasaw, and Choctaw nations, shall love one another reciprocally, and shall give prompt information to each other of whatever may be favorable or adverse to each in particular, and all in general.

ARTICLE 2. That, to remove every motive of discord, which in future times might occur about limits, the Chickasaw and Choctaw nations acknowledge that the limits of the dominions of his Majesty in the neighborhood of their territory, on the western side, begin on the river Mississippi, at the mouth of the river Yasu, and ascending the said river along the middle of its waters, till it comes near the place called Juego de la Pelota, where the English nation, by agreement with the Choctaw nation, marked a dividing line, which continued till it entered West Florida, and following the said line from the said Juego de la Pelota, till it meets those which separate the rest of the dominions of his Catholic Majesty from the Alibamones and Talipuche nations.

ARTICLE 3. The said Chickasaw and Choctaw nations declare, that all the lands which are to the south and to the west of the said line belong indisputably to his Catholic Majesty, great King of the Spains and Indies, without that, that they for themselves or their descendants have any right to them, nor at any time may reclaim them under any pretext or motive it may be, and moreover they promise to support the Spanish nation in possession of the said lands, in which are especially comprehended the government and territory of the Natchez, as far as the waters of the Yasu.

ARTICLE 4. The Spanish nation declares and acknowledges that all the lands to the east of the said dividing line of the 2d article belong lawfully and indisputably to the Chickasaw and Choctaw nations, promising to support them therein with all their power.

ARTICLE 5. The Chickasaw and Choctaw nations shall preserve a most particular harmony with the Governor General of Louisiana and both Floridas, with the particular of the Natchez, and with the commandants of the other forts and posts of the dominions of his Catholic Majesty in this part of the world, to regulate among them the subjects of commerce and police, which may be for the reciprocal benefit and utility of the three mentioned nations.

ARTICLE 6. The said two nations leave to the determination of the Governor of the Natchez the making them a generous demonstration for the good will with which they have ceded all their rights to the territory of the Nogales, (in English, Walnut hills) joining to the Yasu, and within the dividing line mentioned in the 2d article.

ARTICLE 7. The Governor of the Natchez promises to make a corresponding present, in the name of his Catholic Majesty, to the chiefs present; and to the end that they may distribute them among the other individuals whom they may think entitled, in order to give them this proof the more of the generosity of the Spanish nation, and of the good harmony which they desire to preserve with the Indian nations their neighbors, and to the end that this condition may not be in suspense, he delivers at present to the said chiefs the keys of the royal magazines, in which are the goods; that they may take from them what they desire, to their satisfaction.

ARTICLE 8. The said chiefs before named, acknowledge themselves satisfied with the goods which they have in their power, with the keys in their hands of the said magazines, having already seen what is in them.

ARTICLE 9. Finally, the Chickasaw and Choctaw nations confirm and promise that they will be the constant friends of the Spanish nation, and to observe towards it whatever was covenanted at the congress of Mobile, and whatever they have since covenanted with the Governors General of Louisiana and the two Floridas, and with the particular of the district of the Natchez; and the Spanish nation promises them equally perpetual friendship, and to observe all the conditions covenanted in the said congress of Mobile, and whatsoever the said Governors have promised them since.

In proof of which, we promise to hold and keep whatsoever is expressed in the present treaty; we sign it, all the said Indian chiefs, Tascaduca, Franchimastabia, Yteleghana, Stonahuma, Tapenahuma, and Noesahumaacho, putting our marks with the said don Manuel Gayoso de Lemos, colonel of the royal armies, Governor, military and civil of the fort of the Natchez and its district, and the witnesses present, who in addition also sign it; sealed with the royal seal, and countersigned by the underwritten secretary, don Joseph Vidal, being assembled in congress in the parochial church called the Savior of the World, of the said fort of the Natchez, on the 14th of May, 1790. The seal. Manuel Gayoso de Lemos, The King of the Chickasaws, Franchimastabia, Yteleghana, Stonahuma, Tapenahuma, Noeshumaacho, Carlos de Grand Pré, Blasdu Bouchet, Estevan Minor, Turner Brashears, Ryan Bruin, Gregorio White, Ygnacio Lopez, Augustin Macarty, Jorge Cochran, Francisco Candel, Luis Faure, Juan Girault, Carlos Todd, Ebenezer Fulson, Antonio Soler, Jorge Tompson, Guillermo Wushthoff, Jaime M'Farland, Elias Smith, Kinneth Thompson. By order of his seignory: Joseph Vidal.

Copy.

JAUDENES,
VIAR.

[TRANSLATION.]

From a Spanish translation of a paper written by the Cherokee Nation to the Governor of New Orleans.

Full of respect and gratitude, the Cherokee nation united, has heard with satisfaction the message by the persons you sent, and gives you expressive thanks for the great generosity with which you offer to assist them with all the means which depend on your power. A general meeting of the Indians is convoking for this effect, and what the warrior Bloody Fellow and the other chiefs have expressed to you on the oppression which we suffer, is the same which the nation represents.

It complains bitterly of the ungenerous method with which the Americans have appropriated to themselves their dwelling lands. The first treaty which was held after the war with Great Britain, was at Seneca, and was called the Treaty of Hopewell. In this treaty the whites obtained concessions from the Indians, though not by general consent of the nation, because it is certain that the lands were settled before their consent was asked. The passion of the Americans for establishing themselves on the lands of the Indians, is too well known to you to need explanation. In a word, since the Americans by the fraudulent means used among them have usurped the lands of the Indians, the nation universally reclaims and insists to preserve its ancient limits on which they agreed with the British nation. They pray you to employ all your force, to obtain from his Majesty, if it be possible, this favor; and if it cannot be obtained, they insist that the settlement at Cumberland alone, shall be removed at all events; without this, nothing will satisfy the Cherokees and Talapuches.

Cumberland was settled towards the conclusion of the last war, by a certain Robertson, and some companions of his, who, concealing their journey and designs, took possession, by force, of those lands. Perhaps the Americans will make it appear, that they possess these by free and lawful treaties. But it is not so; and all the nation declares, on the contrary, that neither the last treaty, nor the former, were explained to the Indians, and they only knew their contents on their return to their nation.

Robertson and his companions are the real and true cause that so much blood has been spilt; and the confusion which has subsisted, and still subsists, is owing entirely to this settlement; and, while it remains in this place, there is no hope of a solid peace. This settlement taken away, the Cherokee nation declares, that it does not desire to be an enemy to the Americans; it declares, moreover, that it does not entertain this solicitude from caprice or pique; that they never questioned the legality of their former treaties, because, under the British Government, they were treated with justice and humanity.

The nation, moreover, informs you, that they all will preserve in remembrance your words, and will give attention to your friendly counsels. Do nothing, if possible, against them. But if, on the other side, necessity compels them to take the field, they pray you will not impute it to their fault, because force alone will be the cause which places them under such an extremity, which they would avoid if possible. The Creeks pass daily in great numbers through this nation, which prays you to induce them to keep themselves quiet till the issue of the negotiation about their lands is known.

Given in the Cherokee nation, by me, and at the particular desire of the chiefs and warriors thereof, this 5th of April, 1793.

Bloody Fellow, his mark,
Gless, his mark,
Charles of Chuckamogga, his mark,
Walter Hunter, Cacique of Chickamogge, his mark,

Spiller of Lookout Mountain, his mark,
Richard Justice,
Badger's Mother's warriors,
Guillermo Shewrey, his mark,

In the name of all the rest of the nation.

SENOR BARON DE CARONDELET

A copy : JAUDENES,
VIAR.

To the Chiefs, Warriors, and others, of the Cherokee Nation.

BROTHERS:

I have seen with much satisfaction the chiefs, Respiration, Chickemoga Charles, and the Bloody Fellow warrior, of your nation. I have heard their words, which I will preserve in my heart.

The losses and misfortunes of your nation have afflicted me, and I desire sincerely to relieve them.

I transmit to the great King of the Spains whatever your messengers have said to me. His Majesty keeps in his heart all the colored people. He desires their happiness, and that all of them shall live in peace, and preserve their lands. The great King will employ with pleasure his mediation between your nation and those of the north, your allies, with the United States, his friends, for the re-establishment of peace between both, and that all may be content.

Brothers: Your messengers will tell you what they have seen and heard; the good counsels which I have given them; the strict union which I procure for the happiness of the colored men, our good friends, and to keep at a distance from them, in future, the miseries of war. Let your nation suspend all hostility against the United States, keeping themselves within their lands, on the defensive, while the great King treats of peace between you and the Americans, your neighbors, and obtains from them the lands necessary for your habitations, with a demarcation of limits, which may leave no more room for contest.

You will let me know your claims, as to limits, that I may immediately inform the great King of them; and, if the other nations of the north, your allies, will let me know theirs, I will procure that they may be comprised in the same treaty, which shall terminate your differences with the United States.

Given, these presents, signed with my hand, sealed with the seal of my arms, in the city of New Orleans, the 24th of November, 1793.

THE BARON OF CARONDELET.

By order of his Seignory:

ANDREW LOPEZ DE ARNESTO.

A copy: JAUDENES,
VIAR.

[TRANSLATION.]

Copy of the Relation of Ugulayacabe of the occurrences of his Journey to Cumberland.

He said that, on his return from visiting his father, the chief of New Orleans, from whence he came with a very handsome present, which had contented and satisfied him much, he met in the road two Americans, who persuaded him pressingly to go to Cumberland, where they would receive, as they told him, a good present. Ugulayacabe answered them, that he had then been to see his father at New Orleans, who had given him whatever he desired; that the Spaniards were his Whites; that he desired no others. After which answer, they solicited him no more. But, having arrived at his nation, they went to his cabin, and teased him so much, that he found himself under the necessity of consenting to take the journey to Cumberland, with the design of seeing if it was true that Pyamingo had ceded lands to the Americans, as he had heard say, and if in truth these were soliciting them from the Indians, as they had informed him. That, having arrived at Cumberland, they spoke to Governor Blount, who caressed him much, and proposed to him to establish a factory or magazine of trade at Bear creek, which Ugulayacabe refused, because he did not desire any such establishment there, nor any where else; that he had the Spaniards for his Whites; that they furnished his nation with all the goods they wanted; that he might see by the clothes he had on, that he wanted for nothing; that on this, Governor Blount looked at him with evil eyes, and said to him, "you have sold your lands well to the Spaniards;" to which he replied, that it was not so, since they had no need of them. That then Governor Blount asked him if he would assist the Americans, if they should have war with the Whites; to which Ugulayacabe answered, that he would stand back and let them fight one another, but that he never would permit the Americans to establish themselves further in advance than where they were. That Governor Blount gave him a great coat and a hat, a very pretty little one, which he could not get on his head, and so gave it to his son, because he was going to be married. That the Americans gave a dozen cart loads of goods to the Indians, for the value (as they told him) of \$5,000; that he had little ammunition, no axes, mattocks, nor hatchets, some guns, much whiskey, victuals in abundance, meat at pleasure.

A copy: JAUDENES,
VIAR.

CHARLESTON, September 24, 1787.

DEAR MAJOR:

The receipt of your kind favor, by Mr. Barrel, afforded me the greatest satisfaction, and can assure you that I should have been happy in obliging not only that gentleman, but any person whom you would please to recommend to my attention. The disgust he has taken at the southern country, and his consequent short stay among us, deprive me of the pleasure of serving him as I would wish. Not many days have elapsed since my arrival from the Western waters, on particular business to this city. My intention is to return immediately to the state of Franklin, in which case I hope to see you before long. I have informed Mr. Barrel that I should have been happy in his company, but he is totally unprepared, either in baggage or horses, for a march beyond the Alleghany mountains. Though a good young man, he seems not only to be unfit for such a service, but is totally unacquainted with the country in general. I thank you for your opinion concerning certain matters. There is no part of the continent where you

could live more at your ease than in Franklin. I would advise you, therefore, (previous to bringing on your family) to come southward by the first opportunity, and secure a body of land for yourself on the Tennessee river. There will be work cut out for you in that country. I want you much. By —, take my word for it that we will be speedily in possession of New Orleans. I particularly request that this letter may not extend beyond your own perusal. Adieu.

JOHN SULLIVAN.

P. S. Write me immediately what you mean to do, and enclose your letters to Major Washington, of Savannah. Addressed to Major William Brown, late of the Maryland Artillery.

PHILADELPHIA, November 6, 1787.

Oliver Pollock, Esq. hath shown to us the letter of which the foregoing is a true copy. The original has every mark of authenticity, and we believe it to be a genuine letter from the above named John Sullivan, to Major William Brown.

ROBERT MORRIS,
GOUV'R MORRIS.

Extract of a letter from Governor Blount to the Secretary of War, dated July 28, 1791.

The enclosed information may be depended upon, as Captain Smith is a man of well known veracity; whether it is of any importance, is not for me to determine, but I have conceived it my duty to give it.
I have the honor to be, &c.

"Captain David Smith, now of Nashville, and heretofore an inhabitant of the district of the Natchez, informs, that on the 22d day of May, 1791, he was at the Walnut-hills with Governor Gruoso, of that district; that the Spaniards are erecting there a fort, under Gruoso's directions, that will cover ten acres of ground, the lines of which were marked out on the bank of the Mississippi, about a mile and a half below the mouth of the river Yazoo, on a high bluff, in latitude 32° 44', as appeared by an observation made by Gruoso himself, or by his order. This place is twenty-five miles by land above the upper settlements of the Natchez district.

"That two block houses and large barracks were completed; that a galley and gun-boat were lying in the river; and that two men were expected from Orleans; that besides Spaniards, there were about thirty deserters from the federal troops, engaged in building the fort, who were paid fifteen dollars per month for their services."

Extract of a letter from Timothy Barnard to James Seagrove.

"FLINT'S RIVER, July 13, 1792.

"The Cussetah King has been here with me these five days past, and went off for the town yesterday, just before I received your letter. Chief of his business was to inquire of me what I thought of the present situation of affairs in the nation, as they found what I had told them respecting Bowles turned out nearly as I had told them. He wished to know a little about the grounds of what this Spanish officer meant by the talks he had given them, which was, in the first place, not to run the line, but to come down to a meeting at Pensacola and Mobile, where the Spaniards, this officer told them, would call the Choctaws, Chickasaws, Cherokees, and Creeks, and give them all one talk; and when they had all agreed to one talk, that they should all be furnished with arms, ammunition, and all other implements of war in their land, and then they were to lay still till they found that the subjects encroached on their lands; and if they did, for them to defend their rights; and that they, the Spaniards, would be at their backs. This, I told the Cussetah King, he might easily see into, as I had lately heard that there were some disputes on the Mississippi, between the Spaniards and Americans, about the land. That the Spaniards were afraid of the Americans, and that they wanted to get the Indians to fight the Americans, first, to save themselves, and get the Indians all destroyed; and then think it will be time enough for them to begin. I told him many other things that I thought would take with him, which he seemed to take great notice of. He says, that, as matters cannot be settled till towards the fall with the State of Georgia, that they have agreed to go and hear the Spaniards' talks, and if they have any thing to give them, they will take it, but that they are determined not to take any talks to do any mischief to their friends the Americans."

Extracts from letters of the Secretary of War to Brigadier General Josiah Harmar.

"WAR OFFICE, October 16, 1787.

"In consequence of a letter written by John Sullivan to Don Diego de Gardoqui, the Encargado de Negocios of his most Catholic Majesty, bearing date the first of March last, and which has been published by the said Sullivan, as will appear by the enclosed paper, Congress have passed the resolve herewith transmitted.

"If, therefore, the said Sullivan should come within the federal territory, you will seize and confine him according to the said resolution, and report the same to me for the information of Congress, and for their further orders respecting him."

"WAR OFFICE, November 14, 1787.

"My last letter to you was dated on the 26th ultimo, and enclosed a duplicate of mine to you of the 16th; and also a copy of a resolve of Congress of the 13th of the same month, directing you to apprehend John Sullivan, styling himself late captain 4th regiment light dragoons, should he come within the federal territory.

"I also now enclose a copy of a letter said to be written by John Sullivan to Major William Brown, dated Charleston, 24th September, 1787. How far it may be practicable to execute the threats therein contained, respecting New Orleans, it is difficult, or rather impossible, to judge at this distance, and with the slender information I possess on the subject.

"It has been reported generally, that the inhabitants west of the Alleghany mountains have been highly irritated by the circulation of the idea that Congress were about to relinquish the navigation of the Mississippi for a number of years. Other reports also have been received, that the inhabitants of Cumberland have talked in a vague manner of the practicability of seizing the Natchez and New Orleans, and some unauthenticated publications have stated that there have been consultations on the subject by the inhabitants of Kentucky and Cumberland, during the summer past. But nothing has been received that had the appearance of reducing these indistinct accounts to a probability, or of any system being formed to carry them into execution, until Mr. Sullivan's letter was received. Indeed, his letter can be regarded only as an indication of his disposition, and not as evidence of any fixed design on the subject. Such an enterprise would be in defiance of the laws of nations, disgraceful, and perhaps ruinous to the country by whose citizens it should be attempted.

"Although I cannot persuade myself that there can be any just foundation to apprehend that such a design is seriously entertained, excepting by an insignificant banditti, yet, circumstanced as the reports are, it becomes necessary that such precautions be taken on the part of the United States, as the nature of the case may require, and their means admit.

"You will, therefore, on receiving this letter, endeavor to ascertain:

"1. Whether there is any plan formed, or forming, of the nature mentioned in Mr. Sullivan's letter.

"2. If so, the numbers of the party, and the names and characters of the most influential persons who are concerned in, or abet, the design.

"3. When the design is intended to be executed, and by what mode or route, and what means they can obtain for the purpose.

"4. How they are armed, accoutred, and supplied with ammunition, and whether they have cannon, and the necessary apparatus.

"In case you should receive such information on the subject as to remove all doubt that the design to which Mr. Sullivan alludes is on the point of execution, you will form your post below the Tennessee, of such strength, if in your power, as will be able by force to prevent the passage of the party down the Ohio.

"Previously to exerting actual force, you will represent, on behalf of the United States, to the persons conducting the enterprise, the criminality of their conduct, and the obligations of the sovereign authority to prevent, at every hazard, such audacious proceedings. Should, however, persuasions or other mild methods be ineffectual, you will then have recourse to the means in your power to prevent their proceeding in the execution of their design.

"I am well aware that I am placing you in a delicate predicament. But there are points of duty which must be accomplished without regarding the consequences. I conceive my duty, and my respect to the justice and dignity of the United States, oblige me to give you these orders, which will be your justification. I am persuaded you will conceive it to be your duty to execute them as far as may be practicable.

"But should you find, by your inquiries, that the design is still in embryo, and that the period of its accomplishment is at a distance, you will transmit me a full account of every circumstance relative to the subject, in order to be submitted to Congress."

"WAR OFFICE, December 19, 1787.

"Since writing you on the 14th ultimo, I have seen a person from Franklin, who assures me there is no such design entertained in that country, as is intimated in Mr. Sullivan's letter to Major Brown. Notwithstanding this information, I would wish that you relax nothing of the vigilance required in my letter to you on this subject. I would have you all eyes and all ears respecting the interest of the United States.

"The inhabitants of the Western waters may rest assured, that whatever local difficulties they may experience, they may depend on the protection and assistance of the Union, in all their legal pursuits. The interests are the same; and the man who endeavors to propagate a contrary sentiment, ought to be regarded as an enemy to his country."

"WAR OFFICE, April 24, 1788.

"Your visit to Monsieur Cruzat, the Spanish commandant at St. Louis, was a judicious cultivation of the harmony which ought to prevail between the two nations. You will take every opportunity of convincing the Spanish officers, that it is the sincere desire of the Government of the United States to be on the most friendly footing with their nation, and to promote the most perfect harmony and good understanding. For this purpose, you will impress strongly on all your officers and parties, that on all occasions they must manifest the best dispositions to the Spanish officers and subjects.

"I am persuaded from the information derived from you and other sources, that the intelligence respecting the designs of Mr. Sullivan and his party on the Western waters, was highly blown, and could not have been seriously entertained by any but an insignificant number of desperate men.

"While you pursue every proper mode of obtaining information, respecting any designs which may interrupt the peace and welfare of the United States, you will be sure to conduct the inquiry with the utmost caution and prudence.

"Respecting John Sullivan, you will conduct yourself agreeably to the resolves of Congress relatively to him. I do not conceive that you would be justified in apprehending him without the territory of the United States. An attempt of that nature, would involve complaints to Congress and discussions of more trouble than the value of the object."

Extract from the Secretary of War's Instructions to Captain Henry Burbeck.

"WAR OFFICE, April 8, 1790.

"Being in the vicinity of a Spanish garrison, you will embrace all opportunities of evincing the most cordial friendship to that nation. If accidental differences should arise between soldiers of your garrison and any of the Spanish soldiers or subjects, you will conduct yourself with perfect temper and politeness in the inquiry; if the offence or injury should have been committed by any of your garrison, you will inflict exemplary punishment; if by any Spanish soldiers or subjects, you will make a statement of the affair with great precision and coolness to the nearest Spanish officer."

Extract of a letter from the Secretary of War to James Seagrove, Esq. Agent of the United States to the Creek Nation of Indians.

"WAR DEPARTMENT, April 29, 1792.

"You are hereby instructed, on every occasion which shall occur, to evince the most cordial attention to the Spanish Government and interest on the Southern frontiers of the United States. In case you should know of any intentions of any desperado similar to Bowles, or any designs of the Indians, injurious to the interest or peace of the Spanish Government, you will communicate the same to the nearest Spanish officers, so that the evil apprehended may be avoided or repelled."

Extract from the Secretary of War's Instructions to Major Henry Gaither, of the third Sub-legion of the United States.

"WAR OFFICE, Aug. 11, 1792.

"You will, on all occasions, direct that the officers on the river St. Mary, and other places, conduct themselves towards the Spanish officers and government with the greatest politeness and respect. Any offence against this order, will be marked with the peculiar attention of the Government, and treated as the nature of the case may require."

Extract from the Secretary of War's Instructions to Major General Arthur St. Clair.

"WAR OFFICE, March 21, 1791.

"This proclamation became necessary, as information had been received, that certain companies had purchased of the State of Georgia, the pre-emption of the almost entire lands of the said Indian nations, and that measures were taking in pursuance thereof, to effect settlements on the said lands, in direct violation of the said treaties and the peace of the United States.

"And information has lately been received, that a certain Doctor O'Fallon is levying troops in Kentucky, and issuing commissions in an illegal manner, for the purpose of making certain establishments upon the said lands.

"The conduct of the said Doctor O'Fallon is considered of such a nature, as that the attorney of the district of Kentucky has been directed to commence a prosecution against him according to law and the nature of his offence. And in order that all concerned under him should be warned of their situation, the President of the United States has issued another proclamation, which is herewith annexed.

"It is presumed, the arrest of Doctor O'Fallon, and the issuing the proclamation, will operate to prevent the execution thereof; but should they not, and the party proceed in the execution of their plan, it becomes an important consideration, whether the military shall interfere to prevent them. This point is now under consideration of the legal department, and you shall be informed of the result."

Extract of a letter from the Turkey to Governor Blount.

"TURKEY'S TOWN, September 2, 1792.

"Your good talk I have received, and am glad to find that you are pleased with the conduct of Mr. Thompson and the rest of my people that was in company with him. It was my earnest request to them to do the best for your people in the boats, which I am glad to hear they did. Now my good friend and brother, you wrote me to tell you what I thought and knew of the people that lives on the Big River. Now, I will let you know and tell you the truth, which I am sorry and ashamed for to tell you of their proceedings and bad conduct. You may be assured it is not lies. I now tell you, as you wrote me never to write or send you word about any thing but the truth. The eighth day of this month, they are determined to go off to war—all the five lower towns on the Big River. They have and will make war by themselves, you may be assured, and believe me, it is not the consent of the whole nation, nor no part of it, only them five towns. They agreed amongst themselves. Now you may know where the bad people lives; both you and your people may know now where the good and bad lives. Now I desire you and all your people, not to come to war against no other towns, but them five towns on the Big River that has made war against you. The Spaniards has give them ammunition and guns, hatchets, knives, &c. and told them it was not to go to war, but to keep it a reserve by them. You may blame nobody for all this, only the Spaniards."

Extract of a letter from John Thompson to Governor Blount.

"TURKEY'S TOWN, September 2, 1792.

"I am sorry to acquaint your Excellency of the bad conduct of the Indians on the Big River, or you may call them the five lower towns. On the 8th day of this month, they intend to start out for war. But what part on the settlements they will fall on, we can't tell. The first day of this month, I got to the Turkey's town; and there the news was, that the Indians was making readiness for war. I made all haste I could, back, to send you this news. You told me to tell you nothing but what was the truth, and you may believe this to be the truth. I hope you will do the same by me as agreed. Those Indians will kill people every where to bring on the Whites on them, that is, for peace. They have said it, that they intend to do so. But when mischief is done, you will know where they came from, and you may depend the Creeks will do their part. Your Excellency has got to blame the Spaniards for all this; they have give the ammunition, guns, hatchets, and knives, but not to make war with, but to keep it as a reserve."

Extract of a letter from Leonard D. Shaw, Agent of the United States to the Cherokee Nation, to Governor Blount.—August 29, 1792.

"In my last letter, I informed you of the frequent incursions of the Creeks, and the reason I had to apprehend some daring attempts from them. Since that time, they have killed Mr. Ramsay, and a person who had lately arrived from Charleston. This happened the 24th instant. They were very nigh killing Moses Rice the preceding day, notwithstanding he was accompanied by the King Fisher and his wife, and they had formerly been intimate with him. Mr. Ramsay was not above thirty yards from his own house, when he was killed and scalped on the spot. The other person reached the house, but instantly expired. The open and avowed intention of the Creeks, is to kill every white man they meet; and they declare that such is their orders. The great quantity of ammunition given to the Indians by the Spaniards, persuades me that we are indebted to the latter for these visitations."

Extract of information from Red Bird, a Cherokee, enclosed in a letter from Governor Blount, dated Sept. 15, 1792.

"That John Watts had been at Pensacola; that he brought home with him seven horse loads of ammunition, and as many accoutrements as were sufficient to equip two hundred horsemen, to wit, swords, &c. and that Watts was appointed to command the Creeks and the Cherokees, who should be called into the field, and be for war; and that the Creek nation had met in council, and agreed to the appointment."

Extract of a letter from Ben James to Governor Blount.

"CHOCTAW NATION, June 30, 1792.

"I take the liberty to inform you, that I had the opportunity of seeing your letter to this nation, and I think that you must be sensible that every white man in this nation must be dependent to Spanish Government. If you are not sensible of it, you must have heard that the Spaniards are a jealous people, and I have always been pointed out as an American. But I have always been true to that power that protected me; but the whole is, I am protected at my own expense. My reason of speaking to you in this manner is, that I have received several insults from the Creeks, and am obliged to put up with it. For what reason? Because I am not able to help myself.

"I would apply to Spanish Government for protection, but I am so sensible that they must encourage the Creeks, that I cannot.

"Mr. Alexander McGillivray is now in New Orleans, and it is not for the good of the States of America that he is there, nor yet for this nation."

Extract of information from the Hanging Maw, enclosed in a letter from Governor Blount, dated October 7, 1792.

"The amount of the information given by John Boggs, was, that, from the 15th to the 17th instant, (September) the Creeks were passing the Tennessee at the running water, Nickajack, and at a place called the Creek crossing place, about thirty miles below Nickajack, on their way to invade the district of Mero, Cumberland settlement; and that they were joined by from one hundred to two hundred Cherokees, among whom was John Watts; and that the Creeks had with them a great quantity of powder and lead, which they had received from the Spaniards; that the whole were to rendezvous at the place where the different paths came together on their way towards Nashville, and concert their measures of attack upon the Cumberland settlements. That while he was at the Look-out mountain, he was informed that Richard Findleston and a Frenchman had passed on from the Pensacola to Cumberland, to obtain information of the true situation of that country, and were to return in ten nights, and report such as they could collect. That he found it generally understood in the lower towns, as well as the other parts of the nation through which he passed, that such of the inhabitants of the five lower towns as did not want war, had best leave them; and that such of the other towns as did want war, had best move to them; and that some of both parties were moving, so as to take the situation which best suited their wishes and disposition for war or peace. Boggs is a half breed, well known to many white people, and by all parties viewed as a man of veracity."

Extract from Mr. Wallace's report, enclosed in Governor Blount's letter of December 16, 1792.

"Pursuant to your instructions, I went with a flag to the towns of Chilhowee and Tallasee, and informed them of the danger they had been in of being destroyed, and warned them of the danger that would attend them, in case any injuries were done to the white people on the frontiers, which lay near them, and advised them, in the strongest terms, not only to desist from murdering and stealing, but to restrain all others from so doing. Upon which, the head man of Chilhowee immediately rose in a great passion, said he wondered what Governor Blount meant by sending in such a letter; could he prevent the Creeks and the lower towns of the Cherokees from passing through his towns to kill the people on the frontiers, and steal horses? That if the Governor's people were so fond of fighting, why did he not send them down to the lower towns, where Watts had 1,600 men ready to fight, and they might get fighting enough? That if they would let his town alone until the spring, they might destroy it and welcome, for the Spaniards had offered them land to live on, arms, powder, and lead, even to boys not exceeding twelve years old, (pointing to one who stood near to show the size.)"—December 15, 1792.

Extract from a Conference, &c.

"KNOXVILLE, December 26, 1792.

"Present: Governor Blount and General Sevier, and the Hanging Maw, John Boggs Tolcoho, the Woman Holder, the Flute, and eight other Cherokees; interpreters, Joseph Sevier, and John Spears, a Cherokee.

"*Governor Blount to the Hanging Maw.* I have been informed that the Bloody Fellow, John Taylor, Moses Price, and the Hare, went to Pensacola lately, together. What news do they bring?

"*Hanging Maw.* The Hare only has returned. He says, the Bloody Fellow, Price, and Taylor, went on from Pensacola to visit some higher officer of the Spanish Government than Governor O'Niel, but where, he did not know, nor when they would be back. That Governor O'Niel showed him the magazines of ammunition for the Indians, of which they should have plenty; that the Americans were great rogues, and would give them but very little for a great price.

"*Governor Blount.* Where is the Breath of Nickajack?

"*Hanging Maw.* He went to Pensacola some time ago, and there lost his horses, and is now returning in canoes up the Coosa river with ammunition, I know not how much."

Extracts from the minutes of information given Governor Blount by James Carey, one of the interpreters of the United States in the Cherokee Nation, and transmitted to the Secretary of War, in Governor Blount's letter of the 8th November, 1792.

"After leaving Coyatee, on the 25th day of May, the day after the conference at that place, which promised nothing but peace and friendship, Carey proceeded with many Indians (among whom was John Watts) to Toquo, distant fifteen miles, where a letter was handed to Watts (written by Mr. Pantan, a merchant of great business, then in the Cherokee nation) addressed to the Bloody Fellow as well as Watts. Mr. Pantan wrote it from the house of Mr. McDonald, a Scotchman, an old resident in the Cherokee nation, and in the late war a deputy under Colonel Brown, who succeeded Colonel Stewart in the superintendency of the nation, and Mr. McDonald forwarded it to Watts by an Indian runner. The contents of the letter was to invite Watts and the Bloody Fellow, in the name of Governor O'Niel, to come down to Pensacola with ten pack horses; that they should have from Governor O'Niel arms and ammunition, as many and as much as they wanted; and that Pantan himself would supply their nation with goods in plenty. Mr. Pantan, during his stay in the nation, made the house of his countryman, Mr. McDonald, his head quarters, from whence they paid a visit to the Little Turkey, and spent several days together, Mr. McDonald acting as interpreter between Mr. Pantan and the Turkey. The particulars of their conversation, it is supposed, never fully transpired; but it is said and believed, that Pantan invited the Turkey to visit Governor O'Niel, assured him that the Governor would give him arms and ammunition at Pensacola; that Mr. McDonald would accompany him in such a journey; that he, Pantan, would supply the nation with goods made cheaper than they had heretofore purchased them. That the Creeks had agreed the Spaniards might erect a fort at the Alabama fork, a mile below Mr. McGillivray's house, for the protection of the Creeks and Cherokees, and where arms and ammunition would be kept for them both. This Alabama fork is a place where the French once had a fort, to and from which there is water sufficient for large boats to pass up and down from thence to Mobile. Shortly after Watts received the letter that Pantan addressed to him and the Bloody Fellow, they went together to Mr. McDonald's house, and stayed with him a day and a night. Mr. McDonald wrote a letter to Governor O'Niel, and commending Watts and his uncle Talteesk in high terms; he also wrote a letter to Governor O'Niel, in the name, and at the request, of the Bloody Fellow; the contents were, that he had been to see the President, where he was well treated, but as far to seek for his lands as ever; that he was glad to hear that the Spaniards would supply his nation with arms and ammunition, and assist in the recovery of his lands. That he had been blind a long time, but now his eyes were opened. He would let go the hands of the United States, and take fast hold of the Spaniards; and requested that the Governor would not permit Watts to return without plenty of arms and ammunition; and that

he himself, and the Turkey, and some other of the chiefs, would come down with Mr. McDonald some time hence to visit him. The Bloody Fellow then accompanied Watts to the crossing of the Coosy river, encamped with him all night, and returned; and Watts and his companions proceeded for Pensacola, with ten pack horses.

"At this time (about the last of June) the national council were about to sit at Estinaula, by appointment made at the conference at the Coyatee, at the request of the Bloody Fellow. To receive his report touching the business he had been on to Philadelphia, and to hear the big book read which he had brought from the war office. The council waited his coming three days, before business was entered upon. At length he sent an apology that one of his relations was unwell, and he could not come. He did not appear at the council, and his absence can be attributed only to the letters he received from Pantom: for, at Coyatee, he was the warm partizan for the United States, as was his friend Watts.

"The demand of the Little Turkey, contained in his speech in council of the — day of June, that the ridge between Cumberland and Green rivers should be the line, can be accounted for no otherwise than from the visit of Pantom. At the time the Turkey was delivering this part of his speech, the Jobber's son, sitting at a distance, observed to those around him, in a low accent, that it was now too late to talk of that line, for they had established a different one at the treaty of Holston; to which the Young Frog replied, "that is nothing; then we had nobody to back us; now we have, and can get to that line;" meaning, as Carey now supposes, the Spaniards.

"Immediately after the return of John Watts and his uncle from Pensacola to Willstown, in the latter part of August, the brother of the late Drugging Canoe, the same that the council at Estinaula declared should succeed to his brother's honors and command, came to Estinaula after the war pipe which he had brought from Detroit, and left at the house of the Old Prince, while the Old Prince was at Philadelphia, which pipe the Old Prince and the King Fisher, on their return from Philadelphia, destroyed; and being informed of the fate of his war pipe, declared, if the King Fisher was present, he would destroy the medal that had been given him at Philadelphia; that in future, his talks should be considered as a little boy's, and not as the talks of a man and a warrior. He then requested the Warrior's son, the Standing Turkey, and the Half Breed, to go to a pipe maker who lived about twenty miles from Estinaula, and have a pipe made as near like that which was destroyed as possible, that he might have it to show to the Northwards, whom he daily expected at the lower towns. About an hour after this conversation had passed, he took the three before mentioned Indians and the Big Fellow out from the company, and delivered them a talk from Watts: that they must attend at Willstown in eight nights; to pay no more attention to the talks of the old chiefs; that they were not to assist the old chiefs in the restitution of horses or any other property taken from the United States; that the day was just at hand when the blow was to be struck; that Watts had been to Pensacola, seen Governor O'Neil, and all things were to his wishes; that the thing would be fully explained to their satisfaction on their arrival at Willstown; and delivered them a string of black beads of four strands. This they agreed to, and made Carey acquainted with what had been said to them.

"The Cherokees assembled from every quarter of the nation at Willstown, to hear Watts' report from Pensacola, and to the green corn dance, which was at the same time there to be held.

"Watts commenced his report by causing a letter which Governor O'Neil had written by him, to the chiefs, to be publicly read. The contents were, that his master, the King of Spain, had sent to his care, at Pensacola, arms and ammunition in abundance, for the use of the four Southern nations, which he had divided into four separate warehouses. That Watts had been an eye witness of the quantity he had of powder, and lead, and arms; that he had sent some by Watts for the Cherokees; that the King of Spain had made a greater man of McGillivray than Congress did; that it was his business to deliver out these articles; that he would be at Pensacola by the middle of October, when, if the whole of the towns would come down, they should be supplied, each town, with from 400 to 500 lbs. powder, and more, if necessary, and lead accordingly, and with arms; and that he would have plenty of provisions provided for their support, while with him; and recommended Mr. McDonald and Alexander Campbell, their old friends, to their particular notice and protection. The letter being read, Watts then informed what Governor O'Neil had said to him. The Governor, he said, received him with open arms; asked him if he had seen any Spanish settlers before he arrived at Pensacola; assured him that the Spaniards never wanted a back country; wherever they landed, they sat down. Even such a sand bank as this is sufficient for them. They are not like the Americans; first take your lands, then treat with you, and give you little or nothing for it. This is the way they have always served you, and, from time to time, killed some of your people. In the late war between Great Britain and the United States, the Spaniards assisted them and lent them money, and they owe the Spaniards a great deal, and, instead of paying them what they owe, they take our lands as well as yours. That the King, his master, had sent in powder, lead, and arms, for the whole four Southern Nations, in plenty, and that then was the time for them to join quickly in war against the United States, while they were engaged in a war with the Northern tribes. If they did not, that, as soon as they (the United States) conquer the Northern tribes, they would be upon them, and cut them off; that the talks which that part of the nation, who had been to visit the President, had received, was not from the heart, but only from the teeth. That, besides guns and ammunition, they should be furnished with swords, caps, pistols, bridles, and saddles, for horsemen. That the King of Spain had ordered a fort to be built at the Alabama fork, within a mile of McGillivray's house, to which the Creeks had agreed, where there would always be a magazine of arms and ammunition for both Creeks and Cherokees; and that a magazine should be erected for the Cherokees at Willstown.

"Watts, having thus recapitulated the talks he received from Governor O'Neil, proceeded to address his audience; that his people had been to several places, to Hopewell, to Swannano, to Holston, and to Philadelphia; and he had heard all their reports, but none pleased him like what he had heard and seen at Pensacola.

"Here Findleston's narrative takes up the proceedings at Willstown, which Carey confirms as far as he knows, and contradicts no part.

"It has been concluded among the Creeks, that the young warriors, with a few of the chiefs, should go down to Pensacola to receive arms and ammunition, and that others should go to Seagrove, at the Rocklanding, and give good talks, and obtain all the presents they could, until the nation was quite ready for war. This information given by the brother of Chinnabee, the great Natchez warrior.

"JAMES CAREY.

"Knoxville, November 3, 1792."

To the information contained in this narrative, I pay full faith and credit.

WM. BLOUNT.

Extract of a letter from James Seagrove, Esq. Agent of the United States to the Creek nation, to the President of the United States.

"ROCKLANDING, Oconee River, July 5, 1792.

"The information which I am about to give, appearing to me of importance to the United States, I hope will plead my excuse for thus intruding on your moments of retirement. In my despatch of the 14th ultimo, to the Secretary of War, I promised to procure what information I could, respecting a Spanish officer, which Gen. McGillivray mentions in his letter to me of the 18th of May, a copy of which you have herewith.

"I find, on inquiry of the Indian chiefs now with me, that this Spanish officer is the same person that I have mentioned in my former letters as a Spanish resident or agent who had arrived from New Orleans, and lives in a house of Gen. McGillivray's, at Little Tallassie.

"It remains no longer a doubt who this person is, and his business in the Creek nation. His name is Olivar, a Frenchman born, a captain in the Spanish army, wears the uniform of the regiment of Louise; and sent by the immediate orders of Baron du Condulette, Governor of New Orleans, as an agent, or perhaps something more, to conduct affairs in the Creek nation.

"It would appear by the style of Gen. McGillivray's letter to me, that this Spanish agent had just arrived, and that he was a stranger to him and his business. This was not the case; for it is well known, and I can produce unquestionable proofs, that he had then been several months at Mr. McGillivray's own house at Little Tallassie. The general took much pains in sending for a number of the chiefs, and introduced this Spaniard to them as their *great friend*, who was come to live among them, and to do great things for them. It can also be made to appear that the general was riding about the country with this Spaniard, at the time when, by his engagements, he ought to have been with me.

"I have not a doubt but that the arrival of this Spanish agent was in consequence of a preconcerted — between McGillivray and the Spaniards, on his visit last winter to their possessions, and that Captain Olivar is to be his successor in the Creek land: for, you must know, the general is again gone with nearly the whole of his property into New Orleans, and I doubt whether he returns. Certain it is, that he hath engaged to attend the Spanish treaty with the Indians at Pensacola in September next.

"As soon as Gen. McGillivray quit the nation, Capt. Olivar threw off all mask, by calling meetings in the towns, and directing what the Indians should and should not do. He, in the most public and positive manner, forbids them parting with a foot of land to the United States, and also forbids their running the boundary line between them and Georgia; and positively tells the Indians not to have any thing to do with the Americans. It is said by several persons (but I cannot vouch for the truth of it) that he has gone so far in the upper towns as to advise the Indians turning out against our people on the western waters. I think this not improbable: for, about ten days past, he had the impudence to come into the lower towns, and give out public talks, advising the Indians not to come near me, and on no account to run the line. This I have from persons who were present, and heard him.

"I am happy in being able to inform you that he met a very cool reception in the lower towns. The Indians who had been with me had returned home, and influenced the people so much in our favor that he found it convenient to make a speedy retreat to Little Tallassie.

"A brother-in-law of Gen. McGillivray's, a white man, who lives at Tallassie, of the name of Weatherford, is now here, who confirms what I have related of this Spanish agent; and further says, that he hath at Gen. McGillivray's house a quantity of goods, which he distributes among the Indians; that he draws orders on Government in favor of all Indians going to Orleans, who receive goods and ammunition, which they bring up in boats, and that they have a constant intercourse in this way; that he is engaged in securing the chiefs to attend the treaty at Pensacola. That it was much talked of in the nation that one object of the Spanish treaty would be to obtain leave to erect forts and establish garrisons on the Creek lands.

"Those matters seem of so much moment, come so direct, and I believe unquestionably true, that I have lost no time in giving you notice thereof.

"I cannot account for this interference of the Spaniards, and sometimes think that Capt. Olivar cannot be supported by his Government in such doings, and that he is exceeding his instructions.

"I find that the Spanish agent is on very friendly terms with Bowles' successor in the nation, a man of the name of Willbanks.

"I cannot help expressing my fears to you that the Spaniards are playing a double game with us on the score of Bowles. My opinion is, that they will make him useful to their views. Their very kind treatment of him since he has been among them cannot fail to create suspicion in the breast of any one as well acquainted as I am with Spanish want of lenity to *actual prisoners*, especially such as have offended against their Government. Bowles hath not been confined by them, and it is a doubt with me but what appeared a capture of him to us, was, in fact, a concerted plan with him. He is sent to Spain, but not in confinement. Why send him there? Sure the Governor of New Orleans, or the Captain General at the Havana, are possessed with powers equal to punishing or acquitting a man of Mr. Bowles' character. I fear there is some dark and dangerous business in contemplation among those people. I fear General McGillivray is not faithful to the United States; and I have my suspicion that, if any mischief is brewing, he is deeply engaged in it. I never expect he will come forward as an active character *in the field*. He wants spirit, and this is the reason of his placing Olivar in his stead, and of his withdrawing to the Spaniards as an asylum. Olivar is represented to me as a man of good address, who speaks the French, Spanish, and English languages equally well.

"I fear the reason of Mr. McGillivray's not meeting me, and his not forwarding the business of the treaty made at New York, as well as his evasive conduct to all the pressing arguments made use of to him by the Secretary of War and myself, arose from preconcerted plans with his Spanish and English friends, and not from any real opposition the Indians made thereto."

Letter from General Alexander McGillivray to James Seagrove, Esq. enclosed in the foregoing.

UPPER CREEKS, LITTLE TALLASSIE, May 18, 1792.

DEAR SIR:

I received your letter of 1st inst. You have no doubt been expecting me some time. I had been waiting this month past to get our lower gentry into humor of attending to national matters, and to recover from the confusion they had been thrown in by the talks of the lying captain. After he was secured by the Spaniards I had some hope of their soon forgetting him and his British fleets; when, to my surprise, some Indians from Orleans have given and spread reports that he has made matters worse than ever; and a Spanish officer has actually arrived and tells the Indians that he has orders to prevent them from running the line, or doing any other business with the Americans, and invites to a meeting in September next at Pensacola. This last stroke is too much. The Indians, at least a good many, are as mad as ever; and Bowles' partisans again getting loud about giving away land. 'Tis no wonder that the Indians are distracted, when they are tampered with on every side, and am myself in the situation of a keeper of Bedlam, and nearly fit for an inhabitant.

Finding that the Cussitah chiefs are still at home, Randall carries a talk, desiring them, in most pressing language, to go directly and have the line run. But since Bowles had given hope of British aid, a majority of the towns would agree to cede no more than the east side of Oconnee; and now they are told to give none at all; and I wish that more may not be insisted upon at present, to avoid disputes and its horrid consequences, a diabolical war, in which they will be supported, and in which I will not have any hand.

I am hastening to go and get an explanation from the proper persons, and the reasons for their interference. As yet I cannot guess at their motives. You are no stranger to their dispositions.

The Indians will report these Spanish talks of themselves.

Extract of a letter from James Seagrove, Esq. to the President of the United States.

ROCKLANDING, July 27, 1792.

"Since my last to you, which was pretty full on the subject of Spanish and Indian matters, I have received many pieces of information, all tending to confirm me in the opinion that the Spaniards are acting as much to the injury of the United States, as they possibly can; and that Gen. McGillivray hath verified my predictions of him.

"From every information which I can collect from white people and Indians, there does not remain a doubt with me but that the Spaniards will, if possible they can, involve the United States in a war with the four Southern nations of Indians. Every exertion is making by the Spaniards, and undue measures taking with the savages, to stir them up against us.

"The enclosed testimony on oath of James Leonard, who appears to be a man of information and respectable decent manners, will explain and open to you new matter of perfidy in Spain, as well as base conduct in General McGillivray. Mr. Leonard is a stranger to me and in this country; his appearance is much in his favor; he is a modest man, of few words, and seems actuated in this information by no other motive but to serve the United States. He is a citizen of Massachusetts, and lived at Beverly.

"Mr. Leonard's testimony being corroborated to me by a variety of accounts and circumstances within my own knowledge, I am the more readily led to place confidence in it. He is now with me, and I have taken much pains in cross examining and sounding him on this information, but I cannot find him defective, or any room for suspicion as to his veracity."

To the Chiefs and Warriors of the Chickasaw Nation of Indians.

BROTHERS:

Your father, General Washington, the President of the United States, has understood, through Governor Blount, that you are greatly in want of arms, and ammunition, and corn; and therefore he has taken the earliest opportunity of proving to you his friendship, and the desire of being serviceable to you.

It is his earnest desire to be at peace with all the Indian tribes, and he recommends the same measure to you. Nothing but the most dreadful necessity will justify a state of war. Such necessity, however, sometimes exists; but peace is always to be sought for with the greatest eagerness upon the first opportunity.

The United States has endeavored to persuade the hostile Indians to a peace, from motives of kindness to them, and not from any apprehensions as to the final issue of the war. On these grounds a treaty with the Indians north of the Ohio is to be held at Sandusky in a short time. If they listen to the dictates of justice and moderation, they will make peace; if not, they will be made to repent their persisting in hostilities. Although the United States are slow to anger, yet, when once roused, their wrath will be destructive to their enemies.

Your father, General Washington, will continue to love and cherish you; and if requisite, he will supply you further with articles necessary to your situation; and for which you will apply to the General commanding the army at Fort Washington.

Given at the War Office of the United States, in the city of Philadelphia, this 27th day of April, 1793.

H. KNOX, *Secretary of War.*

3d CONGRESS.

No. 66.

[1st Session.]

MOROCCO AND ALGIERS.

Message from the President of the United States, communicating a Report from the Secretary of State, in relation to Morocco and Algiers.

Gentlemen of the Senate

and of the House of Representatives:

UNITED STATES, Dec. 16, 1793.

I lay before you a report of the Secretary of State on the measures which have been taken on behalf of the United States, for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings, have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last letters sent herewith is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

GEO. WASHINGTON.

The Secretary of State, having duly examined into the papers and documents of his office relative to the negotiations proposed to be undertaken with the Governments of Morocco and Algiers, makes thereupon, to the President of the United States, the following report:

The reports which he made on the 28th of December, 1790, on the trade of the United States in the Mediterranean, to the House of Representatives, and on the situation of their citizens in captivity at Algiers, to the President, having detailed the transactions of the United States with the Governments of Morocco and Algiers, from the close of the late war to that date, he begs leave to refer to them for the state of things existing at that time.

On the 3d of March, 1791, the Legislature passed an act appropriating the sum of 20,000 dollars to the purpose of effecting a recognition of the treaty of the United States with the new Emperor of Morocco; in consequence whereof Thomas Barclay, formerly consul general for the United States in France, was appointed to proceed to Morocco, in the character of consul for the United States, to obtain a recognition of the treaty; and on the 13th of May, in the same year, the following letter was written to him:

PHILADELPHIA, May 13, 1791.

SIR:

You are appointed by the President of the United States, to go to the court of Morocco, for the purpose of obtaining from the new Emperor a recognition of our treaty with his father. As it is thought best that you should go in some definite character, that of consul has been adopted; and you consequently receive a commission as consul for the United States in the dominions of the Emperor of Morocco, which, having been issued during the recess of the Senate, will of course expire at the end of their next session. It has been thought best, however, not to insert this limitation in the commission, as being unnecessary, and it might perhaps embarrass. Before the end of the next session of the Senate it is expected the objects of your mission will be accomplished.

Lisbon being the most convenient port of correspondence between us and Morocco, sufficient authority will be given to Colonel Humphreys, resident for the United States at that place, over funds in Amsterdam, for the objects of your mission. On him, therefore, you will draw for the sums herein allowed, or such parts of them as shall be necessary. To that port, too, you had better proceed in the first vessel which shall be going there, as it is expected you will get a ready passage from thence to Morocco.

On your arrival in Morocco, sound your ground, and know how things stand at present. Your former voyage there having put you in possession of the characters through whom this may be done, who may best be used for approaching the Emperor and effecting your purpose, you are left to use your own knowledge to the best advantage. The object being merely to obtain an acknowledgment of the treaty, we rely that you will be able to do this, giving very moderate presents. As the amount of these will be drawn into precedent on future similar repetitions of them, it becomes important. Our distance, our seclusion from the ancient world, its politics and usages, our agricultural occupations and habits, our poverty, and lastly our determination to prefer war, in all cases, to tribute under any form, and to any people whatever, will furnish you with topics for opposing and refusing high or dishonoring pretensions; to which may be added the advantages their people will derive from our commerce, and their sovereign from the duties laid on whatever we extract from that country.

Keep us regularly informed of your proceedings and progress, by writing by every possible occasion, detailing to us particularly your conferences, either private or public, and the persons with whom they are held.

We think that Francisco Chiappe has merited well of the United States by his care of their peace and interests. He has sent an account of disbursements for us, amounting to 394 dollars. Do not recognise the account, because we are unwilling, by closing that, to give him a color for presenting larger ones hereafter, for expenses which it is impossible for us to scrutinize or control. Let him understand that our laws oppose the application of public money so informally; but in your presents, treat *him* handsomely, so as not only to cover this demand, but go beyond it with a liberality which may fix him deeply in our interests. The place he holds near the Emperor renders his friendship peculiarly important. Let us have nothing further to do with his brothers, or any other person. The money which would make one good friend, divided among several, will produce no attachment.

The Emperor has intimated that he expects an ambassador from us. Let him understand that this may be a custom of the old world, but it is not ours: that we never sent an ambassador to any nation.

You are to be allowed, from the day of your departure till your return, \$166 2-3 a month for your time and expenses, adding thereto your passage money and sea stores going and coming.

Remain in your post till the 1st of April next, and as much longer as shall be necessary to accomplish the objects of your mission, unless you should receive instructions from hence to the contrary.

With your commission you will receive a letter to the Emperor of Morocco, a cipher, and a letter to Colonel Humphreys.

I have the honor to be, with great esteem, &c.

TH: JEFFERSON.

To THOMAS BARCLAY, Esq.

A private instruction, which Mr. Barclay is to carry in his memory, and not on paper, lest it should come into improper hands.

We rely that you will obtain the friendship of the new Emperor, and his assurances that the treaty shall be faithfully observed, with as little expense as possible. But the sum of ten thousand dollars is fixed as the limit which all your donations together are not to exceed.

TH: JEFFERSON.

May 13, 1791.

A letter was, at the same time, written to Francisco Chiappe, a person employed confidentially near the Emperor, who had been named consul there for the United States by Mr. Barclay, on his former mission, and appeared to have acted with zeal for our interest. It was in these words:

PHILADELPHIA, May 13, 1791.

SIR:

Since my entrance into the office of Secretary of State, I have been honored with several of your letters, and should sooner have acknowledged the receipt of them, but that I have, from time to time, expected the present occasion would occur sooner than it has done.

I am authorized to express to you the satisfaction of the President at the zeal and attention you have shown to our interests, and to hope a continuance of them.

Mr. Barclay is sent in the character of Consul of the United States, to present our respects to his Imperial Majesty, for whom he has a letter from the President. We have no doubt he will receive your aid, as usual, to impress the mind of the Emperor with a sense of our high respect and friendship for his person and character, and to dispose him to a cordial continuance of that good understanding so happily established with his father.

Our manner of thinking on all these subjects is so perfectly known to Mr. Barclay, that nothing better can be done than to refer you to him for information on every subject which you might wish to inquire into.

I am, with great esteem, &c.

TH: JEFFERSON.

To FRANCISCO CHIAPPE.

To this was added a letter to Colonel Humphreys, our resident at Lisbon, through whom it was thought proper to require that the draughts of money should pass. It was in the following words:

PHILADELPHIA, May 13, 1791.

DEAR SIR:

Mr. Thomas Barclay is appointed by the President of the United States to go to Morocco, in the character of Consul, for the purpose of obtaining from the new Emperor a recognition of our treaty with his father.

Ten thousand dollars are appropriated for presents, in such form and to such persons as Mr. Barclay, in his discretion, shall think best; and he is to receive for himself at the rate of two thousand dollars a year, and his sea expenses.

It is thought best that the money for these purposes should be placed under your control, and that Mr. Barclay should draw on you for it. Thirty-two thousand one hundred and seventy-five guilders current are accordingly lodged in the hands of our bankers in Amsterdam, and they are instructed to answer your draughts to that amount; you notifying them that they are to be paid out of the fund of March 3, 1791, that this account may be kept clear of all others. You will arrange with Mr. Barclay the manner of making his draughts, so as to give yourself time for raising the money by the sale of your bills.

A confidence in your discretion has induced me to avail the public of that, in the transaction of this business, and to recommend Mr. Barclay to your counsel and assistance through the whole of it. I enclose you one set of the bills for thirteen thousand dollars before mentioned, and a copy of my letter to the bankers. Duplicates will be sent to them directly.

I have the honor to be, &c.

TH: JEFFERSON.

To Colonel DAVID HUMPHREYS.

On Mr. Barclay's arrival in Europe, he learned that the dominions of Morocco were involved in a general civil war, the subject of which was the succession to the throne, then in dispute between several of the sons of the late Emperor; nor had any one of them such a preponderance as to ground a presumption that a recognition of the treaty

by him would ultimately be effectual. Mr. Barclay, therefore, took measures for obtaining constant intelligence from that country, and in the mean time remained at Lisbon, Cadiz, or Gibraltar, that he might be in readiness to take advantage of the first moments of the undisputed establishment of any one of the brothers on the throne, to effect the objects of his mission.

Though not enabled at that time to proceed to the redemption of our captive citizens at Algiers, yet we endeavored to alleviate their distresses by confiding to Colonel Humphreys the care of furnishing them a comfortable sustenance, as was done in the following letter to him:

PHILADELPHIA, July 13, 1791.

DEAR SIR:

Mr. Barclay having been detained longer than was expected, you will receive this, as well as my letter of May 13, from him. Since the date of that, I have received your No. 15, March 31, No. 16, April 8, No. 17, April 30, No. 18, May 3, and No. 20, May 21.

You are not unacquainted with the situation of our captives at Algiers. Measures were taken, and were long depending, for their redemption; during the time of their dependence we thought it would forward our success to take no notice of the captives. They were maintained by the Spanish consul, from whom applications for reimbursement, through Mr. Carmichael, often came; no answer of any kind was ever given. A certainty now that our measures for their redemption will not succeed, renders it unnecessary for us to be so reserved on the subject, and to continue to wear the appearance of neglecting them. Though the Government might have agreed to ransom at the lowest price admitted with any nation (as for instance, that of the French order of Mercy) they will not give any thing like the price which has been lately declared to be the lowest by the captors. It remains then for us to see what other means are practicable for their recovery. In the mean time it is our desire, that the disbursements hitherto made for their subsistence by the Spanish consul, or others, be paid off, and that their future comfortable subsistence be provided for. As to past disbursements, I must beg the favor of you to write to Mr. Carmichael, that you are authorized to pay them off; and pray him to let you know their amount, and to whom payments are due. With respect to future provision for the captives, I must put it into your hands. The impossibility of getting letters to or from Mr. Carmichael renders it improper for us to use that channel. As to the footing on which they are to be subsisted, the ration and clothing of a soldier would have been a good measure, were it possible to apply it to articles of food and clothing, so extremely different as those used at Algiers. The allowance heretofore made by the Spanish consul might perhaps furnish a better rule, as we have it from themselves that they were then comfortably subsisted. Should you be led to correspond with them at all, it had better be with Captain O'Brien, who is a sensible man, and whose conduct since he has been there has been particularly meritorious. It will be better for you to avoid saying any thing which may either increase or lessen their hopes of ransom. I write to our bankers to answer your draughts for these purposes; and enclose you a duplicate, to be forwarded with your first draught. The prisoners are fourteen in number, their names and qualities as follows: Richard O'Brien and Isaac Stephens, captains; Andrew Montgomery and Alexander Forsyth, mates; Jacob Tessianier, a French passenger; William Paterson, Philip Sloan, Peleg Lorin, John Robertson, James Hall, James Cathcart, George Smith, John Gregory, James Hermit, seamen. They have been twenty-one or twenty-two.

I have the honor to be, &c.

TH: JEFFERSON.

To Colonel DAVID HUMPHREYS.

On the 8th of May, 1792, the President proposed to the Senate the following questions:

If the President of the United States should conclude a convention or treaty with the Government of Algiers for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, will the Senate approve the same? Or, is there any, and what, greater or lesser sum, which they would fix on as the limit beyond which they would not approve the ransom?

If the President of the United States should conclude a treaty with the Government of Algiers for the establishment of peace with them at an expense not exceeding twenty-five thousand dollars, paid at the signature, and a like sum to be paid annually afterwards during the continuance of the treaty, would the Senate approve the same? Or, are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

GEO. WASHINGTON.

These questions were answered by the following resolution of the Senate, of May 8th, 1792.

IN SENATE, May 8, 1792.

Resolved, That if the President of the United States shall conclude a treaty with the Government of Algiers, for the establishment of a peace with them, at an expense not exceeding forty thousand dollars, paid at the signature, and a sum not exceeding twenty-five thousand dollars, to be paid annually afterwards, during the continuance of the treaty, the Senate will approve the same. And in case such treaty be concluded, and the President of the United States shall also conclude a convention, or treaty, with the Government of Algiers, for the ransom of the thirteen American prisoners in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, the Senate will also approve such convention or treaty.

Attest, SAM. A. OTIS, *Secretary*.

In order to enable the President to effect the objects of this resolution, the Legislature, by their act of May 8, 1792, c. 41, § 3, appropriated a sum of fifty thousand dollars to defray any expense which might be incurred in relation to the intercourse between the United States and foreign nations.

Commissions were hereupon made out to Admiral Paul Jones for the objects of peace and ransom, and a third to be consul for the United States at Algiers. And his instructions were conveyed in the following letter:

To Admiral JOHN PAUL JONES:

PHILADELPHIA, June 1, 1792.

SIR:

The President of the United States having thought proper to appoint you commissioner for treating with the Dey and Government of Algiers on the subjects of peace and ransom of our captives, I have the honor to enclose you the commissions, of which Mr. Thomas Pinckney, now on his way to London, as our minister plenipotentiary there, will be the bearer. Supposing that there exists a disposition to thwart our negotiations with the Algerines, and that this would be very practicable, we have thought it advisable that the knowledge of this appointment should rest with the President, Mr. Pinckney, and myself; for which reason you will perceive that the commissions are all in my own hand writing: for the same reason, entire secrecy is recommended to you; and that you so cover from the public your departure and destination, as that they may not be conjectured or noticed; and at the same time that you set out after as short delay as your affairs will possibly permit.

In order to enable you to enter on this business with full information, it will be necessary to give you a history of what has passed.

On the 25th July, 1785, the schooner Maria, captain Stevens, belonging to a Mr. Foster, of Boston, was taken, off cape St. Vincents, by an Algerine cruiser; and five days afterwards, the ship Dauphin, captain O'Brien, belonging to Messrs. Irvins, of Philadelphia, was taken by another, about fifty leagues westward of Lisbon. These vessels,

with their cargoes and crews, twenty-one persons in number, were carried into Algiers. Mr. John Lamb, appointed agent for treating of peace between the United States and the Government of Algiers, was ready to set out from France on that business, when Mr. Adams and myself heard of these two captures. The ransom of prisoners being a case not existing when our powers were prepared, no provision had been made for it. We thought, however, we ought to endeavor to ransom our countrymen without waiting for orders; but, at the same time, that, acting without authority, we should keep within the lowest price which had been given by any other nation. We, therefore, gave a supplementary instruction to Mr. Lamb to ransom our captives, if it could be done for 200 dollars a man, as we knew that three hundred French captives had been just ransomed by the Mathurins, at a price very little above this sum. He proceeded to Algiers; but his mission proved fruitless. He wrote us word from thence, that the Dey asked 59,496 dollars for the twenty-one captives, and that it was not probable he would abate much from that price; but he never intimated an idea of agreeing to give it. As he has never settled the accounts of his mission, no further information has been received. It has been said that he entered into a positive stipulation with the Dey, to pay for the prisoners the price above mentioned, or something near it; and that he came away with an assurance to return with the money. We cannot believe the fact true; and if it were, we disavow it totally, as far beyond his powers. We have never disavowed it formally, because it never has come to our knowledge with any degree of certainty.

In February, 1787, I wrote to Congress to ask leave to employ the Mathurins of France in ransoming our captives, and on the 19th of September, I received their orders to do so, and to call for the money from our bankers at Amsterdam as soon as it could be furnished. It was long before they could furnish the money, and as soon as they notified that they could, the business was put into train by the general of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was rendered abortive by the revolution of France, the derangement of ecclesiastical orders there, and the revocation of church property, before any proposition perhaps had been made in form by the Mathurins to the Dey of Algiers.

I have some reason to believe that Mr. Eustace, while in Spain, endeavored to engage the court of Spain to employ their Mathurins in this same business, but whether they actually moved in it or not, I have never learned.

We have also been told that a Mr. Simpson, of Gibraltar, by the direction of the Messrs. Bulkleys of Lisbon, contracted for the ransom of our prisoners (then reduced by death and ransom to fourteen) at 34,792 28-38 dollars. By whose orders they did it we could never learn. I have suspected it was some association in London, which, finding the prices far above their conception, did not go through with their purpose, which probably had been merely a philanthropic one: be this as it may, it was without our authority or knowledge.

Again, Mr. Cathalan, our consul at Marseilles, without any instruction from the Government, and actuated merely, as we presume, by a willingness to do something agreeable, set on foot another negotiation for their redemption, which ended in nothing.

These several volunteer interferences, though undertaken with good intentions, run directly counter to our plan; which was to avoid the appearance of any purpose on our part ever to ransom our captives, and by that semblance of neglect, to reduce the demands of the Algerines to such a price as might make it hereafter less their interest to pursue our citizens than any others. On the contrary, they have supposed all their propositions, directly or indirectly, came from us: they inferred from thence the greatest anxiety on our part, where we had been endeavoring to make them suppose there was none; kept up their demands for our captives at the highest prices ever paid by any nation; and thus these charitable, though unauthorized interpositions, have had the double effect of lengthening the chains they were meant to break, and of making us at last set a much higher rate of ransom for our citizens, present and future, than we probably should have obtained if we had been left alone to do our own work, in our own way. Thus stands their business then at present: a formal bargain, as I am informed, being registered in the books of the former Dey, on the part of the Bulkleys of Lisbon, which they suppose to be obligatory on us, but which is to be utterly disavowed, as having never been authorized by us, nor its source ever known to us.

In 1790, this subject was laid before Congress fully; and at the late session, moneys have been provided, and authority given to proceed to the ransom of our captive citizens at Algiers, provided it shall not exceed a given sum, and provided, also, a peace shall be previously negotiated, within certain limits of expense. And, in consequence of these proceedings, your mission has been decided on by the President.

Since, then, no ransom is to take place without a peace, you will of course first take up the negotiation of peace; or, if you find it better that peace and ransom should be treated of together, you will take care that no agreement for the latter be concluded, unless the former be established before, or in the same instant.

As to the conditions, it is understood that no peace can be made with that Government but for a larger sum of money, to be paid at once, for the whole time of its duration, or for a smaller one, to be annually paid. The former plan we entirely refuse, and adopt the latter. We have also understood, that peace might be bought cheaper with naval stores than with money: but we will not furnish them naval stores, because we think it not right to furnish them means which we know they will employ to do wrong, and because there might be no economy in it, as to ourselves, in the end, as it would increase the expense of that coercion which we may in future be obliged to practise towards them. The only question then is, what sum of money will we agree to pay them annually for peace?

By a letter from Captain O'Brien, a copy of which you receive herewith, we have his opinion that a peace could be purchased with money, for 60,000 sterling, or, with naval stores, for 100,000 dollars. An annual payment equivalent to the first, would be 3,000 sterling, or 13,500 dollars, the interest of the sum in gross. If we could obtain it for as small a sum as the second in money, the annual payment equivalent to it would be 5,000 dollars. In another part of the same letter, Captain O'Brien says: "If maritime stores, and two light cruisers be given, and a tribute paid in maritime stores every two years, amounting to 12,000 dollars in America," a peace can be had. The gift of stores and cruisers, here supposed, converted into an annual equivalent, may be stated at 9,000 dollars, and adding to it half the biennial sum, would make 15,000 dollars to be annually paid. You will, of course, use your best endeavors to get it at the lowest sum practicable; whereupon I shall only say, that we should be pleased with 10,000 dollars, contented with 15,000, think 20,000 a very hard bargain, yet go as far as 25,000, if it be impossible to get it for less; but not a copper further, this being fixed by law as the utmost limit. These are meant as annual sums. If you can put off the first annual payment to the end of the first year, you may employ any sum not exceeding that, in presents to be paid down; but, if the first payment is to be made in hand, that and the presents cannot, by law, exceed 25,000 dollars.

And here we meet a difficulty, arising from the small degree of information we have respecting the Barbary States. Tunis is said to be tributary to Algiers; but, whether the effect of this be, that, peace being made with Algiers, is, of course, with the Tunisians, without separate treaty, or separate price, is what we know not. If it be possible to have it placed on this footing, so much the better. At any event, it will be necessary to stipulate with Algiers, that her influence be interposed as strongly as possible with Tunis, whenever we shall proceed to treat with the latter; which cannot be till information of the event of your negotiation, and another session of Congress.

As to the articles and form of the treaty in general, our treaty with Morocco was so well digested, that I enclose you a copy of that, to be the model with Algiers, as nearly as it can be obtained, only inserting the clause with respect to Tunis.

The ransom of the captives is next to be considered; they are now thirteen in number, to wit: Richard O'Brien and Isaac Stevens, captains; Andrew Montgomery and Alexander Forsyth, mates; Jacob Tessanier, a French passenger; William Patterson, Philip Sloan, Peleg Lorin, James Hull, James Cathcart, George Smith, John Gregory, James Hermit, seamen.

It has been a fixed principle with Congress to establish the rate of ransom of American captives with the Barbary States, at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our seamen, by exciting the cupidity of those rovers against them, our citizens now in Algiers would have been long ago

redeemed, without regard to price. The mere money for this particular redemption, neither has been, nor is, an object with any body here. It is from the same regard to the safety of our seamen at large, that they have now restrained us from any ransom unaccompanied with peace; this being secured, we are led to consent to terms of ransom, to which, otherwise, our Government would never have consented; that is to say, to the terms stated by Captain O'Brien, in the following passage of the same letter: "by giving the Minister of the Marine (the present Dey's favorite) the sum of one thousand sequins, I would stake my life that we would be ransomed for thirteen thousand sequins, and all expenses included." Extravagant as this sum is, we will, under the security of peace in future, go so far; not doubting, at the same time, that you will obtain it as much lower as possible, and not, indeed, without a hope that a lower ransom will be practicable, from the assurances given us in other letters from Captain O'Brien, that prices are likely to be abated by the present Dey, and particularly with us, towards whom he has been represented as well disposed. You will consider this sum, therefore, say 27,000 dollars, as your ultimate limit, including ransom, duties, and gratifications of every kind.

As soon as the ransom is completed, you will be pleased to have the captives well clothed, and sent home at the expense of the United States, with as much economy as will consist with their reasonable comfort.

It is thought best that Mr. Pinckney, our minister at London, should be the confidential channel of communication between us. He is enabled to answer your draughts for money within the limits before expressed; and as this will be by redrawing on Amsterdam, you must settle with him the number of days *after sight*, at which your bills shall be payable in London, so as to give him time, in the mean while, to draw the money from Amsterdam.

We shall be anxious to know, as soon, and as often as possible, your prospects in these negotiations. You will receive herewith a cipher, which will enable you to make them with safety. London and Lisbon (where Colonel Humphreys will forward my letters) will be the safest and best ports of communication. I also enclose two separate commissions for the objects of peace and ransom. To these is added a commission to you as consul for the United States at Algiers, on the possibility that it might be useful for you to remain there till the ratification of the treaties shall be returned from hence; though you are not to delay, till their return, the sending the captives home, nor the necessary payments of money within the limits before prescribed. Should you be willing to remain there, even after the completion of the business, as consul for the United States, you will be free to do so; giving me notice, that no other nomination may be made. These commissions being issued during the recess of the Senate, are in force, by the constitution, only till the next session of the Senate; but, their renewal then, is so much a matter of course and of necessity, that you may consider that as certain, and proceed without interruption. I have not mentioned this in the commissions, because it is, in all cases, surplusage, and because it might be difficult of explanation to those to whom you are addressed.

The allowance for all your expenses and time (exclusive of the ransom, price of peace, duties, presents, maintenance and transportation of the captives) is at the rate 2,000 dollars a year, to commence from the day on which you shall set out for Algiers, from whatever place you may take your departure. The particular objects of peace and ransom once out of the way, the 2,000 dollars, annually, are to go in satisfaction of time, services, and expenses of every kind, whether you act as consul or commissioner.

As the duration of this peace cannot be counted on with certainty, and we look forward to the necessity of coercion, by cruises on their coast, to be kept up during the whole of their cruising season, you will be pleased to inform yourself, as minutely as possible, of every circumstance which may influence or guide us in undertaking and conducting such an operation, making your communications by safe opportunities.

I must recommend to your particular notice Captain O'Brien, one of the captives, from whom we have received a great deal of useful information. The zeal which he has displayed, under the trying circumstances of his present situation, has been very distinguished. You will find him intimately acquainted with the manner in which, and characters with whom, business is to be done there; and perhaps he may be an useful instrument to you, especially in the outset of your undertaking, which will require the utmost caution, and the best information. He will be able to give you the characters of the European consuls there, though you will probably not think it prudent to repose confidence in any of them.

Should you be able successfully to accomplish the objects of your mission in time to convey notice of it to us as early as possible during the next session of Congress, which meets in the beginning of November, and rises the 4th of March, it would have a very pleasing effect.

I am, with great esteem, &c.

TH: JEFFERSON.

Rough estimate, not contained in the letter.

Peace,	-	-	-	-	\$25,000
Ransom,	-	-	-	-	27,000
Clothing and passage,	-	-	-	-	1,000
Negotiator,	-	-	-	-	2,000
					<hr/>
					55,000
Sum allowed,	-	-	-	-	50,000

Mr. Pinckney, then going out as our minister plenipotentiary to the court of London, it was thought best to confide the letter to him, to make him the channel of communication, and, also, to authorize him, if any circumstance should deprive us of the services of Admiral J. P. Jones, to commit the business to Mr. Barclay, who it was hoped would, by this time, be completing the object of his mission to Morocco. The letter was, therefore, delivered to him, and the following one addressed to himself:

PHILADELPHIA, June 11, 1792.

DEAR SIR:

The letter I have addressed to Admiral Jones, of which you have had the perusal, has informed you of the mission with which the President has thought proper to charge him at Algiers, and how far your agency is desired for conveying to him the several papers, for receiving and paying his draughts to the amount therein permitted, by redrawing, yourself, on our bankers in Amsterdam, who are instructed to honor your bills, and by acting as a channel of correspondence between us. It is some time, however, since we have heard of Admiral Jones. Should any accident have happened to his life, or should you be unable to learn where he is; or should distance, refusal to act, or any other circumstance, deprive us of his services on this occasion, or be likely to produce too great a delay, of which you are to be the judge, you will then be pleased to send all the papers confided to you for him, to Mr. Thomas Barclay, our consul at Morocco, with the letter addressed to him, which is delivered to you open, and by which you will perceive that he is, in that event, substituted, to every intent and purpose, in the place of Admiral Jones. You will be pleased not to pass any of the papers confided to you, on this business, through any post office.

I have the honor to be, &c.

TH: JEFFERSON.

TO THOMAS PINCKNEY.

The letter mentioned as addressed to Mr. Barclay, was in these words:

From the President of the United States, to Thomas Barclay, Esq.

PHILADELPHIA, June 11, 1792.

SIR:

Congress having furnished me with means for procuring peace and ransoming our captive citizens from the government of Algiers, I have thought it best, while you are engaged at Morocco, to appoint Admiral Jones to

proceed to Algiers, and therefore have sent him a commission for establishing peace, another for the ransom of our captives, and a third to act there as consul for the United States; and full instructions are given, in a letter from the Secretary of State to him, of all which papers, Mr. Pinckney, now proceeding to London as our minister plenipotentiary there, is the bearer, as he is also of this letter. It is some time, however, since we have heard of Admiral Jones; and as in the event of any accident to him, it might occasion an injurious delay, were the business to await new commissions from hence, I have thought it best, in such an event, that Mr. Pinckney should forward to you all the papers addressed to Admiral Jones, with this letter, signed by myself, giving you authority, on receipt of those papers, to consider them as addressed to you, and to proceed under them in every respect as if your name stood in each of them in the place of that of John Paul Jones. You will, of course, finish the business of your mission to Morocco, with all the despatch practicable, and then proceed to Algiers on that hereby confided to you, where this letter, with the commissions addressed to Admiral Jones, and an explanation of circumstances, will doubtless procure you credit, as acting in the name and on the behalf of the United States, and more especially, when you shall efficaciously prove your authority, by the fact of making, on the spot, the payments you shall stipulate. With full confidence in the prudence and integrity with which you will fulfil the objects of the present mission, I give to this letter the effect of a commission and full powers, by hereto subscribing my name, this eleventh day of June, one thousand seven hundred and ninety-two.

GEO. WASHINGTON.

By a letter of July 3d, the following arrangement for the payment of the moneys was communicated to Mr. Pinckney, to wit:

PHILADELPHIA, July 3, 1792.

DEAR SIR:

Enclosed is a letter to our bankers in Amsterdam, covering a bill of exchange drawn on them by the treasurer for one hundred and twenty-three thousand seven hundred and fifty current guilders, which I have endorsed thus: "Philadelphia, July 3, 1792. Enter this to the credit of the Secretary of State for the United States of America. Thomas Jefferson." To prevent the danger of interception, my letter to them makes the whole subject to your order.

I have the honor, &c.

TH: JEFFERSON.

TO THOMAS PINCKNEY, Esq.

On Mr. Pinckney's arrival in England, he learned the death of Admiral J. P. Jones. The delays which were incurred in conveying the papers to Mr. Barclay on this event will be best explained in Mr. Pinckney's own words, extracted from his letter of December 13, 1792, to the Secretary of State. They are as follows:

"As soon after my arrival here as the death of Admiral J. P. Jones was ascertained, I endeavored to obtain information whether Mr. Barclay was still at Gibraltar, or had returned to Morocco; but not knowing his correspondent here, and Mr. Johnson, our consul, not being able to clear up the uncertainty, it was some time before I learnt that he was still at Gibraltar. The particular injunctions of caution in the conveyance which I received with Mr. Barclay's despatches, and the secrecy which I knew to be so essential to the success of his operations, determined me to entrust them to none but a confidential person. I accordingly endeavored to find some one of our countrymen (who are frequently here without much business) who might be induced to undertake the conveyance; but though, in addition to my own inquiries, I requested our consul and several American gentlemen to endeavor to procure a confidential person to undertake a journey for me, without naming the direction, it was a considerable time before I met with success. The rage for quitting the city, which emptied all the western parts of this town during the summer months, seemed to have swept away all our unemployed countrymen, and the failure of Mr. Short's despatches, for which I could not account, the miscarriage of some of my private letters, added to the extraordinary jealousy and watchfulness of correspondences here, made me unwilling to employ any but an American in this business. At length, however, I prevailed on a Mr. Lemuel Cravath, a native and citizen of Massachusetts, to undertake the delivery of the despatches in Mr. Barclay's hand, whether at Gibraltar or Morocco, and to remain a few weeks with Mr. Barclay, if he should require it, to re-convey his answer; for which service I agreed to pay him one hundred guineas, besides defraying his expenses. No vessel for Gibraltar or any neighboring port offered immediately; but Mr. Cravath availed himself of the first which occurred, and embarked about a month ago in an English vessel bound to Caes, from whence he may readily get to Gibraltar; so that if the wind has proved favorable, Mr. Barclay may by this time have set out on his mission. I fear the terms of Mr. Cravath's journey will be considered as expensive; but when I reflected on the importance of the object, and the delay which had already occasioned me so much uneasiness, I would undoubtedly have given much more had he insisted on it. I trust, however, that Mr. Barclay could not have arrived at a better time at his place of destination, to avoid interruption in his negotiations from the European Powers, as their attention is now wholly engrossed by the more interesting theatre of politics in Europe."

In the mean time, Mr. Barclay had been urged to use expedition, by the following letter from hence:

PHILADELPHIA, November 14, 1792.

SIR:

Your letters to the 10th of September are received. Before this reaches you, some papers will have been sent to you, which, on the supposition that you were engaged in your original mission, were directed to Admiral J. P. Jones, but in the event of his death were to be delivered to you. That event happened. The papers will have so fully possessed you of every thing relating to the subject, that I have nothing now to add, but the most pressing instances to lose no time in effecting the object. In the mean while, the scene of your original mission will perhaps be cleared, so that you may then return and accomplish that.

I am, &c.

TH: JEFFERSON.

TO THOMAS BARCLAY.

Mr. Barclay had received the papers, had made preparations for his departure for Algiers, but was taken ill on the 15th, and died on the 19th of January, 1793, at Lisbon. This unfortunate event was known here on the 18th of March, and on the 20th and 21st, the following letters were written to Mr. Pinckney and Colonel Humphreys.

PHILADELPHIA, March 20, 1793.

DEAR SIR:

The death of Mr. Barclay having rendered it necessary to appoint some other person to proceed to Algiers on the business of peace and ransom, the President has thought proper to appoint Colonel Humphreys, and to send on Captain Nathaniel Cutting to him in the character of secretary, and to be the bearer of the papers to him. I am to ask the favor of you to communicate to Colonel Humphreys whatever information you may be able to give him in this business, in consequence of the agency you have had in it. I have given him authority to draw in his own name on our bankers in Amsterdam for the money deposited in their hands for this purpose, according to the letter I had the honor of writing to you July 3d, 1792. I have now that of assuring you of the sincere sentiments of esteem and respect with which I am, &c.

TO THOMAS PINCKNEY, Esq.

TH: JEFFERSON.

PHILADELPHIA, March 21, 1793.

SIR:

The deaths of Admiral Paul Jones, first, and afterwards of Mr. Barclay, to whom the mission to Algiers, explained in the enclosed papers, was successively confided, have led the President to desire you to undertake the execution of it in person. These papers being copies of what had been delivered to them, will serve as your guide. But, Mr. Barclay having also been charged with a mission to Morocco, it will be necessary to give you some trouble with respect to that also.

Mr. Nathaniel Cutting, the bearer hereof, is despatched specially, first to receive from Mr. Pinckney, in London, any papers or information which his agency in the Algerine business may have enabled him to communicate to you. He will then proceed to deliver the whole to you, and accompany and aid you in the character of secretary.

It is thought necessary that you should, in the first instance, settle Mr. Barclay's accounts respecting the Morocco mission, which will probably render it necessary that you should go to Gibraltar. The communications you have had with Mr. Barclay in this mission, will assist you in your endeavors at a settlement. You know the sum received by Mr. Barclay on that account; and we wish as exact a statement as can be made of the manner in which it has been laid out, and what part of its proceeds are now on hand. You will be pleased to make an inventory of these proceeds now existing. If they, or any part of them, can be used for the Algerine mission, we would have you by all means apply them to that use, debiting the Algerine fund, and crediting that of Morocco with the amount of such application. If they cannot be so used, then dispose of the perishable articles to the best advantage; and if you can sell those not perishable for what they cost, do so; and what you cannot so sell, deposit in any safe place under your own power. In this last stage of the business return us an exact account, first, of the specific articles remaining on hand for that mission, and their value; second, of its cash on hand; third, of any money which may be due to, or from, Mr. Barclay, or any other person on account of this mission; and take measures for replacing the clear balance of cash in the hands of Messrs. W. and T. Willinks and Nichs. and Jacob Van Staphorst and Hubbard.

This matter being settled, you will be pleased to proceed on the mission to Algiers. This you will do by the way of Madrid, if you think any information you can get from Mr. Carmichael, or any other, may be an equivalent for the trouble, expense, and delay, of the journey. If not, proceed in whatever other way you please to Algiers.

Proper powers and credentials for you, addressed to that Government, are herewith enclosed. The instructions first given to Amiral Paul Jones are so full, that no others need be added, except a qualification in one single article, to wit: Should that Government finally reject peace on the terms in *money*, to which you are authorized to go, you may offer to make the first payments for peace, and that for ransom, in *naval stores*, reserving the right to make the subsequent annual payments in money.

You are to be allowed your travelling expenses, your salary as minister resident in Portugal going on. Those expenses must be debited to the Algerine mission, and not carried into your ordinary account as resident. Mr. Cutting is allowed one hundred dollars a month, and his expenses, which, as soon as he joins you, will of course be consolidated with yours. We have made choice of him as particularly qualified to aid, under your direction, in the matters of account, with which he is well acquainted. He receives here an advance of one thousand dollars, by a draught on our bankers in Holland, in whose hands the fund is deposited. This and all other sums furnished him, to be debited to the Algerine fund. I enclose you a letter to our bankers, giving you complete authority over these funds, which you had better send with your first draught, though I send a copy of it from hence by another opportunity.

This business being done, you will be pleased to return to Lisbon, and to keep yourself and us thereafter well informed of the transactions in Morocco; and as soon as you shall find that the succession to that Government is settled and stable, so that we may know to whom a commissioner may be addressed, be so good as to give us the information, that we may take measures in consequence.

I am, &c.

TH: JEFFERSON.

To Col. DAVID HUMPHREYS.

Captain Nathaniel Cutting was appointed to be the bearer of these letters, and to accompany and assist Colonel Humphreys, as Secretary, in this mission. It was therefore delivered to him, and his own instructions were given in the following letter:

PHILADELPHIA, March 31, 1793.

SIR:

The Department of State, with the approbation of the President of the United States, having confidential communications for Mr. Pinckney, our Minister Plenipotentiary at London, and Col. Humphreys, our minister resident at Lisbon, and further services to be performed with the latter, you are desired to take charge of those communications, to proceed with them in the first American vessel bound to London, and from thence, without delay, to Lisbon, in such way as you shall find best. After your arrival there, you are appointed to assist Colonel Humphreys in the character of secretary, in the business now specially confided to him; and that being accomplished, you will return directly to the United States, or receive your discharge from Col. Humphreys, at your own option.

You are to receive, in consideration of these services, one hundred dollars a month, besides the reasonable expenses of travelling by land and sea (apparel not included) of yourself and a servant; of which expenses you are to render an account and receive payment from Colonel Humphreys, if you take your discharge from him, or otherwise from the Secretary of State, if you return to this place; and in either case, Colonel Humphreys is authorized to furnish you moneys on account, within the limits of your allowances; which allowances are understood to have begun on the 20th day of the present month, when you were engaged on this service, and to continue until your discharge or return. You receive here one thousand dollars on account, to enable you to proceed.

TH: JEFFERSON, Secretary of State.

To Captain NATHANIEL CUTTING.

But, by a vessel which sailed on the day before, from this port to Lisbon directly, and whose departure was not known till an hour before, the following letter was hastily written and sent:

PHILADELPHIA, March 30, 1793.

DEAR SIR:

Having very short notice of a vessel just sailing from this port for Lisbon, direct, I think it proper to inform you summarily, that powers are made out for you to proceed and execute the Algerine business committed to Mr. Barclay. Captain Cutting, who is to assist you in this special business as Secretary, leaves this place three days hence, and will proceed in the British packet by way of London, and thence to Lisbon, where he will deliver you the papers. The instructions to you are in general to settle Mr. B's Morocco account, and take care of the effects provided for that business, applying such of them as are proper to the Algerine mission; and as to the residue, converting the perishable part of it into cash, and having the other part safely kept. You will be pleased to be preparing and doing in this, what can be done before the arrival of Mr. Cutting, that there may be as little delay as possible.

I am, &c.

TH: JEFFERSON.

To Colonel DAVID HUMPHREYS.

Captain Cutting took his passage in a vessel bound for London, which sailed about the 13th or 14th of April; but he did not leave England till the 3d of September; and on the 17th of that month, Colonel Humphreys embarked from Lisbon for Gibraltar, from whence he wrote the letter herewith communicated, of October the 8th last past, informing us of the truce of a year, concluded between Algiers and Portugal, and from whence he was to proceed to Algiers.

These are the circumstances which have taken place since the date of the former reports of December 28th, 1790. And on consideration of them, it cannot but be obvious, that whatever expectations might have been formed of the issue of the mission to Algiers, at its first projection, or the subsequent renewals to which unfortunate events gave occasion, they must now be greatly diminished, if not entirely abandoned. While the truce with two such commercial nations as Portugal and Holland has so much lessened the number of vessels exposed to the capture of these corsairs, it has opened the door which lets them out upon our commerce, and ours alone; as, with the other nations navigating the Atlantic, they are at peace. Their first successes will probably give them high expectations of future advantage, and leave them little disposed to relinquish them on any terms.

A circumstance to be mentioned here, is, that our resident and consul at Lisbon have thought instantaneous warning to our commerce, to be on its guard, of sufficient importance to justify the hiring a Swedish vessel to come here express with the intelligence; and there is no fund out of which that hire can be paid.

To these details relative to Algiers, it is to be added, as to Morocco, that their internal war continues; that the succession is not likely soon to be settled; and that, in the mean time, their vessels have gone into such a state of decay, as to leave our commerce in no present danger for want of the recognition of our treaty; but that still it will be important to be in readiness to obtain it, the first moment that any person shall be so established in that Government, as to give a hope that his recognition will be valid.

TH: JEFFERSON.

December 14, 1793.

Mr. Humphreys to the Secretary of State.

GIBRALTAR, September 26, 1793.

SIR:

After a very favorable passage, we landed at this garrison on Sunday last, and the next day proceeded with all the despatch and diligence in our power, to unpack the different articles of public property left here by the late Mr. Thomas Barclay, and to select such as might be proper for the object you propose. We have not as yet made such progress as to enable me to give you the result.

I have seen Mr. Matra, the British consul for Morocco, who informs me there is very little change in the state of affairs since last winter. The harvest was good. The exportation of wheat has been allowed; but is prohibited on the remonstrance of the people, who have been so much distressed by scarcity, as to dread the consequences of farther extraction.

Mr. Mave, the new British consul for Algiers, is still here. All the intelligence I can gain from that place, is contained in a letter of an old date from Mr. Logie to him. At the time when that letter was written, the plague still continued to rage, and ten of the Dutch captives had died of it. The plague has absolutely cut off all intercourse, so that nothing has been heard from the Americans in captivity there, since I was here last winter.

The frigate which escorted Mr. Lucas to Tripoli, returned here yesterday. Mr. Tully, the former consul, who came in it, I understand reports rebellion and confusion to exist in a dreadful degree in that country.

The wind came round yesterday to the eastward, so as to enable the convoy from Leghorn to sail from this port for England. This is a rich fleet, and the first convoy from the Mediterranean since the war.

I have concluded to go to Alicant, and hope (for many reasons) to be able to sail in company with the Portuguese fleet, mentioned in my late letters, and which may be expected whenever the wind becomes fair.

It is confidently asserted that the project for the surrender of Marseilles has miscarried, and that the republicans have made an amazing slaughter of the royalists.

Had not the cession of Toulon taken place on the very day it did, it would almost certainly have been prevented the next day by the arrival of troops in the town. Lord Hood's conduct appears to be considered here as almost rash, though successful, and the issue somewhat dubious, though in some way or another it must be important.

The commanding officers of the combined forces at Toulon have sent to all quarters for succors. The Spanish, English, and Royalist forces in that town, amount to nearly 10,000. The former an indifferent corps. The second weak in number, (2,000) both suspicious of the latter. In several little actions on the outside of the town, the combined troops have had the worst of it. A valuable English officer (belonging to this garrison) of my acquaintance, was killed in one of them. Yesterday three ships of war arrived here from Toulon, to solicit and transport a reinforcement from this garrison. The Governor has already named officers of engineers and artillery for that service; and I think he will send some troops without waiting for orders from his court.

General O'Hara, with whom I dined yesterday, informed me an intelligent correspondent wrote him from Toulon "there is no news from Paris, except that of the death of the Queen." This, however, coming through no other channel, seems doubtful.

Admiral Gell and other officers of high rank write pressingly for all manner of eatables and drinkables. If we had but the free navigation of the Mediterranean, what an extensive market would be open for our produce!

With sentiments of perfect respect and esteem,

I have the honor to be, &c.

D. HUMPHREYS.

THE SECRETARY OF STATE.

Mr. Humphreys to the Secretary of State.

GIBRALTAR, October 8, 1793.

SIR:

I have already forwarded for you five copies of despatches, to inform you that a truce for twelve months was concluded between Portugal and Algiers, and that a fleet of Algerine cruisers had gone through the straits into the Atlantic, on Saturday night last. They were reported to me by an officer of a Portuguese frigate, who spoke with them, to consist of eight sail; I believe, however, there were but three frigates, two xebecs, and a brig. This morning another Algerine frigate was in this harbor, and has gone through the straits to the westward.

To multiply the chances of getting early information to you, I am sending off to order neutral vessels to be chartered at Cadiz and Lisbon to carry my despatches to you, if they cannot otherwise be transmitted by the most expeditious and certain conveyances; and those vessels will be ordered to put into the first port in the United States they can reach.

With sentiments of great esteem, &c,

D. HUMPHREYS.

Edward Church, Consul of the United States at Lisbon, to the Secretary of State.

LISBON, Saturday, October 12, 1793.

SIR:

Yesterday, the 11th, I received the following note from Colonel Humphreys, our minister resident at this court, but now at Gibraltar:

"DEAR SIR: We have advice of a truce between the Portuguese and Algiers, and that an Algerine fleet has gone into the Atlantic. Pray forward the enclosed with the intelligence, and believe me yours,

D. HUMPHREYS."

Immediately on the receipt of this very alarming news, I called together all the American captains now in this port, and communicated the contents of the above letter, with such farther information as I had a few minutes after obtained from a friendly and always well informed Portuguese gentleman, which was, that on the 5th instant an Algerine fleet, consisting of eight armed ships, had been seen by a Portuguese frigate (just arrived) sailing out of the Mediterranean. There were four ships, carrying 44, 36, 30, and 28 guns; three xebecs, 20, 24, and 26 guns; and one brigantine of 22 guns. Their signals to the Portuguese and English are said to be an English jack at the foretop-gallant-mast head, and a flag with blue and white, or blue and yellow stripes, at the main-top-gallant-mast head.

Early this morning I waited on his Excellency Luis Pinto de Louza, minister and secretary of state for foreign affairs, on the subject of this unexpected event, and the unfortunate situation in which it had placed not only the American captains now here, but our nation at large, whose injury seems to have been particularly meditated in this negotiation.

The minister received me with great politeness, and anticipating the cause of my visit, informed me that he was at the moment of my arrival occupied in writing to me on the subject, but was better pleased to see me, as he could more fully and particularly explain the nature of this business to me *à viva voce*, than by letter, and assured me that he would candidly communicate to me how far the court of Portugal were concerned, or chargeable for the mischiefs resulting from this truce, to all those Powers not at peace with Algiers. He declared that it was as unexpected to the court of Portugal, as it could be to us; and if it was not quite so unwelcome, yet it was by no means agreeable to their court, who never intended to conclude either a peace or truce with the Dey, without giving timely notice to all their friends, that they might avoid the dangers to which they might otherwise be unavoidably exposed by trusting to the protection of the Portuguese ships of war stationed in the Mediterranean. He acknowledged that the court of Portugal had about six months past expressed to the courts of England and Spain, a desire of their friendly co-operation to induce a disposition in the Dey towards the establishment of a firm and lasting peace with her Most Faithful Majesty; but having appointed no person directly or indirectly to negotiate in behalf of her Majesty, they considered the business as only in embryo. But the British court, zealous over-much for the happiness of the two nations, Portugal and Algiers, in order to precipitate this important business, very officiously authorised Charles Logie, the British consul general and agent at Algiers, not only to treat, but to conclude, for and in behalf of this court, not only without authority, but without even consulting it. A truce was accordingly concluded between the Dey and the British agent (for twelve months) in behalf of her Most Faithful Majesty; for the performance of which, on the part of her Majesty, the British court is guaranteed. The condition is, that this court shall pay to the Dey one-third as much as he receives annually from the court of Spain. When this court received information of this proposed condition from Mr. Walpole, the British envoy to this court, they informed him, that, however desirous they might be of a peace with Algiers, they were so far from being disposed to submit to such a condition, that it was the determination of her Most Faithful Majesty not to pay one farthing; but in the interval, the truce was signed by the self constituted agent, Mr. Logie. The minister, Mr. Pinto, farther informed me, that this court had ordered an augmentation of the number of armed ships on the Mediterranean station, so little was their expectation of a peace or truce with Algiers; and intimated that the Algerines would probably ere long be less at liberty to cruise than at present, and mentioned less than a month. But though I have great confidence in his sincerity, and in the good wishes and disposition towards us of many of the Portuguese nobility, and of their sincere hatred of the English, yet the prince is young, weak, and obstinate; and can, and probably will, determine, as his own caprice, or Martin de Mello, may direct. The conduct of the British in this business leaves no room to doubt or mistake their object, which was evidently aimed at us, and proves that their envy, jealousy, and hatred, will never be appeased, and that they will leave nothing unattempted to effect our ruin. As a farther confirmation, it is worthy of remark, that the same British agent obtained a truce at the same time between the States of Holland and the Dey, for six months, whereby we and the Hanse Towns are now left the only prey to those barbarians. This last truce has in all probability cost the English very dear, as the Algerines had profited much by captures from the Dutch since the commencement of the late hostilities between the two nations. This will, I fear, give a fatal stroke to the advantages which we might otherwise have derived from our neutrality.

Monday, 14th. I have just received a letter from Gibraltar, of the 8th, with orders to charter a vessel to carry the intelligence to you, copy of which letter I send herewith. At this moment a Swedish vessel arrives. On the 9th, in lat. 38, 13, she was boarded by an Algerine frigate. At a small distance she saw another, which had just captured four Americans, two brigs, one ship, and one schooner, and one Genoese ship. She was informed of the truce, and that it was for twelve months with both Holland and Portugal. I have forwarded letters by expresses, wherever I thought it necessary, to notify our citizens of their danger. We are betrayed, and many, many of our countrymen will fall into the cruel snare. I send you a list of those in this port. I have chartered a ship this moment, for £800 sterling, to carry my despatches. She sails to-morrow. They will be delivered to you by Mr. Livingston, to whom I refer you for farther particulars, which, in my great hurry, I may omit. I have not slept since the receipt of the news of the hellish plot—pardon me for such expressions. Another corsair is in the Atlantic. God preserve us.

I have chartered the vessel to go and return with a cargo of wheat or flour, to this port or Cadiz, for £800 sterling. Her freight back will go far to pay the expense of her hire.

If it should be thought that I have chartered the vessel at a high price, I wish the Government to be informed, that all the protected ships demand at least double since the confirmation of this Algerine news; and I have been rather favored in the contract which I have made, and therefore hope no blame will fall on me, but that I shall be enabled by the Government to fulfil my engagement.

It is a matter of certainty, which I have received from undoubted authority, though contradicted by the minister Luis Pinto, and at present a great secret, that one of the present Portuguese ministers is in this execrable plot—a plot loudly and publicly execrated by this nation. I asked if it was Martinho de Mello? and was answered, that all his consequence, and his pecuniary resources, were derived from the Mediterranean fleet, or Algerine war, and, of course, no suspicion could justly fall on him. Was it the Secretary Luis Pinto? My informant only knew, at present, that one of the four ministers had been privy to the whole transaction, but could not fix it; but could and would tell me very soon. At present he seemed disposed rather to suspect the first minister, the Marquis Ponta de Lima, because he was the inveterate enemy of Martinho de Mello, whom my author heard say, on a former occasion, to an ambassador, on his taking leave of the court to go to Algiers to negotiate a peace, "Sir, the ships attend you; you will therefore proceed without delay on your embassy. But remember what I have said, and what I now repeat, as of the greatest consequence, (meaning to himself) if you succeed in making a peace you will do well, but if you should not succeed, you will do much better." The relation of these circumstances, though trivial in themselves, may possibly enable you to form a more adequate idea of this court than I should be able to give you. It is with this view that I trouble you with them.

One of the frigates now cruising under Algerine colors was a present from the King of Spain, but not very lately; and one is certainly a very late present from the British King.

I am, sir, &c.

EDWARD CHURCH.

THE HON. THE SECRETARY OF STATE.

D. Humphreys, Esq. to the Secretary of State.

GIBRALTAR, October 7, 1793.

SIR:

I wrote to you under yesterday's date, letters to be forwarded by four different conveyances, containing information that a truce for twelve months was concluded between Portugal and Algiers; and that a fleet of eight Algerine cruisers had gone through the Straits into the Atlantic.

I observed in a postscript, that I should afterwards explain by whose instrumentality the truce was made. I have now to inform you, it was effected by Mr. Logie, consul of Great Britain, at Algiers; but I am very happy to add, there are strong circumstances to induce me to believe, it was without the authority, or even knowledge, of his own court, from which (I am most credibly assured) he has not received any direct official communications for fourteen months past. This was owing to his having been recalled, and a successor appointed for that residence. By what I have learned in a confidential manner, from good authority, Mr. Logie wishes to remain at Algiers until the final negotiation between that regency and Portugal be concluded.

The strong easterly wind, called the Levanter, has prevented the Portuguese convoy, mentioned in my late letters, from proceeding any distance up the Mediterranean. The same cause still detains the English ships with troops on board, in this harbor, though a second vessel has arrived with despatches from Lord Hood to accelerate their departure. In consequence of this last arrival, some more artilleryists, with field artillery, have been detached from this garrison; and General O'Hara (the Lieutenant Governor) is going to take the chief command at Toulon.

By yesterday's mail we have nothing but an account of the Duke of York's repulse, with the loss of his cannon and baggage; and a considerable advantage gained by the Spaniards over the French near Perpignan.

I have the honor to be, &c.

D. HUMPHREYS.

P. S. I shall prosecute my former plan of proceeding to Alicant, the moment the wind will permit.

THE SECRETARY OF STATE.

Copy of Mr. Church's first letter to Messrs. Jacob Dohrman & Co.

LISBON, October 15, 1793.

SIRS:

I am informed that you have an inclination to charter a Danish ship to send to America on speculation, but that the difference of about one hundred pounds sterling prevents the bargain being closed. I think it probable, that neutral ships of that description will readily obtain a high freight in any port of the United States. But, if a hundred pounds sterling will induce you to close the charter immediately, put the ship in immediate readiness, so as to sail in all this week, if possible, and will change her proposed destination, which I understand is to Baltimore, for New York or Philadelphia, in order that I may send duplicates of some despatches to our Government, I will engage to pay you, in behalf of the said Government, one hundred pounds sterling, on demand, in Lisbon, after advice of the safe delivery of said despatches into the hands of the Secretary of State for the United States of America; provided advice should not be received of the payment of said sum in America, by the return of your ship to Europe, which I shall recommend in a letter to the Secretary of State accompanying my despatches.

I am, sirs, yours, &c.

MESSRS. JACOB DOHRMAN & CO.

EDWARD CHURCH.

Copy of Mr. Dohrman's answer to the above.

LISBON, October 15, 1793.

SIRS:

I presume you are no stranger to my strong attachment to your Government, and that I am perfectly disposed to render every possible service to the United States of America; but the freight demanded for the Swede or Dane is so high, as may expose me to great loss, which I am sure you would not wish; but if you think you can venture to add another fifty pounds, I will take the risk for one hundred and fifty pounds sterling, and change her destination for New York, and will take charge of a messenger with your despatches, deliverable at that place.

Fifty pounds can be no object to the United States, but may be of consequence to an individual. If this proposal should be acceptable to you, I will close with one of the captains immediately.

For the payment, you will give me a bill for the above sum, to be paid to the order of my house, after delivery of the despatches in America, according to the then current exchange upon London.

I am, sir, &c.

EDWARD CHURCH, Esq.

JACOB DOHRMAN.

Copy of Messrs. Church's letter to Messrs. Dohrman, in answer to the foregoing.

LISBON, October 15, 1793, 2 o'clock, P. M.

SIRS:

Your favor, in answer to my proposals of this morning, is just received. The good character of the vessel, and a reliance on your exertions to put her to sea immediately, and that you will not detain her a moment for any freight more than is already absolutely engaged, induce me to comply with your demand of fifty pounds more than I proposed; and will accordingly give you a bill for one hundred and fifty pounds sterling, upon the conditions already stipulated.

At the same time I wish you to understand, that I am acting in this business without any special authority, and I consider myself warranted solely by the importance and extreme urgency of the occasion; but should the Secretary of State be of a different opinion, and therefore think that he is not authorized to honor my bill, you will then be pleased to consider that it is an error in judgment on my part, and that neither the honor of the United States, or my credit, are, or ought to be, any way affected by this transaction, and you may rely on being fully indemnified by me on receipt of the protest.

I am, sirs, yours, &c.

MESSRS. JACOB DOHRMAN & CO.

EDWARD CHURCH.

D. Browne to E. Church, Esq.

Oporto, October 15, 1793.

SIR:

I received yesterday noon, by express, the honor of your very esteemed favor of the 11th instant, to desire me to inform the masters of the vessels from the United States of America, that may be here or in the neighboring ports, that, in consequence of a truce being concluded and signed between the crown of Portugal and Algiers, an Algerine fleet had sailed out of the Mediterranean on the 5th instant, consisting of four large frigates, two xebecs, and one brig, from 22 to 44 guns, and, accordingly, to desire them not to proceed to sea, till they hear from you again, as

several of these pirates are now hovering round your's and this coast. Immediately on the receipt of your letter, I sent for the masters of the only two American vessels that we have here remaining, viz: snow Phenix, Isaac Rea master, from Salem; ship Patty and Julia, Charles Dickenson, from New London. They both acknowledged their most grateful thanks for your caution in warning them by express, that they might escape the danger that awaited them, and will not proceed till your further orders. Unfortunately, on the 11th instant, sailed from hence the schooner Fayette, captain Wyatt, and the brig Rosanna, captain Hooker Baxter, both bound to Boston. God grant to have preserved them from the sight of such an infamous and cruel enemy. I don't hear that there be any American vessels in the ports of Vianna, Caminha, or Avorico, but I am going immediately to write to these several ports, to transmit them your instructions. I have to acquaint you, sir, that last week entered this port an English letter of marque, named the Oporto, captain Hamilton, from Liverpool, who captured on his passage here an American vessel named the Birmingham, William Foster, master, bound from Baltimore to Amsterdam, on suspicion of his being destined to some port in France, her cargo consisting as per note enclosed, and by which you will please to observe, that the three black sailors therein mentioned, are free American born, and, notwithstanding, they are forced to remain on board against their will.

I have the honor, &c.

DOM'CK BROWNE.

EDWARD CHURCH, Esq.

P. S. Contents of the cargo of the American vessel the Birmingham, Wm. Foster, master, taken on her passage from Baltimore to Amsterdam, by the English vessel the Oporto, Captain Hamilton, who sent her to Liverpool, viz:

290 hhd's.	Tobacco,	
145 bbl's.		
71 hhd's.		} Coffee.
13 tierces		
490 bags		
90 bags		} Cocoa.
10 bbl's.		
58 hhd's.	Sugar,	
23 bales		} Skins,
3 punch'ns		
49 bundles		
2 cases		} Sarsaparilla,
7,000 Staves.		

The captain and three men were conveyed to Liverpool. The mate, one sailor, and three negroes, brought to Oporto. The two former are already gone for America, and the negroes detained on board the Oporto.

Mr. Church to his Excellency Luis Pinto de Souza.

LISBON, October 21, 1793.

SIR:

I waited on your Excellency the 19th inst. at Queluz, but was unfortunately deprived by your absence of the honor of an interview; I therefore take the liberty to address your Excellency by letter, and to solicit, in behalf of my fellow-citizens now in this port, protection and safe conduct out of the reach and danger of the Algerine corsairs now on this coast. My countrymen have been led, not less innocently than the citizens of the Hanseatic Towns, into their present embarrassment, by confiding in the friendship, power, and protection of her most Faithful Majesty, who, having long kept a fleet stationed in the Mediterranean, for the purpose of confining those pirates within circumscribed limits, and to secure freedom of commerce to her friends and her own kingdom, had nourished that confidence, and of course lulled our citizens into a fatal security. This confidence, however, so far as respects the purity of her Majesty's intentions, and the good faith of her ministers, appears still to be well founded; for this belief I have no less authority than your Excellency's declaration to me, and it is upon this presumption that I take the liberty to request your Excellency's mediation with her most Faithful Majesty, that she will be graciously pleased to grant the same relief and protection to the citizens and ships of the United States, as her Majesty has offered to those of the Hanseatic Towns, in consideration of our being in the same predicament, and from the same cause, and that we are a nation in no view less friendly, and in every view *at least* equally useful and important to this kingdom at present, without adverting to our future probable consequence to those nations who shall favor us with their friendship. Permit me to hope, sir, that these considerations will have weight, and that the justice of our claim will supersede the necessity of an absolute existing treaty between this kingdom and the United States; and the more, as your Excellency will be pleased to recollect that endeavors have not been wanting on our part, long ere this, to have connected our interests with this nation by the strongest ties, in which, though we doubtless had a view to our own advantage, yet I am persuaded it was our equal aim to have formed the treaty upon such a basis as would have proved reciprocally advantageous, without which we were well aware that it could not be durable. I would therefore hope, that her most Faithful Majesty will not deny us the favor we ask, because we are not so closely connected with your nation as we wish, and have endeavored to be. When I had the honor of an interview with your Excellency, on the 12th instant, on the subject of your truce with Algiers, it appeared to me, by an article in the said truce, that her Majesty was restricted from affording protection to any nation at war with Algiers; but, as this restriction has been dispensed with in favor of one nation, I would humbly hope and presume that the same power will be extended towards the citizens of the United States, who, I trust, have an equal claim to her Majesty's favor and protection.

I have chartered a second neutral ship to carry the duplicates of my despatches to America, which will be ready to sail to-morrow; but, as your Excellency's answer to this petition will be among the most important matters which I shall have to communicate, permit me to request that favor as soon as circumstances will permit.

I have the honor to be, &c. &c.

EDW'D CHURCH.

His Excellency LUIS PINTO DE SOUZA, *Minister, &c.*

Mr. Church to the Secretary of State.

LISBON, Tuesday, October 22, 1793.

SIR:

On Saturday, the 19th instant, the vessels belonging to the Hanseatic Towns were ordered to be in readiness to sail the 25th, under convoy of two Portuguese frigates, ordered by her Majesty to convoy them to a certain latitude. One of the articles of the truce with Algiers, which was communicated to me on the 12th instant, by Luis Pinto, the minister for foreign affairs, expressly restricted the Portuguese from affording protection (without exception) to any one nation. Nevertheless, the consul and agent for the Hanseatic Towns petitioned for a convoy, and strongly urged a right, founded on a prior treaty, of a very ancient date, existing between the two nations. This was generally understood to be the principle upon which the convoy was granted, and was so publicly declared by the agent; but I had stronger reasons to believe that this Government were by no means pleased with the conditions of the truce, or the manner in which it had been negotiated *for*, and not *by*, this nation, and that, though they did not think proper formally to disavow and reject it, yet that they would not be displeased if a plausible pretence should offer to break it. I was also convinced that a great majority, if not the whole nation, were extremely offended.

for various reasons; they conceived it intended not only to throw on them the odium of the manifest treachery in the business, but that it was also aimed at their navy, which was now an object of their particular attention, and which, for want of some employment, would again sink into neglect, which they suppose to have been one object of the English in so eagerly precipitating this truce. Upon the presumption that such was the general opinion, and my knowledge that the Spanish ambassador, when at court on the 15th instant, had been treated rather roughly by all the nobility present, when he congratulated the prince on the happy event of the truce, I wrote a letter to the minister yesterday, of which I transmit you a copy per this opportunity; and, as I have been diligent in my inquiries prior to my writing, and am particularly favored with the interest and support of two very distinguished personages here, who have honored me with some particular attentions, I am greatly flattered with hopes of success. If I find there is a prospect of a speedy and favorable answer, it is probable I may detain the vessel a day or two, in order to convey such intelligence, which will be so very important and acceptable to the United States.

I have taken the liberty to draw on you the 19th instant, for one hundred and fifty pounds sterling, in favor of Messrs. Jacob Dohrman & Co. as a compensation for their chartering a ship, at a price which they had before refused, for altering her destination, agreeable to my request, and for suffering the vessel to go with only two-thirds the quantity of salt which she would otherwise have carried, in order that the vessel might sail faster, so as to deliver the duplicates of my despatches with all possible speed. This bill I trust will be duly honored, though I had no special orders, as I conceived the object of too great consequence to trust to one conveyance, and therefore hope my conduct will meet your approbation. With perfect esteem and respect, I have the honor to be, &c.

EDWD. CHURCH.

The SECRETARY OF STATE for the United States of America.

P. S. I cannot give a stronger proof of the sincerity of the disgust and disappointment of this court on account of the truce with Algiers, than that the Spanish and British ministers were unsuccessfully opposed to the granting us a convoy; this comes from the best authority; even Martinho de Mello favored us in this instance. In short, the British have lost ground by this left-handed policy, and the general opinion that I do not love them overmuch is now no small recommendation of me. I think this would not be an unfavorable moment to propose a commercial treaty, upon a broad and liberal basis. The advantages could not fail, in every view, to preponderate in our favor. I wish this may be taken into immediate and serious consideration, as our commerce with this country holds out very many advantages to the United States, if under proper regulations.

Translation of a note from Luis Pinto de Souza, Secretary of Foreign Affairs at Lisbon, to Edward Church, Consul for the United States.

PALACE OF QUELUZ, October 22, 1793.

In answer to the letter you addressed to me of yesterday's date, on the protection and convoy which you solicit in favor of the vessels of the United States of America, which have to sail to their destinations, in danger from the cruisers of Algiers, I am ordered to inform you, that her Most Faithful Majesty, desirous of manifesting to the said States whatsoever may benefit their navigation or commerce as far as may be compatible with her own supreme justice, is very ready to give her royal orders that the vessels of the said States shall enjoy, in their passage, the same protection which she has ordered to be extended to the vessels of the Hanseatic Towns, until the conclusion of the ratification of the truce adjusted between her Most Faithful Majesty and the regency of Algiers. Provided, nevertheless, that the vessels of the United States which shall desire to shelter themselves under the protection of the said convoys, shall unite and assemble in sufficient number to merit to be convoyed; as this measure cannot be practised in favor of a few, for clear reasons, which manifest themselves.

I am, with the greatest esteem, sir, your servant,

LUIS PINTO DE SOUZA.

MR. EDWARD CHURCH.

Edward Church, Esq. to the Secretary of State.

LISBON, October 22, 1793, P. M.

SIR:

I wrote you this morning that I had written to his Excellency Luis Pinto, minister, &c. &c. I herewith send a copy of my letter, and at the same time, have the pleasure to enclose a most favorable, friendly, and pleasing answer from his Excellency, which I have this moment received, and which you will immediately see the necessity of communicating by expresses to all parts of the Union, that our merchants may not be exposed to the heavy premium of a supposed desperate risk. I have also the pleasure to inform you, from good authority, through a secret but direct channel, that a remonstrance was yesterday presented to the Prince, by some of the highest and most influential of the nobility, wherein they state, that the late truce has greatly dishonored this nation; that, to ratify it, would be to render the disgrace indelible; or even to accede to a peace or truce on the terms once offered by this nation, which were to withdraw their ships from the Mediterranean, but to pay nothing. They say it is now beneath the dignity of the crown to accept the offers of peace from that nation (supposing a peace admissible with those piratical *infidels*) upon any other terms than a full indemnification for all expenses in maintaining their naval armament for about ten years in the Mediterranean, for the protection of their commerce against the hostilities of that nation, and declare that it would be far better and more honorable for the nation to maintain eternal war against them, than to consent to a peace or truce on any other terms. This is the present state of this English Portuguese truce, which, from present appearances, promises no duration. It is also whispered, but not from equal authority, that orders are gone to the Portuguese fleet in the straits, not to suffer any vessels captured by the Algerines to be carried into Algiers, if it should appear that they were bound to or from any port belonging to the dominions of Portugal. I inquired concerning the truth of this report, from one who is very able, and, on all possible occasions, perfectly disposed, to give me every information which he thinks may concern me to know. His answer was, our fleet in the Mediterranean have no authority that I know of, from this court, to know or believe any thing about a peace or truce with Algiers; if they have any such information, it is from a different quarter.

I have it from good authority, that there has been a very severe action between the French and the whole force of Sardinia, collected and commanded by the King in person. The battle is said to have been long and bloody; but the latter were finally routed, and pursued with very great slaughter, both on the field of action, and in the pursuit. The King of Sardinia was on his march towards Nice, near which he expected to meet the French, and intended to give them battle, but the French advanced about four leagues from Nice, when the above mentioned action ensued.

This court seems to be very much alarmed at a report circulating in the palace, that the King of Prussia proposes to withdraw his forces from the field of action, and to retire to his own dominions in peace. Various causes are assigned for this extraordinary and unexpected manœuvre. It is certain that the report has made a very considerable impression on this court, which encourages me to hope it is not without some foundation.

There are sixteen American vessels now in this port. I have requested them to get ready for sea as fast as possible, when the convoy will be ordered to attend them. There are about thirty ships from the Hanseatic Towns now here: they are ordered to be ready on the 25th. We have no orders yet.

I am, sir, &c.

EDWD CHURCH.

The SECRETARY OF STATE for the United States of America.

List of American Vessels in the Port of Lisbon.

Brig Lively,	Elijah Mayhew,	Newburyport.
Ship Wilmington,	John M'Gee,	Wilmington, D.
Brig Nancy,	Edwd. Goodriche,	Newburyport.
Brig Union,	John Keaquick,	New York.
Ship America,	George Bright,	New York.
Brig Nancy,	John Harris,	Philadelphia.
Brig Leopard,	Rob. Goodbridge,	Beverly.
Ship Lark,	John Munro,	Providence.
Brig Recovery,	Charles Hazard,	Rhode Island.
Brig Brandywine Miller,	Daniel Man,	Philadelphia.
Brig John,	John Barrett,	Norfolk, Va.
Brig Sukey,	Christopher R. Perry,	Providence.
Ship Joseph,	Joseph M'Lellan,	Portsmouth, N. H.

N. B. The schooner Violet, Captain Babson, sailed for Boston the 7th instant, and has probably escaped. The brig Betsey, Captain Joshua Atkins, sailed for Boston the 9th. The bark Henry, Captain Roberteau, from Newburyport, is arrived this morning from Virginia, but last from Falmouth. Saw nothing of the Algerines.

EDWARD CHURCH.

LISBON, October 15, 1793.

1793, Sunday, October 20.

Arrived in this port, the schooner Alice, or Elsy, of Boston, but last from North Carolina. Same day, arrived, the brigantine Betsey, of Portsmouth, but last from Virginia, and reports that thirteen vessels were ready to sail about the same time, eleven for Cadiz, and two for Lisbon. These vessels had seven weeks passage.

3d CONGRESS.]

No. 68.

1st SESSION.

COMMERCIAL PRIVILEGES AND RESTRICTIONS.

Report of the Secretary of State on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries.

PHILADELPHIA, Dec. 16, 1793.

SIR:

According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only, with which we carry on a commerce of some importance, and to those articles also of our produce, which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms, without detailing the exact duty levied on each article. To have gone fully into these minutiae, would have been to copy tariffs and books of rates of the different countries, and to have hidden, under a mass of detail, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim. The plan, indeed, of minute details, would have been impracticable with some countries, for want of information.

Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of the war, some arising out of it.

France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the mean time, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine, into free ports, for the vessels of friendly nations *having treaties of commerce* with her, provided they touch for a permit at Corcubion, in Galicia, or at Alicante; and our rice is, by the same ordinance, excluded from that country. The circumstances of the war have necessarily given us freer access to the West Indian Islands, whilst they have also drawn on our navigation, vexations and depredations of the most serious nature.

To have endeavored to describe all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the summer of 1792.

I have the honor to be, &c.

TH: JEFFERSON.

To the SPEAKER of the House of Representatives of the United States of America.

The Secretary of State, to whom was referred, by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with Foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following report:

The countries with which the United States have their chief commercial intercourse, are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are,

Bread stuff, that is to say, bread grains, meals, and bread,	to the annual amount of	\$7,649,887
Tobacco,	- - - - -	4,349,567
Rice,	- - - - -	1,753,796
Wood,	- - - - -	1,263,534
Salted Fish,	- - - - -	941,696

Pot and Pearl Ash,	-	-	-	-	-	-	839,093
Salted Meats,	-	-	-	-	-	-	599,130
Indigo,	-	-	-	-	-	-	537,379
Horses and Mules,	-	-	-	-	-	-	339,753
Whale Oil,	-	-	-	-	-	-	252,591
Flax Seed,	-	-	-	-	-	-	236,072
Tar, Pitch and Turpentine,	-	-	-	-	-	-	217,177
Live Provisions,	-	-	-	-	-	-	137,743
Ships,	-	-	-	-	-	-	
Foreign Goods,	-	-	-	-	-	-	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain, and its dominions,	-	-	-	-	-	-	-	\$2,005,907
Portugal, and its dominions,	-	-	-	-	-	-	-	1,283,462
France, and its dominions,	-	-	-	-	-	-	-	4,698,735
Great Britain, and its dominions,	-	-	-	-	-	-	-	9,363,416
The United Netherlands, and their dominions,	-	-	-	-	-	-	-	1,963,880
Denmark, and its dominions,	-	-	-	-	-	-	-	224,415
Sweden, and its dominions,	-	-	-	-	-	-	-	47,240

Our imports from the same countries, are,

Spain, and its dominions,	-	-	-	-	-	-	-	\$335,110
Portugal, and its dominions,	-	-	-	-	-	-	-	595,763
France, and its dominions,	-	-	-	-	-	-	-	2,068,348
Great Britain, and its dominions,	-	-	-	-	-	-	-	15,285,428
United Netherlands, and their dominions,	-	-	-	-	-	-	-	1,172,692
Denmark, and its dominions,	-	-	-	-	-	-	-	351,364
Sweden, and its dominions,	-	-	-	-	-	-	-	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our navigation, depending on the same commerce, will appear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year; that is to say, from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain,	19,695
Portugal,	23,576
France,	116,410
Great Britain,	43,580
United Netherlands,	58,858
Denmark,	14,635
Sweden,	750

Of our commercial objects, Spain receives, favorably, our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands, under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch, and turpentine.

For flax seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent. on being sold to their subjects, and are then free bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from 20 to 28 per cent. and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves, and their colonies, consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands; except that, in these, meals and rice are received freely.

France receives favorably our bread-stuff, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whale oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of 20 livres the quintal.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobaccos, not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils and tobaccos.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports, and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of 18 livres, 15 sous, the quintal, carried in their own vessels, and twenty-five livres carried in ours; a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free, from us, whilst they pay some small duty from other coun-

tries. Indigo and flax seed are free from all countries. Our tar and pitch pay eleven pence, sterling, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and three pence, sterling, the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings and four pence, sterling, the hundred weight; which, rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings, sterling, the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited, by a standing law, (12 Car. 2, 18, sect. 3) from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their Executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given, from year to year, by proclamation, but subject every moment to be withdrawn on that single will, in which event, our vessels having any thing on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,* when an official notification, that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal conviction, that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay, in their ports, one shilling and nine pence, sterling, per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless charges of an intermediate deposit, and double voyage. From tables published in England, and composed, as is said, from the books of their custom-houses, it appears, that, of the indigo imported there in the years 1773, '4, '5, one-third was re-exported; and, from a document of authority, we learn, that, of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation, since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer so much of the value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent, additional, on that, or twenty-two and four-tenths mills, carried in ours or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccoes, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being 4.34 dollars the hundred weight, if carried in their own vessels, and of 40 per cent. on that, additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flax seed, tar, pitch, and turpentine, wood, (except oak timber and masts) and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced almost to nothing.

With our neighbors, an order of things much harder presents itself.

Spain and *Portugal* refuse to those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand, between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject State, must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the Colonial Legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly, without interruption.

Our fish and salted provision (except pork) are received in their islands under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and bread stuff, by a proclamation of her Executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone, may take it from us, and bring us in exchange, rum, molasses, sugar, coffee, cocoa nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles, in their own bottoms, but not in ours. Our citizens cannot reside as merchants or factors, within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the *Danish American* possessions, a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules, and live stock, and 10 per cent. on our flour, salted pork, and beef tar, pitch, and turpentine.

In the American islands of the *United Netherlands* and *Sweden*, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent. To sum up these restrictions, so far as they are important:

FIRST. In Europe—

Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccos are heavily dutied in England, Sweden, and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

SECOND. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

THIRD. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; or, 2. By the separate act of our own Legislatures for countervailing their effects.

There can be no doubt but that, of these two, friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world; could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only, that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange, either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behoves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace, it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war-freight and insurance, and the articles which will not bear that, must perish on our hands.

But it is as a resource of defence, that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their sea-board, they are open to injury, and they have there, too, a commerce, which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens, for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defence, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring to our feelings, the error of having abandoned them. The materials for maintaining our due share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation.

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties, lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may ensure him the highest profits from his skill and industry. And here, it would be in the power of the State Governments to co-operate essentially, by opening the resources of encouragement which are under their control; extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population, and other circum-

stances, have matured them; and fostering the precious efforts and progress of *household* manufacture, by some patronage, suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population, at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive, in our vessels, any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours, which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels, the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But, as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true, we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing, when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscriminate discrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all, into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case, one distinction alone will suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated, that friendly arrangements are preferable with all who will come into them; and, that we should carry into such arrangements, all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty, on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution to them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress, to determine whether, as to those nations, they will not surcease *exparte* regulations, on the reasonable presumption, that they will concur in doing whatever justice and moderation dictate should be done.

TH: JEFFERSON.

3d CONGRESS.]

No. 69.

[1st Session.]

SPAIN AND THE INDIANS.

Message from the President of the United States, communicating further information in relation to Spain and the Indians.

Gentlemen of the Senate
and of the House of Representatives:

UNITED STATES, December 23, 1793.

Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

GEO. WASHINGTON.

The Secretary of State to Messrs. Viar and Jaudenes.

PHILADELPHIA, Dec. 21, 1793.

GENTLEMEN:

I have to acknowledge the receipt of your favors of November 30, and December 13, which have been laid before the President, to whom every evidence of a disposition in your agents to keep the Indians in peace gives real satisfaction. It is a conduct, which, if pursued with good faith both by Spain and us, will add to the prosperity of both, and to the preservation and happiness of the Indians. The event which is said to have taken place at the Hanging Maw's, wears a complexion to meet the most entire disapprobation of the United States. It is not yet, however, so developed in all its circumstances, as to authorize me to express their definitive judgment on it. This will be the office of the court before whom prosecutions were immediately instituted against the persons charged with the fact. I may say with safety, in the meanwhile, that they will approve at no time of any act which shall be

either aggressive or unjust towards our Indian neighbors. I flatter myself that your residence among us must have convinced you that atrocities of the nature of those charged on that occasion, are not in the spirit of our Government, and must have satisfied you how groundless is the base calumny repeated by the Governor of Louisiana, of a reward of 500 dollars offered for the head of an individual by the Americans, if by that term he means those in authority; and if he means unauthorized individuals, it would hardly seem to justify his very general invective.

This officer undertakes, too, in a case of hostilities between us and the Indians, to decide that we are the aggressors; and that Spain, a neutral nation, may furnish them with arms and ammunition.

His remonstrating against the passage of our citizens along the Mississippi, even above the 31st degree, and his appropriating to Spain nations of Indians inhabiting above the same limit, will not be noticed at a moment when a higher solution of those questions is expected. Till then, we rely on the justice of your Government, and your own dispositions to inculcate it, that your agents will be inhibited from taking any part between us and the Indians, inconsistent with the friendship which we hope will ever prevail between us, and which we shall endeavor sincerely to cultivate by every act of justice and good neighborhood.

I have the honor to be, &c.

Messrs. VIAR and JAUDENES

TH: JEFFERSON.

[TRANSLATION.]

J. de Jaudenes to the Secretary of State.

PHILADELPHIA, December 18, 1793.

SIR:

In addition to the various papers which, on different occasions, we have had the honor to put into your hands, relative to the affairs of the Indians, our neighbors and allies, we have now the pleasure to transmit you a copy of extracts concerning this object, which we have lately received from the Governor of Louisiana.

Its contents will confirm to you the reason with which we ought to complain of the conduct observed by the several agents of the United States on those frontiers.

At the same time you will observe the salutary measure which the said Governor proposes, to put an end to such atrocities and disorders as have been committed, and, as is probable, will continue until an efficacious remedy be applied.

What is mentioned in the enclosed copy appears to have all the requisites of humanity, good faith, and sincere correspondence.

In this expectation we request you to be so good as to give information of the whole to the President of the United States, to the end that these may determine what they shall judge convenient: seeing how much good may be produced by the friendly convention proposed, and how much evil by the omission of it.

We repeat assurances of the most sincere good will and greatest respect, and have the honor to subscribe ourselves, sir, &c.

JOSEPH DE JAUDENES.

In the absence of Joseph de Viar,

JOSEPH DE JAUDENES, for him.

THOMAS JEFFERSON, Secretary of State.

SIR:

CHEROKEES, September 12, 1793.

The bearer of this is the Little Turkey, whom, without any previous acquaintance, I take the liberty to beg leave to introduce to your Excellency's civility and attention, as one of the Chiefs of the Cherokees.

As this nation are likely to be reduced to a very distressing situation, his chief business to Pensacola is to obtain a present supply of ammunition.

Your Excellency no doubt is acquainted how the present dispute between the Indians and the Americans originated, by first murdering a number of their people, under the faith of Government assembled at the Hanging Maw's, at the earnest solicitation of Governor Blount and other agents of the United States. Since then, the whites have committed a number of outrages by killing women and children, and in fact all they could find without distinction. All this while the Cherokees have done nothing to justify such treatment. So many repeated violences instigated part of the nation to turn out to take revenge. They are now started to the number of six or seven hundred.

When the Indians came to the determination of carrying on an expedition, it was agreed in council that the traders should bring them a present supply of ammunition, which the traders agreed to do; that is, one horse load each. Some that do not go down send a horse to bring it up for them.

The supply wanted for the present will amount only to 14 horse loads; that is, 700 pounds powder, 1400 ball. This, however, is only my own opinion. But I think there will not be horses sent to bring more this winter than what will bring the supply mentioned.

His Excellency GOVERNOR WHITE.

Es Copia.

JAUDENES.

[TRANSLATION.]

Extract of a letter from the Governor of Louisiana, relative to the affairs of the Indians.

NEW ORLEANS, October 28, 1793.

The Cherokee nation, furious for the assassinations committed at the Hanging Maw's on several of their principal chiefs, and for the repeated hostilities of their neighbors, the Americans, have taken the field to the number of six or seven hundred warriors, to avenge themselves of such outrages as appears by the enclosed extract of a letter, which I have lately received from a principal person residing in the same nation; of whom the Americans having conceived some suspicion, offered five hundred dollars as a reward for his head—a disgraceful measure, which savage indeed, but ignorant nevertheless of such perfidies. The pains which I have taken to teach to men, rokee nation, have been rendered useless by the bad faith and the insults of their neighbors; insomuch that I see myself in a situation either to ruin the confidence and good opinion with which I have inspired them as to the Spanish Majesty has taken in consequence of the petition which that nation has addressed to him. I will endeavor to satisfy them with some little matter of ammunition, which will be given to those Indians, as well at Pensacola as at Mobile, by way of present, and conformably to what we have been used to practise with the other nations our allies.

In the confines of Georgia, the Americans have provoked equally the Creek nation by the burning of the towns Hotchletaga and of Chatehouchy, killing in both several men, and taking away women, boys, and children. The burning of the first town took place the 21st of September, and that of the second the 26th of the same month. There was at the time in the Indian town of Ocfasky, a little way distant from the burning of Chatehouchy, a commissary Seagrove, an agent of Congress, with speeches of peace, who would have paid with his head that burning, if he had not been protected by the white Lieutenant of Ocfasky, and an agent of Mr. Panton.

At a meeting held by the chiefs of the Upper and Lower Creeks, the 27th day of August, they determined to divide themselves into four bodies, and to pass the river Oconee at different places, and on the same day, to attack the possessions of the Georgians. However, our commissary, Captain Peter Olivier, was able to make them desist from their enterprise, by threatening to retire from the nation, and to leave them abandoned by Spain.

After the burnings before mentioned, it was impossible to restrain those Indians in their resentment, so that various parties of them went out for war; and the towns petitioned us for arms and ammunition. The commissary of Congress, Seagrove, remains at Rocklanding, from whence he is to go to the Indian town of Tokepatchy, with new propositions of peace.

From what is here related, of which you will make the proper use, it is clearly evident, that the Americans of the frontiers are those who provoke the Indians with hostilities; and that, far from exciting these against those, they owe to us the little efficacy with which hitherto they have repelled their insults. If Congress desires peace in good faith with our allies, and especially with the Creeks, the President may charge the commissary Seagrove for that purpose, who may see the King's commissary in the said nation, Peter Olivier. Treating with good harmony on all the subjects which divide the Creek nation and the Georgians, and leaving in suspense the question of limits under conference at Madrid, peace will quickly be re-established, as is equally desired by the Indians and us.

In fine, if Congress determines to send very strict and efficacious orders to put a stop to all kind of hostilities and vexations against the Cherokees, I pledge myself equally to persuade that nation that their interests require that they should live in the most perfect harmony. And I do not doubt that I shall obtain it from those Indians, whose information is much superior to that of the other savages.

I have succeeded to re-establish peace between the Creek and Chickasaw nations; but it is not just that, while we are exerting ourselves to tranquilize the minds and to suppress the projects of vengeance of those Indians against the American establishments, their Governors should be endeavoring to foment war among our allies by sending arms, as was the case in the beginning of this year, by Lieutenant Clark, who landed at Margot, at the head of thirty armed gun men, with a convoy of Indian corn, 500 fuses, 4000 lbs. ball, a great quantity of powder, salt, &c. to Pianningo, a chief of the Chickasaw nation, who has always fomented in it a party adverse to the interests of the King, and desiring the continuation of the war; while, on my part, I have refused arms and ammunition to both nations. While that should continue, I have to desire that you will obtain from Congress the strictest orders to Governor Blount, Robertson, and the other officers employed in their Western establishments, that they abstain from fomenting the turbulent spirit of the chief Pianningo, and from sending metals and patents to the other chiefs of our nations, as we observe rigorously with respect to theirs; and finally, that they do not undertake in future to send armed troops on the Mississippi, with a visible infraction or contempt of the territory of his Majesty, which might happen to beget hostilities on the one side or the other.

THE BARON DE CARONDELET.

To Messrs. JOSEPH JAUDENES and JOSEPH VEAR.

A Copy.

JAUDENES.

3d CONGRESS.]

No. 70.

[1st SESSION.]

COMMERCIAL LAWS OF FOREIGN NATIONS.

Message from the President of the United States, transmitting a report from the Secretary of State, together with a certain decree and ordinance of the Governments of France and Spain.

UNITED STATES, December 30th, 1793.

Gentlemen of the House of Representatives:

I now transmit you a report by the Secretary of State, of such laws, decrees, and ordinances, or their substance, respecting commerce in the countries with which the United States have commercial intercourse, as he has received, and had not stated in his report of the 16th instant.

GEO. WASHINGTON.

The Secretary of State, to whom the President of the United States referred the resolution of the House of Representatives of December 24th, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as have been received by the Secretary of State, and not already stated to the House in his report of the 16th instant, reports:

That he has had an official communication of a decree rendered by the National Assembly of France, on the 26th day of March last, of which the following is a translation:

“DECREE

“Exempting from all duties, the subsistences and other objects of supply in the colonies, relatively to the United States, pronounced in the sitting of the 26th of March, 1793, second year of the French republic.

“The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America; to grant favors to this ally nation, and to treat it, in its commercial relations with the colonies of France, in the same manner as the vessels of the republic, decree as follows:

“ARTICLE 1st. From the day of the publication of the present decree in the French American colonies, the vessels of the United States, of the burthen of sixty tons at the least, laden only with meals and subsistences, as well as the objects of supply announced in article 2d, of the arret of 30th August, 1784, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of said colonies, exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

“ARTICLE 2d. The captains of vessels of the United States, who, having brought into the French American colonies, the objects comprized in the above article, wish to return to the territory of the said States, may lade in the said colonies, independent of syrups, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fiftieth of the tonnage of every vessel, as also, a quantity of sugar equal to the one-tenth, on conforming to the following articles:

“ARTICLE 3d. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar, of the French colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1st; for this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom house of the place he may land at, a certificate of the marine agents, establishing the gauge of his vessel, and the effective tonnage of her cargo.

“The heads of the said custom houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the 2d article of the present decree.

"ARTICLE 4th. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the republic, but a duty of five livres per quintal of indigo, ten livres per thousand weight of cotton, five livres per thousand weight of coffee, five livres per thousand weight of brown and clayed sugars, and fifty sols per thousand weight of raw sugar. Every other merchandise shall be exempt from duty, on going out of the colonies.

"ARTICLE 5th. The sugars and coffee which shall be laden, shall pay at the custom houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said colonies to France, and conformably to the same law.

"ARTICLE 6th. The captains of vessels of the United States, who wish to lade merchandises of the said colonies for the ports of France, shall furnish the custom house at the place of departure, with the bonds required of the masters of French vessels, by the 2d article of the law of 10th July, 1791, to secure the unlading of these merchandises in the ports of the republic.

"ARTICLE 7th. The vessels of the nations with whom the French republic is not at war, may carry to the French American colonies, all the objects designated by the present decree. They may also bring into the ports of the republic, only, all the productions of the said colonies, on the conditions announced in the said decree, as well as that of 19th of February."

"Copy conformable to the original.

GENET."

That he has not received officially any copy of the decree said to have been rendered by the same Assembly, on the 27th day of July last, subjecting the vessels of the United States, laden with provisions, to be carried against their will into the ports of France, and those having enemy goods on board, to have such goods taken out as legal prize.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit:

"Extract of an ordinance for regulating provisionally the commerce of Louisiana and the Floridas, dated the 9th of June, 1793.

"The preamble states, that the inhabitants of Louisiana being deprived of their commerce with France, (on account of the war) as allowed by the ordinance of January, 1782, &c. his Majesty, considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions, and of acquiring those necessary for their own consumption, for that purpose, and to increase the national commerce, the commerce of those provinces, and their agriculture, has directed the following articles to be provisionally observed:

"The inhabitants of the above mentioned provinces to be allowed to commerce freely, both in Europe and America, with all friendly nations, who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles to be sent, or to be received. Every vessel, however, to be subjected to touch at *Corubion, in Galicia, or Alicant*, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

"The articles of this commerce, carried on thus directly between those provinces and foreign nations, to pay a duty of 15 per cent. importation, and six per cent. exportation, except negroes, who may be imported free of duty: the productions and silver exported to purchase those negroes, to pay the six per cent. exportation duty, the exportation of silver to be allowed for this purpose only.

"The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules, and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces, as for the other Spanish colonies.

"To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas, (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and in like manner, tobacco, and all other prohibited articles, may be imported into Spain from these provinces, to be re-exported to foreign countries.

"To improve this commerce, and encourage the agriculture of those provinces, the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

"All articles exported from Spain to these provinces shall be free of duty on exportation; and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

"These foreign articles, thus exported, to pay duty of three per cent. on entry in those provinces; those which are not foreign, to be free of duty.

"The articles exported from those provinces to Spain, to be free of duty, whether consumed in Spain, or re-exported to foreign countries.

"Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of 3 per cent.

"All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in his Majesty's American dominions.

"No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands, or other dominions in America, except for some urgent cause, in which case only, the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

"All foreign vessels purchased by his Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof."

He takes this occasion to note an act of the British Parliament, of the 28 G. III. c. 6, which, though passed before the epoch to which his report aforesaid related, had escaped his researches. The effect of it was to convert the proclamations regulating our direct intercourse with their West Indian Islands into a standing law, and so far to remove the unfavorable distinction between us and foreign nations, stated in the report, leaving it, however, in full force as to our circuitous intercourse with the same islands, and as to our general intercourse, direct and circuitous, with Great Britain, and all her other dominions.

TH: JEFFERSON.

December 30th, 1793.

3d CONGRESS.]

No. 71.

[1st Session.]

SPAIN.

Message from the President of the United States, communicating a translation of a letter from the Representatives of Spain.

Gentlemen of the Senate,
and of the House of Representatives:

UNITED STATES, December 30, 1793.

I communicate to you the translation of a letter received from the representatives of Spain here, in reply to that of the Secretary of State to them, of the 21st instant, which had before been communicated to you.

GEO. WASHINGTON.

Messrs. Jaudenes and Viar to the Secretary of State.

DECEMBER 26, 1793.

SIR:

A part of the contents of the letter with which you honored us on the 21st instant, in answer to our two last, does not permit us to pass in silence some reflections which occur to us on that subject.

You consider as a base calumny the expressions of the Governor of Louisiana, when he speaks of the reward of 500 dollars, offered for the head of an individual *by the Americans*. As, from the manner in which the said Governor explains himself, in all the papers, there can be no doubt, and we affirm, that he is persuaded that the Executive power of the United States does not authorize the depredations which are committed on those frontiers. We do not stop to vindicate him on that point. It remains then to do it as to the general word Americans; and as to that, nothing is more usual in our idiom, than to make use of it to distinguish them from those of other nations, without extending to it the generality of them. Thus it happens in the present case, in which the object was, to distinguish the Georgian Americans, who were intended by the word from the Indians.

Your other censure, for having called the said Americans the aggressors in the present hostilities, requires, in our opinion, very little comment, since, having proved, so many times, our good disposition to prevent them, and having produced incontestable documents, that the Georgians and some of the agents of the United States have fomented them, it appears that the said Governor does not calumniate, in repeating on proof the hostile acts which are committed on those frontiers, by the said agents and individuals. The opposition which the said Governor has hitherto made, and intends to make, to the passage along the Mississippi, by the citizens of the United States, above the 31st degree of latitude, is neither unjust nor extraordinary, since you well know that we have been, are, and will remain, in possession of it, until, by agreement or force, we yield our right.

That the Governor administers arms and war stores to the nations of Indians, who inhabit the territory in question, is as little extraordinary, and it would be unjust were he not to do it, since he would fail in good faith under the treaties executed between Spain and the different nations of Indians, in the year 1784, of which we had the honor of sending you a copy on a former occasion.

It follows, then, that the Governor having denied to the Indians arms on some occasions, and given them scantily on others, has manifested his favor and good disposition towards the United States, an action, which, instead of being disapproved by the Government of the United States, ought to be considered as entitling him to praise and the greatest thanks.

We agree with you, that it is of the greatest moment to preserve good faith and friendship on our part, and on that of the United States. As to what depends on ourselves, and the nation which we have the honor to represent, nothing has been, or will be omitted, which may contribute to so pleasing an end, as we have promised heretofore, and confirm now, hoping that the United States will do the same on their part. In proof of it, we mentioned the plan which, to the Governor of Louisiana and to ourselves, appeared very proper to conciliate the minds of the subjects of the King, our master, on that frontier, the citizens of the United States, and the intermediate nations of Indians; to which we have not received answer.

We pray you to inform the President of the United States of the contents of this letter, and we flatter ourselves, that his well known justice and superior understanding will adopt the measures which he shall deem the most energetic, and which may produce the most convenient temporary remedy, until the radical cure shall be effected, which, we may hope, from the negotiation on foot at our court, observing the principles of reciprocal justice, good faith, and generosity.

We have the honor to subscribe ourselves, &c.

JOSEPH DE JAUDENES,
JOSEPH IGNATIUS DE VIAR.

TO THOMAS JEFFERSON.

3d CONGRESS.]

No. 72.

[1st Session.]

REFUGEES FROM ST. DOMINGO.

Report of a Committee of the House of Representatives, made on the 10th of January, 1794.

MR. SAMUEL SMITH, from the committee to whom was referred the petition of William Patterson, Samuel Sterrett, and Gustavus Scott, the committee appointed by the Legislature of Maryland to draw and distribute the moneys granted by that State, for the relief of the French emigrants from the Island of St. Domingo, made the following report:

That they consider the sufferers now in Baltimore, from St. Domingo, as objects strongly recommended to the compassion of Congress, by the many distressing circumstances that attend their case. Of the extent of the calamity, or of the number of sufferers involved, (which exceed three hundred in number) the committee entertain no doubt; nor can they doubt the improbability of further support from the citizens of Baltimore, to whose unexampled exertions of kindness and charity, the nation will stand indebted for a lustre that well timed munificence never fails to shed. They consider, that, if humanity be a duty in [the individual, it becomes peculiarly a glory in a Legislature, when the relief extended is but a manifestation of the general sympathy of the constituent body. That the Legislature of the State of Maryland, whose local situation enabled them to gain the best information of the actual distresses of the sufferers, thought they had but pursued an honorable example, set by their constituents, when they passed a resolution, on the 27th and 29th of November last, allowing to the committee of relief, for the use of the sufferers, five hundred dollars a week, from the first of December to the second of February next.

The committee beg leave to recommend the following resolution:

That the committee of relief appointed at Baltimore, by a resolution of the State of Maryland of November last, in behalf of the sufferers from St. Domingo, have power to draw on the treasury of the United States, monthly, from the second day of February next, until the ____ day of ____ next, ____ dollars, to be applied by the said committee agreeably to the rules of their body.

3d CONGRESS.]

No. 73.

[1st Session.]

FRANCE.

Message from the President of the United States to Congress, communicating a letter from the Minister Plenipotentiary of the French Republic, and a copy of certain proceedings of the Legislature of South Carolina.

Gentlemen of the Senate

UNITED STATES, January 15, 1794.

and of the House of Representatives:

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State, and the Minister Plenipotentiary of the French republic, the copy of a letter from that Minister, of the 25th of December, 1793; and a copy of the proceedings of the Legislature of the State of South-Carolina.

GEO. WASHINGTON.

COLUMBIA, December 7, 1793.

SIR:

I have the honor of transmitting to you, the resolves of the Legislature of this State, with a number of affidavits, setting forth, that certain persons in this State, have been enlisting men for the service of the French public, to go on an expedition against a Power not at war with the United States. The investigation of the whole business is fully expressed in the report of the committee.

I have the honor to be, &c.

WILLIAM MOULTRIE.

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

P. S. In the message with which the resolves and affidavits were sent to me, I am desired to request, that the names of the several deponents, who have given testimony in the business, may not be made known. The reasons which suggest this secrecy; must be obvious.

STATE OF SOUTH CAROLINA:

In the House of Representatives, December 6, 1793.

The committee to whom was referred the business of examining into, and ascertaining the truth of a report, that an armed force is now levying within this State, by persons under a foreign authority without the permission, and contrary to the express prohibition of the Government of the United States, and of this State, report:

That they have made diligent inquiry respecting the truth of this report, and have collected such evidence relating thereto as was immediately within their reach; that your committee are perfectly satisfied, from the information, on the oaths of divers credible persons, which they have received, that William Tate, Jacob R. Brown, William Urby, Robert Tate, Richard Speke, citizens of this State, and other persons unknown to your committee, also citizens of this State, have received and accepted military commissions from M. Genet, minister plenipotentiary from the republic of France to the United States of America, authorizing them, and instructions requiring them, to raise, organize, train, and conduct troops, within the United States of America; that the avowed purpose for which these troops are now raising, is, to rendezvous in the State of Georgia, and from thence to proceed into the Spanish dominions, with a view to conquest or plunder, as their strength might enable, or opportunity might tempt them; that, in the event of a French fleet approaching the coasts of the Southern States, a junction and co-operation with it, is contemplated by the persons above mentioned; but that, though this was the avowed object of these troops and their leaders, among themselves; from the injunction to conceal the whole system from persons not initiated, and the subordination established by M. Genet, the author of the plan, and the source of authority to the officers, it is probable that the corps, when raised, must yield to any change of destination which the judgment or inclination of M. Genet may point out to them; that several of the persons above named, received, together with their commissions, instructions by which they were to regulate their enrolments of men, stating the pay, rations, clothing, plunder, and division of conquered land, to be allotted to the officers and men who should enter into this service, and marking the proportions of the acquisitions to be reserved to the republic of France; that the persons above named, in pursuance of the powers vested in them by the said commissions, and in obedience to the instructions of M. Genet and his agents, particularly M. Mangourit, who signed some of the papers, have proceeded by themselves, and by their agents, without any authority from the United States, or from this State, to enrol numbers of the citizens of this State, whom they deluded with the hopes of plunder and the acquisition of riches, in the service of the republic of France, to be subject to the orders of M. Genet, the minister plenipotentiary of France.

That Stephen Drayton and John Hamilton, also citizens of this State, have made application to the good citizens thereof, to engage in this scheme of raising men in this State for the service of France, to act under the orders of M. Genet, and to commit acts of hostility against nations at peace with the United States of America; and have avowed that they acted by the authority of M. Genet, the minister plenipotentiary of the republic of France; that upon the whole of the information which your committee have been able to obtain, this is a daring and dangerous attempt by a foreign minister to intermeddle in the affairs of the United States, to usurp the powers of government, and to levy troops in the bosom of the Union, without the authority, and contrary to the express sense of the Government of the United States, and in violation of the laws of nations;

That the direct tendency of these measures of the foreign minister, is to disturb the internal tranquility of the United States, and to involve them in hostilities with nations with whom they are now at peace, which sound policy requires should be preserved. That, in the opinion of your committee, this attempt is the more dangerous and alarming, as many citizens of the United States have been thereby seduced from their duty by insidious arts practised on their kindred affection to the French republic; and have been drawn into a scheme, in the execution of which they have usurped the functions of government, and exercised the power of the sword, which the wisdom of the constitution hath vested exclusively in the Congress and President of the United States. That this committee therefore recommend, that the Governor of this State be requested to issue his proclamation, forbidding all persons from enrolling any of the citizens of this State, and prohibiting the citizens from enlisting under any officers, or for any purposes not previously sanctioned by the Government of the United States, or of this State; and also forbidding all unlawful assemblages of troops, unauthorized by Government; and that the Governor be requested to exert the whole public force to the utmost extent, if necessary, to ensure obedience to his proclamation.

That, in the opinion of this committee, the said William Tate, Jacob R. Brown, Robert Tate, Stephen Drayton, John Hamilton, and Richard Speke, have been guilty of high crimes and misdemeanors; and they recommend that the attorney general and solicitors be directed, forthwith, to institute, or cause to be instituted and conducted, prosecutions in the proper courts of law, against the said William Tate, Jacob R. Brown, Robert Tate, Stephen Drayton, John Hamilton, and Richard Speke, for accepting, or engaging to accept, commissions from a foreign Power, to raise troops within the United States, and for going about within the State, levying or attempting to levy troops, and for seducing, and endeavoring to seduce, the citizens of this State to enrol themselves for foreign service, to commit acts of hostility against nations, with whom the United States are at peace, without the permission of the Government, and contrary to the proclamation of the President of the United States, declaring these States to be in a state of neutrality and peace.

That copies of the evidence collected by this committee, together with the proceedings of this House thereon, be forwarded immediately to the President of the United States, and to the Executives of the States of North Carolina and Georgia, for their information.

Resolved unanimously, That this House do concur in the said report.

Ordered, That the report and resolution be sent to the Senate for their concurrence.

By order of the House:

JOHN SANDFORD DART, C. H. R.

IN THE SENATE, December 7, 1793.

Resolved unanimously, That this House do concur with the House of Representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the House of Representatives.

By order of the Senate:

FELIX WARLEY, C. S.

A true copy, and which I attest:

JOHN SANDFORD DART,
Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

THE STATE OF SOUTH CAROLINA:

By his Excellency William Moultrie, Governor and Commander-in-Chief in and over the State aforesaid. A Proclamation.

Whereas information hath been given to me, that an armed force is now levying within this State, by persons under a foreign authority, without the permission, and contrary to the express prohibition of the Government of the United States, and of this State: And whereas measures of this sort, if permitted by Government, must tend to disturb the internal tranquillity of the United States, and involve them in hostilities with nations with whom they are now at peace, which sound policy requires should be preserved; and as many of the citizens of this State may be induced, by the insidious arts of the persons acting under the foreign authority as aforesaid, in violation of every law, as well of the United States as that of nations, to enlist themselves, and engage in a scheme so replete with injury to this country: I do, therefore, in order to put an immediate stop to such unlawful and pernicious practices, issue this my proclamation, hereby strictly forbidding any person to enrol any of the citizens of this State, and prohibiting the citizens thereof from enlisting under any officer, or other person, for any purpose not previously sanctioned by the Government of the United States, or of this State. And I do positively forbid all assemblages of troops, unauthorized by Government, under pain of suffering the penalties declared by law for such offences.

Given under my hand, and the seal of the State, in the town of Columbia, this 9th day of December, in the year of our Lord one thousand seven hundred and ninety-three, and of the independence of the United States of America the eighteenth.

WILLIAM MOULTRIE.

By the Governor's command:

PETER FRENEAU, Secretary.

SOUTH CAROLINA:

— maketh oath, that Robert Tate applied to this deponent during the sitting of the Pinckney court, November term last, and urged him to accept an appointment in a body of troops that was to be raised in this State under French commissions; which troops were to go on an expedition against the Spanish possessions, on some part of the American continent. And this deponent adds that Robt. Tate expressly told him that he was then acting under a French commission from the French Government, and was determined to enlist men as soon as possible.

Sworn before me, this 2d December, 1793.

A true copy, and which I attest:

JOHN SANDFORD DART,
Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA:

Before me personally appeared ———, of Pendleton county, who being duly sworn, depose that as follows, that is to say: that, on Sunday, the twenty-fourth of November last, he, this deponent, was in company with Mr. William Tate, and lodged in the same house with him at Cambridge; that the said William Tate showed unto this deponent, a certain paper written in French, and also in English, and under the hand and seal of citizen Genet, minister plenipotentiary from the republic of France to the United States of America, which paper was a commission, directed to the said William Tate, constituting and appointing him a Colonel, in the service of the French republic; that he also saw in the possession of the said William Tate, another paper, signed by citizen Genet, (as well as this deponent can recollect) being a plan for the formation of a military corps, ruled like a brigade return, with columns specifying the number of officers and men, the pay, the rations, and the proportion of spoil each one was to have; this deponent thinks they specified, one lieutenant colonel, a second lieutenant colonel, captains, and from thence down; containing thirty-two commissioned and non-commissioned officers, and one hundred and twenty-four privates; that the number of battalions was unlimited; that the spoil was to be so distributed as to leave a certain portion thereof to the French nation, viz. two parts; but into how many parts the whole was to be divided, the deponent cannot recollect. The said William Tate informed this deponent, that, in pursuance of his instructions, he had sent out several persons, to enlist men in this State, into the French service; that, if the measures taken, should be successful, blank commissions would be sent on from the northward, and each person would receive a commission, according to the number of men he should enlist. The deponent saith, that this was set forth in the instructions. This deponent farther saith, that the said William Tate told this deponent, that the object of the enlistment was, to march to South America, and attack the Spanish dominions. This deponent farther saith, that he saw at the same time, in the possession of the said William Tate, other papers, relative to the foregoing transactions, signed by Monsieur M. A. B. Mangourit, the particular purport whereof this deponent cannot now recollect.

Sworn the 2d day of December, 1793, before me.

A true copy, and which I attest:

JOHN SANDFORD DART,
Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA:

Before me, personally appeared, ———, who, being duly sworn, depose that on Saturday the 30th day of November last, as he was on his way to Columbia, to attend his duty in the House of Representa-

tives, and in crossing the ferry at Granby, he fell in company with two men, one of whom, addressing him, mentioned that he had heard that he, this deponent, was one of their party, (meaning, as this deponent received the impression at the time, the party for enlisting and raising men for the French service) the other person added, that he and his companion had their company filled up, and pulling a paper out of his pocket, said it was his commission, and offered to show it to this deponent; this deponent told him he would not wish to deceive him, for that he, this deponent, was not of his party, and did not look at his commission or papers. One of the men told this deponent, that he hoped to see him, this deponent, in the new country, and that they were to have their rendezvous in Georgia; he asked this deponent, whether he had seen Captain Tate; that he was informed Captain Tate had been at his house, the deponent's house. Deponent replied, that he had not seen him, that he did not know him, and that he had not been at his house that he knew of.

Sworn the 2d day of December, 1793, before me.

A true copy, and which I attest:

JOHN SANDFORD DART,
Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

STATE OF SOUTH CAROLINA:

_____, of the county of Laurens, being duly sworn, maketh oath, that, on or about the twelfth day of November, in the year of our Lord one thousand seven hundred and ninety-three, Captain William Urbey, of the county of _____, told this deponent that he held a commission to raise troops, and offered to show his commission, which Mr. _____ declined seeing. He added to this deponent, that he was authorized to raise troops, which this deponent understood was for foreign service; that this deponent was made to understand that Captain William Tate was to be commandant of the troops to be raised. Dr. Jacob R. Brown also communicated to this deponent, that he was a lieutenant-colonel, and he showed to him a paper, which stated the pay, rations, proportion of spoil, number of men to be raised, and battalions, divisions of land, and other particulars; that the pay fixed was twenty-five cents per day to privates; that Dr. Jacob R. Brown, on showing him this paper, asked this deponent if he would advise him to engage in this business, but this deponent declined giving any advice. That this deponent understood that the source of all power and the spring of action in this business was M. Genet, the ambassador from the republic of France, from whom all these things originated; he understood this from Dr. Jacob R. Brown. This deponent also understood the number of men to be raised was five thousand. This deponent saw a paper in the hands of Dr. Brown, or Captain Urbey, which was an enrolment of men, which was signed by about ten men, who had enlisted in the above mentioned service. This deponent thinks that both of the papers he saw were headed partly with initial letters; he does not recollect the purport of the heading.

This deponent understood from both Urbey and Brown, that the business was to be conducted secretly.

Sworn to before me, this 2d December, 1793.

A true copy, and which I attest:

JOHN SANDFORD DART,
Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA, to wit:

Before me, personally appeared _____, who, being duly sworn, deposeth as follows: That, some time about the middle of November last, Stephen Drayton, Esq. and Major Hambleton, called at the house of this deponent, and mentioned to this deponent, as a very advantageous plan that was a-foot, to get as many men as possible to agree to assemble, by small parties, upon some of the shores near Charleston or elsewhere, and that a French fleet was to attend, for the purpose of receiving them; and that the object was to make a descent upon some of the Spanish islands, that would be a very lucrative conquest, if effected. They mentioned that Mr. Tate had gone forward on the same business to M. Genet, to obtain commissions; and this deponent understood, from the said Stephen Drayton and Major Hambleton, that they, the said Stephen Drayton and Major John Hambleton, were acting under the authority of the minister of the French republic at the time. This deponent was thereupon applied to by the said Stephen Drayton, to be concerned in the enterprise, adding, that this deponent could be advanced to a pretty high commission. This deponent immediately refused to have any connexion, or be at all concerned in the enterprise, and thereupon suggested doubts of the legality of the undertaking, inasmuch as it would be inconsistent with the proclamation of the President of the United States; adding, that it would, in all probability, be taken notice of by the Executive of this State.

Sworn the 3d day of December, 1793, before me.

The within a true copy, and which I attest:

JOHN SANDFORD DART,
Clerk Ho. of Reps.

COLUMBIA, December 9, 1793.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary from the republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, Dec. 25, 1793, 2d year of the French republic, one and indivisible.

SIR:

I learn by the reports of the consul of the republic at Charleston, and by the public papers, that the Legislature of South Carolina had caused to be arrested different persons, accused of having received from me commissions for the purpose of levying an armed force in that State, for the service of the republic. Conceiving that such conduct, if it were true, would offend the sovereignty of the American People, I hasten to affirm to you, sir, that I have not authorized, in any manner, the recruiting, the formation, or the collecting of an armed force, or of any corps in the territory of the United States; but, at the same time, I am too frank to disguise from you, that, authorized by the French nation to deliver commissions to those of your fellow-citizens who should feel themselves animated with a desire of serving the best of causes, I have granted them to several brave republicans of South Carolina, whose intention appeared to me to be to expatriate themselves, and to go among the independent Indian tribes, ancient friends and allies of France, in order to retaliate, if they could, in concert with us, on the Spaniards and English, the injury which the Government of these two nations had the baseness, for some time, to commit on your fellow-citizens, under the name of these savages, in like manner, as is lately done under that of the Algerines.

I notify you, sir, that I shall publish this declaration, in order to calm inquietudes, and to dissipate the doubts to which the denunciation made in the Legislature of Carolina might give rise.

Accept my respect.

GENET.

3d CONGRESS.]

No. 74.

[1st Session.]

FRANCE.

Message from the President of the United States, communicating certain intelligence from Europe.

Gentlemen of the Senate

UNITED STATES, January 16, 1794.

and of the House of Representatives:

I transmit for your information certain intelligence lately received from Europe, as it relates to the subject of my past communications.

GEO. WASHINGTON.

[TRANSLATION.]

The Minister Plenipotentiary of the United States of America to the republic of France, to M. Deforgues, Minister of Foreign Affairs.

SAIN-PORT, October 1, 1793.

SIR:

I have the honor to send you, herewith, the copies of two judgments, rendered with regard to the American vessel the George. By the first, the tribunal, in conforming itself to the treaty of 1778, declared her unlawful prize; but, by the second, a part of the cargo is condemned as hostile property; and the tribunal has founded its decision upon the decree of the 27th July. Captain Richard Stevens, of the American vessel the Hope, also complains very bitterly of a sentence rendered lately against a part of the cargo of this vessel, which is incontestably American property. This captain informs me, that the tribunal of St. Brieux has founded its decision on the circumstance that, in the invoice, the owners of the vessel had added their commission to the price of the articles therein comprised—a thing in use among merchants, who, by this means, ensuring the whole, they shelter from maritime danger the price of their labor, as they do that of their merchandises. I do not cite, sir, this sentence in the form of a complaint, first, because I have not yet received an authentic copy of it, and, above all, because I am persuaded that the superior tribunal, to whom an appeal must be made, will not fail to render justice.

I desire only to let you see, sir, how much discontent the execution of the decree of the 27th July must excite. Persuaded that the Convention wishes to maintain the closest connexions between our two republics, I have given to our ministry the most positive assurances of it; but they will be contradicted by the injured persons, who, doubtless, will accuse the minister with supineness who does not adopt the feelings of his fellow-citizens; and my efforts will fail of their effect as soon as it can be imagined that I do not render a faithful account of the dispositions of the French republic, from the want of intelligence or exactness. I request you, sir, to pardon an observation which regards the particular interests of France. The circumstances of the moment prevent the fitting out of privateers, consequently it would cost it nothing to cause the treaty to be observed with the greatest exactitude. Then, the contrast which the Americans would make between the conduct of France and that of its enemies, could not but be favorable; but, at present, on the contrary, every time we complain of the conduct of the English, they shut our mouths by this decree of 27th July. Nothing is more embarrassing for our minister at London, and nothing can be more injurious to the French republic, in the opinion of the neutral Powers. I hope, sir, that you will observe, in the freedom of the observations I have just made to you, the amicable and fraternal dispositions which have dictated them. I am sure, at least, of conforming to the views of the United States, in following my own inclination to remove every thing that might change the good harmony which exists between two nations, allied as well by the force of sentiment as by that of treaties.

I have the honor to be, &c.

GOUV. MORRIS.

M. DEFORGUES, Minister for Foreign Affairs.

Extracts of a letter from Mr. Morris to the Secretary of State, dated October 10, 1793.

I am very anxious that consuls and vice consuls should be appointed in all the ports. My countrymen are incessantly applying to me, from every quarter, about property taken from them. I am desired from abroad, to claim such property. I have decidedly refused to lend my name on such occasions; because I am certain that I should be thereupon represented as a party interested; and of course, my representations against the proceedings, which are but too frequent, would be disregarded.

On the twentieth of August, a deputation of four ship captains, chosen by their brethren of Bordeaux, called on me with a representation of the injustice they experienced in being prevented from sailing with their cargoes; &c.

The deputation, as is natural, had flattered themselves with immediate and ample redress. It was my duty to moderate their expectations and to explain the difficulties. Interest is often blind and seldom just. My moderation was ill suited to their wishes; and my letter to the minister, of which a copy is enclosed, seemed to them rather an abandonment of their cause, than the prosecution of the only redress which appeared to me attainable, and in the only way by which it might be effected. I had cautioned them particularly, not to ask too much; because they would thereby run the risk of not obtaining what they asked; or, if they should obtain it, of seeing their hopes blasted in the bud, by a repeal of an indulgent decree.

A decree was obtained, and before it could be executed, was repealed. Thus it has happened that they did mischief without any benefit to themselves.

[TRANSLATION.]

The Minister Plenipotentiary of the United States of America to the republic of France, to M. Deforgues, Minister of Foreign Affairs.

PARIS, October 12, 1793.

SIR:

I have the honor to send you, herein enclosed, the copy of a letter, which has been addressed to me, by citizen Postic, a lawyer, residing at Morlaix. It appears, that in the proceedings of which he has given an account, there are extraordinary irregularities, and I think it my duty to inform you of them, as, on the justice of tribunals, often depends the salvation, and always the prosperity of a State.

I request you, at the same time, sir, to permit me to make two general observations on the whole of this business; one of which applies to the organization, and the other to the proceedings of the commercial tribunals. The referring of questions on sea prizes to these tribunals, appears to me dangerous, since they involve the interpretation of the treaties, and the application of the law of nations; consequently, of peace and of war. Now we may be permitted to

entertain some doubt as to the knowledge of the judges, and we ought besides to fear, least they may be interested, as owners of privateers, in the questions which are submitted to them.

But whatever may be the organization of the tribunals, it appears to me essential, sir, that, in their proceedings, they should receive all the claims which may be made to them; that they should even invite, without waiting for the authority of, the persons interested, who are often at the distance of one thousand leagues. The jurisdiction of the tribunals within whose cognizance are the questions of prize, is *in rem*. They take possession of the thing, and by that means render themselves responsible for it. Now, as the tribunal which is the depository of the thing, ought not to dispossess themselves of it, without a formal authoritative act of the true proprietor, it is their duty, not only to admit, but also to seek proofs, which may establish to whom the property truly belongs. This is a double duty towards the neutral proprietor, and towards their own nation; for every government which permits its citizens to fit out privateers, arms with the destructive sword of war, hands which are interested to extend its ravages, and renders itself responsible for the abuses which result from so dangerous a delegation of sovereignty. For the purpose of repressing them, the admiralty tribunals have been established throughout the different nations of Europe. In these tribunals, the government furnishes the means of information, by the facility with which it admits therein every species of claim. It preserves, by appeals, the right of deciding in the last resort on the contests which therein arise; and it gives the necessary time to enlighten its conscience on thorny questions, before the pronouncing of a sentence, which might extend or prolong the horrors of war.

These, sir, are the reflections which experience has dictated to me. They daily make on me a more lively impression, on account of the claims addressed to me by my countrymen, of which I have communicated to you but a very small part. I always send to the tribunals the injured persons, by giving them the most positive assurances that they will there obtain complete and prompt justice.

I have the honor to be, &c.

GOUV. MORRIS.

[TRANSLATION.]

Extract of a letter from the Minister for Foreign Affairs, to Mr. Morris, Minister Plenipotentiary of the United States of America, to the Republic of France, dated Paris, October 14, 1793, 2d year of the French Republic.

The extreme rigor with which the English, and the other belligerent Powers, treat all the neutral vessels destined for France, has put the republic to the painful necessity of arresting, by way of reprisal, in such vessels, the provisions belonging to its enemies. This severe measure, clearly explained in the decree of the 9th of May, of which I enclose you a copy, is the result of the most imperious circumstances. It will continue only as long as our enemies employ, against us, means disapproved by the laws of humanity, and by those of war. In casting your eye on this law, you can hardly, sir, avoid the conviction, that it was necessary and just; that the republic could no longer, without inattention to itself, preserve tolerable decency towards its implacable and ferocious enemies, and that the system of depriving them of foreign produce, was also to dissipate its means of offence.

In comparing this law with the declarations made by the British Government, at Stockholm, Copenhagen, Florence, and probably at Philadelphia, you will observe an extreme difference between our manner of thinking and that of our enemies. You will see, on the one hand, the firm determination of destroying several millions of victims, merely to satisfy a spirit of vengeance, or of ambition; and on the other, the desire of repelling unjust aggressions by severe laws, and a regret at being reduced to that extremity.

Here, then, sir, in two words, is the situation in which the republic stands. Its enemies have openly usurped the right of seizing all the provisions which are destined to it, and even all the Frenchmen found on board of neutral vessels. But it seems, that France, attacked on all sides, abandoned to its own strength, without allies, without foreign succor, should confine herself scrupulously to the maxims of the law of nations, so cruelly violated by her enemies. Hence, it would result, that the neutrality of several Powers would be partial; that it would operate only in favor of our enemies, whose commerce would be peaceably carried on under the shelter of a borrowed flag, whilst ours could not, under any flag whatever.

The law of the 9th of May is conditional, while the declarations of the combined Powers are positive. It is in their power to put a period to the execution of this law, by permitting neutral vessels to communicate freely with France.

These observations, sir, which you are too just not to appreciate, apply to the greater part of the claims which you have addressed to me for some time. I have done, with respect to several of them, all that depended on me, in order to obtain, in favor of your countrymen, an exception of the general measures adopted with regard to neutral nations. I have used, among others, all the means with which your letters furnished me, to have restored the ship *Laurens*; but I have met with insurmountable obstacles, in the established laws, and in the opinion of the commercial tribunal of Havre. The tribunal has neglected nothing to render justice to the owners of this vessel. It has consented, among other things, to have translated 361 letters, merely to prove, in the most authentic manner, the property of the cargo. The interested have besides avowed, themselves, that they had neglected an essential formality required by our laws.

You must be satisfied, sir, with the manner in which the request, presented by the American captains from Bordeaux, has been received. This fact, and several others of the same kind, which could not escape your attention, must have convinced you, that when the particular circumstances of the republic permitted the administration to favor your countrymen, it was eager to give to them testimonies of the desire which it always has had, of bringing nearer and nearer the citizens and the interests of the two countries.

We hope, that the Government of the United States will attribute to their true cause, the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty, in the course of the present war. It must perceive how difficult it is, to contain, within just limits, the indignation of our marines, and, in general, of all the French patriots, against a people who speak the same language, and having the same habits, as the free Americans. The difficulty of distinguishing our allies from our enemies, has often been the cause of offences committed on board your vessels; all that the administration could do, is to order indemnification to those who have suffered, and to punish the guilty.

I enclose, herein, several copies of the navigation act, decreed by the Representatives of the People. I request you to make the dispositions of them known to the Government of the United States. It will there find the basis of a system, connecting more and more the interests of the two nations.

DEFORGUES.

P. S. I enclose herein, sir, an arrêt of the committee of public safety, which fulfils, in part, the object proposed in your letter of the 13th of this month. I shall have the honor of communicating to you the measures which shall be taken in the sequel.

[TRANSLATION.]

The Minister Plenipotentiary from the United States of America to the Republic of France, to Monsieur Deforgues, Minister of Foreign Affairs.

PARIS, October 19, 1793.

SIR:

The attention which several pressing affairs required, made it impossible for me sooner to answer the letter which you did me the honor of writing to me on the 14th. I have examined, with respectful care, the decree of the 9th of May, emanating from the conduct of your enemies, and supported by some reasons, to which you have given

their greatest lustre. It is possible, sir, that the difference of our position leads us to see the same object in a different manner. But, although I cannot be of your opinion, I do not intend farther to discuss the considerations which have produced the decision of the French Government. I confine myself to the rendering of a faithful account of it to the Government of the United States, and I am persuaded, that, in considering them, liberal friendship will put in the balance the difficulties of a revolution, and of a war without example. I ought, however, to observe to you, sir, that the question does not appear to me to turn on the law of nations, but on an exception to that law, by the stipulations of a treaty. This treaty, in derogating from this law, in favor of merchandises of your enemies found in our vessels, has derogated, in like manner, from it, to the prejudice of our merchandises found in the vessels of your enemies. We have seen, at Philadelphia, the public sale of a cargo, the property of one of our citizens, taken by a French privateer, on board an English vessel. All opposition was of no avail, because, according to the constitution, our treaties are the supreme law of the land. You will agree, sir, that it is hard for my fellow-citizens not to have the advantage, either of the treaty, or of the law of nations; to lose their merchandises by the treaty, and not to be able to compensate themselves for it, under the protection of this same treaty, by the freight of enemy merchandises. In comparing the facts of the same epoch, you will be amazed on seeing what passed at Paris and at Philadelphia. Your good sense will lead you to anticipate the claims of our merchants, and the insinuations of our enemies.

3d CONGRESS.]

No. 75.

[1st SESSION.]

FRANCE.

Message from the President of the United States, communicating the information that the conduct of the French Minister Plenipotentiary has been disapproved.

Gentlemen of the Senate
and of the House of Representatives:

UNITED STATES, January 20, 1794.

Having already laid before you a letter of the 16th of August, 1793, from the Secretary of State to our minister at Paris, stating the conduct, and urging the recall of the minister plenipotentiary of the republic of France, I now communicate to you, that his conduct has been unequivocally disapproved, and that the strongest assurances have been given, that his recall should be expedited without delay.

GEO. WASHINGTON.

3d CONGRESS.]

No. 76.

[1st SESSION.]

FRANCE.

Report of a Committee of the House of Representatives on the propriety of remitting the foreign tonnage on sundry French vessels which have taken refuge in the ports of the United States.

MR. VENABLE, from the committee appointed to inquire into, and report, a state of facts respecting sundry French vessels, which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon, made the following report:

That the vessels to which this order has reference, were employed in commerce between France and the colony of St. Domingo.

That, some time previously to the calamity which produced a total destruction of the town of Cape François, they had collected at that place, for the purpose of availing themselves of the advantage of a convoy to France; some of the ships of war, belonging to the republic, being about to sail for that purpose.

That their cargoes consisted of the productions of the colony, and were destined for France; that they were not intended to be carried immediately into any other country, with a view to make sale of them.

That, thus circumstanced, they were anchored in the road of the Cape, on the 20th of June, occupied in fitting their vessels for the voyage to Europe; a number of them being in great want of repairs. That, on the 24th, they were ordered to unmoor, and the next day made a precipitate departure; the greater part of them not having had time to make the necessary repairs to the rigging; without a sufficient stock of water or provisions to last them the voyage; and crowded with passengers, whom necessity had compelled to fly to them for safety.

That, none of them being able to go on shore before their departure, they were compelled to put to sea without their papers, instructions, or orders, and rolls of their crews; and, thus circumstanced, were compelled, by urgent and irresistible necessity, to direct their course to the nearest friendly ports, for the purpose of landing the passengers, refitting their vessels, and procuring a sufficiency of water and provisions to enable them to accomplish their voyage to Europe.

That, on their arrival in the American ports, the naval officer at the port where the greater number arrived, considered them as vessels in distress, and exempt by law from tonnage; but, doubts having arisen at the other ports, application was made to the Secretary of the Treasury and the Attorney General of the United States, both of whom were of opinion that the distress was not of the nature contemplated by the law, and therefore they could not be exempted.

Upon considering the before recited facts, your committee are of opinion, that, although, at the time of their departure from the Cape, they intended to enter the ports of the United States, for the purposes, and from the necessity before mentioned, yet there was no intention of altering their ultimate destination. That it remained essentially the same; [and that the case may be well considered as falling within the spirit and intention of the thirty-seventh section of the law to provide more effectually for the collection of the duties imposed, by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, also within the provision made by the nineteenth article of the treaty of amity and commerce between France and the United States.]

That, as the officers whose province it was to make a decision, in this case, have not felt themselves justified in putting this construction on the law, a legislative interference is necessary; and that the tonnage duty ought to be remitted.

[3d CONGRESS.]

No. 77.

1st Session.

GREAT BRITAIN.

Message from the President of the United States, communicating extracts of further advices from the Minister Plenipotentiary of the United States at London.

UNITED STATES, January 22, 1794.

*Gentlemen of the Senate
and of the House of Representatives:*

I forward to you extracts from the last advices from our minister in London, as being connected with communications already made.

GEO. WASHINGTON.

Extract of a letter from Thomas Pinckney to the Secretary of State.

"LONDON, August 12,* 1793.

"I continue to receive assurances from him,† of the desire of this Government so to conduct the measures they think themselves justified in pursuing towards the neutral Powers, as to render them as little detrimental to our commerce as the state of warfare existing in Europe will admit; and on complaint of some irregularities committed by British privateers, he requested me to select some instances where the evidence is clear, in order for criminal prosecutions to be instituted against the offenders, in which he promised the fullest support of the law officers of the crown, and I am now endeavoring to fix upon some strong cases where our evidence may be sufficient to ensure conviction. I believe it to be the desire, both of the Government and the People in general here, to be upon good terms with us; but the line of conduct pursued to the neutral Powers, in which I do not perceive any symptoms of relaxation, cannot but create dissatisfaction. From the Department of State, I generally obtain explicit answers on such subjects as they are competent to decide; but where references are made thence to other departments, which is very frequently the case, the delays are very great, especially in the business with the admiralty."

Order of the Admiralty, enclosed in the letter of August 12, 1793.

SEPTEMBER 3, 1793.

Ordered, That freight and reasonable expenses shall be allowed to all masters of neutral carrier ships, and be a charge upon the cargoes, whether condemned or restored, or ordered for farther proof of neutral property: *Provided always,* That no *mala fides*, or prevarication, shall appear, or be justly presumed, or suspected, on the part of any neutral master, and that such neutral master shall make oath that such freights are not already paid for, or engaged for to be paid by the owners of the said cargoes, in view of every event of capture, or otherwise. Demurrage shall be allowed, and considered as a reasonable expense, only in cases where the ship shall be pronounced to have been unjustly seized and brought in for adjudication, or bulk broken, and his Majesty's instructions disobeyed, or where there has been actual and wilful damage done, and misusage of persons or property by the captor, or when the time of detention for the purpose of unelivery of the cargo, or repairing such damage, shall exceed the time specified in the charter party, or when the neutral master shall not refuse or neglect to take away his ship upon bail offered to be given by the captors for freight, and reasonable expenses. That, where the value of corn, and naval stores, sold to his Majesty, shall be decreed to be paid to any neutral claimant, the owner, in cases where such corn, provision, and other naval stores, by any treaty or particular stipulation, shall be held to be not contraband, and so not confiscable, the captor who shall have brought in such privileged ships and cargoes, in consequence of his Majesty's orders and instructions, and who shall have given bail to be answerable, upon unelivery of the same, for freight and reasonable expenses, in case that any shall be allowed, shall be discharged from his bail; but that the freight, and such reasonable expenses, shall be decreed to be added to the price of the cargo, and to be paid for by his Majesty to the neutral owner, in cases of restitution, and in cases of condemnation shall be added, in like manner, to the price of the cargo, and paid to the captor by his Majesty.

Freights and reasonable expenses, where captors and claimants cannot agree, shall be referred to be settled by the deputy registrar, and merchants appointed by the court; the report, nevertheless, shall be subject to revisal by order of the court, upon objections made by either party.

Extract of a letter from Thomas Pinckney to the Secretary of State, dated

"LONDON, November 11, 1793.

"Tuscany has been obliged to abandon its neutrality. Genoa has been forcibly urged to the same measures, by the commanders of a combined Spanish and British fleet, who entered their port, and seized a French frigate, and some armed vessels lying there. A minister from that republic was received at the last levee.

"A proclamation is issued, directing our vessels from Pennsylvania, Jersey, and Delaware, to perform a quarantine of fourteen days."

* Probably a mistake.

† Minister for Foreign Affairs.

3d CONGRESS.]

No. 78.

[1st Session.]

FRANCE.

Letter from the Secretary of State, transmitting translations of the Report of the Committee of Public Safety and of the Navigation Act of the French Republic.

DEPARTMENT OF STATE, January 28, 1794.

SIR:

I do myself the honor of transmitting to the Senate, the translation of the French act of navigation. It has been executed by the best hand which could be procured; but it is possible, that the novelty of the subject, and certain technical phrases, may have produced inaccuracies.

I have the honor to be, &c.

EDMUND RANDOLPH.

*The Vice-President of the United States
and President of the Senate.*

[TRANSLATION.]—NATIONAL CONVENTION.

Report upon the Navigation Act, made in the name of the Committee of Public Safety, by B. Barrère; with two Decrees, passed in the session of the 21st September, the 2d year of the French Republic, one and indivisible. Printed by order of the Convention, transmitted to the departments and to the armies, and translated into all languages.

CITIZENS:

It was on the 21st September, 1792, that the Convention proclaimed the liberty of France, or, rather, the liberty of Europe.

It is on the same day, the 21st September, 1793, that the Convention should proclaim the liberty of commerce, or, rather, the liberty of the seas.

It is not sufficient for you to have founded the political republic—it remains for you to found the commercial republic. The English navigation act was formed in the midst of a monarchical revolution; it bears the impression of the despot who created it. The French navigation act will be decreed in the midst of a democratic revolution; it will bear the impression of liberty and equality, which produced it.

If the French nation had resolved to give itself a navigation act, or to destroy the treaty of commerce of 1787, England would have declared against her a terrible war.

England has put herself at the head of a coalition of tyrants, to destroy our liberty; and, from that moment, France has acquired the right of supporting, with her cannon and her bayonet, the abolition of the treaty of commerce, and the establishment of a navigation act.

These advantages are the first fruits of this war; the establishment of liberty, the prosperity of the republic, and the reanimation of commerce, will be the result of it.

The treaty of commerce being destroyed by a decree, will create an enormous barrier in the channel between France and Great Britain. Nothing then remains, but to knock down the intermediate obstacles created by England, between France and the other Powers.

The following are our means:

For a century and a half, a navigation act, bearing the stamp of the soul of the usurper, Cromwell, has established and secured the maritime tyranny and commercial prosperity of England.

For a century and a half, the famous British navigation act, founded without regard to the rights and interests of nations, offers a series of laws injurious and invasive of the property of every People.

The law writers of Europe had proclaimed this truth; the policy of France had not suspected it. The constituent assembly, more occupied in destroying than in creating, neither thought of the French republic, nor of the liberty of the seas. A ridiculous predilection for England, a ruinous and disgraceful commercial treaty, purchased from the ministers of Capet, had enslaved us. The political views of the cabinet of London, with regard to us, prevailed entirely in the workshops of manufacturers, and in the counting houses of merchants. In the commissioners of the customs, the artists in metallurgy, the dealers in the colonial products, and the carriers of the East India stuffs—behold our real masters.

The coasting trade, that active school of our seamen, that second basis of our navigation, that source of riches to Holland, far from being inhibited to foreigners, as is the case in England, has been carried on by foreigners.

The navigation of the colonies, infinite in its detail, immense by the extent which it gives to our commerce—the navigation, equally interesting to the husbandman and the artist, the manufacturer and the seaman, the rich and the poor; the navigation of the colonies, which enlivens our seaports, and gives motion to all the works of industry, was participated in by foreigners, and we were calm spectators.

The national marine, which grows out of ship building and the fishery, has been destroyed by the decree regarding foreign vessels as merchandise, and allowing them to be purchased; it has been destroyed, by the discouragement of the fishery among us, and weakened for the want of succor, of premiums, and of the means which might triple our equipments for the fishery, and form of it a species of secondary agriculture, as more than 300 vessels might be employed each year, and replace the three millions of salted fish, which fraud, or foreign commerce, annually introduce into France.

Finally, foreigners, more especially the English, have made themselves masters of our navigation, with capitals known by the name of *francisations simulées* (operations consisting in covering with the French flag, and enriching with French premiums, the capitals and fortunes of the English) because we have neglected to establish, ourselves, the English law, which acknowledges and admits to the advantages of navigation, only vessels built and owned within the nation.

Let us, in fine, strike at the *francisations simulées*. We have laid an embargo on the English vessels found in our ports at the commencement of the war. Here is an embargo more just and more useful to the prosperity of France—it is the completion of the navigation act; it is the seizing of, and confiscating to the benefit of the Republic, all vessels belonging to the English, under a French flag, that is to say, those which are purchased and built with English capitals, and with a view to defraud us of our premiums and of our duties, under the name of a French merchant, of a French owner.

Our cruisers are destined to attack the English flag on the seas, and yet our avarice lends the French flag to the navigation and commerce of England.

Despotism itself had felt this injury of our maritime commerce. It had prohibited it at several epochs; but those numerous laws were not executed, because they allowed no reward to the informer of these simulations of capitals. It is necessary to give to the informer a part of the value of the foreign capitals, employed in the *francisations simulées* in order to obtain success to this measure, and to carry into execution our prohibitory laws on this subject. This has been objected to, as an immoral measure. No, there is no immorality in ruining those who starve us, who ruin us, those who wish to tear from us our liberty, and to devour the fruits of our brilliant revolution.

The constituent assembly bequeathed to the first Legislature too long a project of a navigation act. This legacy could not be improved by a legislative assembly more occupied in demolishing the throne of the Capet family, than in attacking the sceptre of the family of Hanover. But the time for this last is arrived.

We are, at length, at the period of being able to proclaim the liberty of the seas, after having proclaimed that of men, and of the country.

Already, on the 29th of last May, the committee of public safety, in their report, presented to you the necessity of publishing a French navigation act, as a means of regenerating our navigation, of reviving our commerce, encouraging ship building, of increasing the fishery, of doubling our carrying trade, by destroying the intermediate freights, and the interference of all indirect navigation in the maritime transportation of the commodities we exchange with foreign nations.

This proposition was highly applauded. You were then sensible, that, after having formed the political constitution, and after having prepared the moral constitution, by public education, you should still form the maritime and commercial constitution by a navigation act.

The commercial and marine committee presented to you a project of it, through citizen Marec, the 3d of July last; it was scarcely discussed: an adjournment was the result of two discourses founded upon objections, of the frivolity of which the authors themselves have been sensible. It was feared, at that epoch, that the navigation act would injure the commercial relations with the neutral Powers, as if the time of war and of neutrality did not form an inevitable and a rightful exception; as if Sweden had not, in the regulations of her customs, a sort of navigation act, by her rates of duties on merchandises imported into Sweden, in foreign vessels; as if the French act of navigation were not a new commercial army opposed to the commercial army of England, for the benefit of other navigating nations; finally, as if all other governments, all nations, were not strongly interested in the downfall of the English navigation act, and in the re-possession of the natural rights of commerce and navigation, by every People in Europe. Let us then this day proclaim a law, securing those equal rights on the seas to which the nations with whom we are at peace are entitled.

Americans, Swedes, Danes, Genoese, Venetians—all you who have had the wise and useful firmness of resisting the perfidious insinuations, and the insolent threats of the English, and of our other enemies—you who have not wished to interrupt your commercial relations with a free People—receive this solemn act of French gratitude. Our enemies of Great Britain, and of the Dutch marshes, shall be no longer the agents, or rather the masters of our commerce with you. Here is the decree so much desired for the exclusion of intermediate navigators. This solemn navigation act is about being published in all the ports of France, and sent to the friendly or neutral Powers; and this act of commercial independence pronounced by the French republicans, shall neither be revoked nor destroyed by our enemies, till they have beaten down the tri-colored flag, now waving above this enclosure on the summit of the national hall. This is saying enough on what shall be the duration of the navigation act.

Before you are presented with the rapid picture of the immense advantages of the navigation act, and its influence on the national prosperity, I should show you the terrible stroke it will give to the maritime empire usurped by Great Britain; the still more terrible stroke it must give to her industry, her commerce, her navigation, her fabrics, her manufactures, at the same time that it will awaken other nations—call forth other Governments to repossess themselves of their advantages, and take again on the tempestuous element and of commerce, the imprescriptible rights which genius, the compass, and their topographical situation have assigned them.

Legislators, this is not a reprisal, it is not a hostile measure, it is not an exercise of the right of war that I propose; it is a declaration of the rights of nations, it is the restitution of a natural inheritance, usurped by ambitious islanders.

Doubtless if it were necessary to have motives and considerations of a national kind to induce us to thunder against these usurpers of the seas, in order to punish these shop-keepers of Europe, to ruin these engrossers of subsistences, and to wither these dealers of Kings and royal constitutions, it would be sufficient for us to present to France, now free, the hideous picture of the crimes of the British cabinet; they are known. These are they:—

Who has meditated the destruction of neutral navigation, which was always respected by the English Government?

Who has sent ambassadors to Genoa, to Venice, to Naples, to require, to command war against the French, to put a stop to all communication with her?

Who has insulted, infringed upon the flag of friendly nations, for the purpose of seizing the provisions destined for a People which they wished to starve, in order to enslave? It is the English Government.

Who has labored to engross around us, all the subsistences of America, of India, and of Europe, for the purpose of treating the French, as in 1783 Lord Clive treated the East Indians, to reduce them to the most absurd tyranny?

Who has had the baseness to offer us bread with chains, subsistence with a King, the means of supporting life under a devouring constitution? It is the British Government.

Who have roved incessantly, like highwaymen, round our ports to offer provisions to the slaves who would accept the shameful condition of having a King, and who would also debase themselves so far as to receive an English, or Hanoverian King?

Who has dared to attack Dunkirk, with all the most destructive inventions of war, in order to recall to our remembrance the English commissary, who under the dastardly monarchy prohibited us from laying one stone upon another, and for the purpose of obtaining the foot of usurpation on the continent of Europe?

Who has endeavored to sow division among the French, even among the patriots, with a cool and execrable calculation, by diffusing gold and corruption through commissaries under the mask of patriotism?

Who has disseminated in our cities, even in our popular societies, those political corruptors, or rather infamous agents of a still more infamous English ministry? The British Government.

Who has opened in the bosom of the republic, a consuming wound, a second Vendée, a civil war nourished by secret agents, who in the midst of our departments calculated the expenses, the means, and the progress of it?

Who has set loose upon our country, plunderers, refractory priests, and emigrant traitors? Who has purchased with gold, a part of our garrisons, corrupted the citizens and the generals? Who has thrown, by assigns and intrigues into our fifteen battalions of the second levies of Paris, those dregs of Piedmontese, Germans, Genoese, Neapolitans, the scum of foreign countries, for the purpose of betraying our armed brothers, and of tarnishing if they had been able, the Parisian name, the first which has been written by the hand of liberty, in the sacred annals of the revolution? Who has so liberally supplied the villains of the Vendée with muskets, powder, cannon on which are written, the names of those mercantile tyrants of Europe? The British Government?

Who has bought over, and seduced the guardians of a seaport, belonging to the republic, and thrown into fanaticism the people of Toulon, in order to annihilate our marine, and to destroy the inhabitants of that beautiful city?

Who has inundated with floods of corrupting gold, an opulent and industrious town, which they have instigated to rebellion, in order to force us to destroy with our own hands, this theatre of arts, and of the finest manufactures of Europe, and then to possess themselves of the trade of the silks of Piedmont, to ruin our industry, to invite our workmen over to them, and to rob us even of our genius for the manufacturing arts, to which Europe had become tributary?

Who have betrayed the interests of their own nation to make war on a People who would have gloried in their esteem, and a more intimate alliance with them? This crime was reserved for the British Government.

Citizens, the hatred of Kings and of Carthage founded the constitution of the Roman republic; the hatred of Kings, of the emigrants, of the nobles, and of the English, must consolidate the French constitution.

Let the spectacle of so many crimes rouse Europe from her lethargy; let the Governments which are slaves to England cease to slumber, and let them at last perceive, near them, the precipice opened by that corrupting and corrupted Government, who buy and sell men, cities, and ports, as we traffic in vile cattle, who are stockjobbers of People, as the financiers of the Rue Vivienne are stockjobbers of paper; who sport with Governments as the negro merchant sports with the inhabitants of Guinea, and who would wish to traffic in the political constitutions of Europe, as they do in the merchandises extorted from India.

Let the nations of the North, above all, hearken to the voice of the National Convention of France.

Here is the secret of the English.

To annihilate the maritime Powers by the means of one another, the French navy by that of Spain, and then the Spanish navy, when cut off from the assistance of that of France; Holland belongs to them, the Dutch are the slaves of England. As to the marine of the North, the commercial vessels of the Northern nations, from Holland as far as Russia, must pass through the channel which is between Dunkirk and the English coasts, and consequently it is of importance to England, to have ports on each side of this strait. The atrocious audacity with which she has seized vessels, belonging to the Northern Powers, must demonstrate to all nations, how much her designs augment their dangers, and menace the safety of their commerce, for the time present and to come.

Frenchmen, Europeans, neutral Powers, Northern Nations, you have all the same interest as ourselves, in the salvation of France. Carthage agitated Italy, London agitates Europe; it is a wolf placed on the side of the continent to devour it; it is a political excrescence which liberty has undertaken to destroy.

The navigation act, that we propose, is the effectual and true means of attaining that object; it is founded on the rights of each nation; it is founded in your most evident and incontestible interest: it is founded upon the most imperious duties of the National Convention, those of establishing the prosperity of France, and destroying the republic's most mortal enemies.

Let us then take a cursory view of the advantages which call for the promulgation of the navigation act. They are to aggrandize our commercial system, less to repel the industry of England, than to substitute our own in its stead, to multiply our means of navigation, to create an astonishing marine; and to tell to every nation that they should communicate directly with France, is only to present a general view to them; I pass to more direct advantages.

From 1651, when the English navigation act passed, all their merchants, all their politicians, all their economists, Child, Sheffield, even Smith himself, agree that it is to this act that England owes the prosperity, the superiority of her marine. This opinion has been examined several times in France, by the citizen Ducher, who has presented to us his ideas on this important subject. The example has been given, experience is had, and nature offers to you an immense population, with an army of intrepid seamen, enormous capitals, great forests, with assured relations in the north, with iron mines, with your woods of Corsica, your numerous ports, with your colonies, with your manufactures, two hundred leagues of coasts to populate by shipping, and the two seas to traverse in; such, then, is the act of navigation decreed by nature; it is your province to decree the act of navigation, which policy and commerce require.

The first advantage. France should discourage all second-hand commerce, carried on by other than her own vessels.

It is a *direct commerce* that we must have, and it is this kind of commerce, that England owes to her navigation act.

It would be humiliating to France; it would be declaring her impolitic and impotent, were she to receive commercial objects by any other vessels than those of the country which has manufactured or produced them. By this means you will attract to your ports, and be enabled to form useful connexions with other nations. I will cite to you but one plain example. Why is there in the ports of London, Plymouth, Liverpool, more American vessels than in the ports of France? It is because we do not import in our own vessels, or those of the United States of America, the rice, tobacco, potashes, oils, and other articles of their growth. Why is there in the Thames more American vessels laden with grain and flour, than in our Atlantic ports? Because *Neckar* and *Roland* purchased at second-hand, and seemed to be instructed to support the English commercial system, instead of purchasing directly from the United States of America.

We have left to the English, the care of going to seek or receive for us the tobaccos of Virginia, and the rice of Carolina, as well as the grain of Pennsylvania, giving them the first profit. The English make payment with their manufactures, which is giving them the second profit. We, Frenchmen, purchase these tobaccos and rice from the hands of the English, for specie, or at an enormous price, in assignats, which they speculate with on ourselves; giving them here a third profit. A direct navigation, embraced by the navigation act, will restore to you all these advantages and rights.

As though it was not enough to purchase at second hand, we did not carry even our own merchandises. The mercantile marine of England was in our pay, and by us continued in it. A navigation act will destroy this abuse, and reinstate us in the receipt of these profits, impolitically lavished on the English and Hollanders.

Are we, then, without seamen and without marines, or rather, have not our seamen, our merchants, a right to reproach us with their misery, and to obtain from us the preference to perfidious foreigners? Let us secure to our marines their occupations; suffer not the inhabitants of Amsterdam to fish and navigate for you any longer; nor let the English spin longer for our use, the wools and cottons which they purchase even in our ports.

Let foreigners no longer bring that which our fellow-citizens can fabricate and transport as well, and better, than they. Then would you have numerous artisans, manufactures brought to perfection, your ports filled with shipping and marines. *Let us prohibit all traffic on our frontiers, and cherish our navigation.*

Let false alarms cease, by considering that our navigation will always be sufficient, when joined to that of the States, from whom we shall draw productions. If our vessels, and those of the Americans, can bring us tobacco for our consumption, why suffer the English to come in as a *third party*, in the transportation of it? If our vessels, and those of Spain, are sufficient to bring her wools, why permit a Hollander to come and transport them, and thereby render ourselves tributary to him? And, admitting that our navigation should, in the first instance, prove insufficient, the proposed act will induce that of other nations to come directly to us, and we shall endeavor ourselves to make our own sufficient, by accelerating the progress of ship building. There is no other means than under the patronage of this important act, by which our marine can rise to that degree of value and activity, which the destinies of France may require.

Second advantage. Here the national constitution presents to you all the riches which it ought to secure to us. Are we not yet weary of being the tributaries of foreign industry, of shamefully being the supporters of the vessels of our atrocious and laborious neighbors? Shall we never become tired of giving subsistence to their seamen, of seeing our most cruel enemies plough the ocean at our expense, and rendering us the slaves of the luxury and trinkets, which their industrious avarice induces them incessantly to fabricate for France?

You are desirous of having a marine: for, without a marine, there can be no colonies; and without colonies there can be no commercial prosperity. Then, in order to have such a marine as is necessary for the most astonishing republic that ever existed, *we must have vessels; further, we must build them; still further, we must have seamen, and the fisheries furnish them. The fisheries and ship building are the cradle of the marine. The English have experienced this a hundred and fifty years, and their marine is the most brilliant.*

To force ship building, is to create that rare and valuable reunion of men and artificers, by whose hands are produced new or repaired vessels.

To force ship building, is to establish ship yards, is to form magazines, to multiply useful hands, to produce artists and workmen of every kind, who may be found at once for the peaceable speculations of commerce, and for the terrible wants of war.

To force ship building at home, is to augment navigation, by the necessity of seeking timber, cordage, and the other matters necessary in various parts of France, or for the foreigner; is to increase the vessels for transportation; is to augment the number of sailors; is to augment among us the benefits of freight; is to centuple our exchanges, our commercial relations, and our profits; is to diffuse the tri-colored flag over all seas.

For a navigating people to purchase its marine abroad, would be a strange speculation, as the marine would always be dependent on the merchants furnishing them! That of placing, as a reserve, with a foreign nation, or in a foreign ship yard, the carpenters, blacksmiths, *caulkers, sail makers*, and the vessels of a nation would be a singular commercial combination! We must, therefore, then, build them for ourselves. The navigation act acknowledges and privileges only those constructed in France, or in her possessions. The navigation act, then, will retrieve our marine, and rescue it from depending any longer on foreigners.

In 1747, the Hollanders, entrusted with supplying the military marine of France, obliged to enter their ports all the vessels from the Baltic and the North, laden with such naval stores as they had agreed with the French minister to bring us. A war took place, and the Hollanders immediately forced into their ports the raw materials essentially necessary for our marine, and our ports were destitute of shipping. Will you, then, always depend on foreigners, on their avaricious and political speculations?

Purchasing foreign vessels, is paying an enormous impost to foreigners; is proscribing our ship yards, ruining our workmen. Let us purchase the raw materials, let our ports be open to them, let those who produce these materials bring them, or, let us go for them; this would secure to us every species of naval wealth. Behold the production of a navigation act!

To purchase foreign vessels, is exposing ourselves to have a bad marine, of little solidity, illy constructed, and of doubtful materials, or of short duration: such is the fruit of experience, attested by our marines. To form our marine, is to create an owner interested in its duration. This is the effect of a navigation act.

To carry on, ourselves, our carrying trade, is to concert within ourselves its advantages, is to employ national transports, is to force ship building, is to form sailors. Behold the production of a navigation act!

To render more flourishing the only useful marine, that which merits the most attention of a republic, and which constitutes its real strength—the marine of the carrying trade—which transports, without any noise, subsistence and the necessities of life from one coast to another, and which, modest as benevolent, exposes not the life of the men employed in it, and knows no other enemies than the financial rapacity which you have destroyed, to favor the carrying trade. Behold the production of a navigation act!

To carry on, ourselves, the navigation of the colonies, is to profit by the abolition of the custom houses; is to augment the resources of the marine; is to secure to us an important navigation; is to secure to us valuable returns, which will nourish our commerce with foreigners. Behold the production of a navigation act.

To make a navigation act, is to favor our India commerce, is to augment that of the North, to re-animate that with the Isle of France, to augment our relations with the States of America, to prepare the means of prosperity for the south of France—a part of the republic so torn to pieces, so miserable, so disgraced by royalism, and by treasons unheard of in the history of Frenchmen. It is to recover the commerce of the Baltic, and bring us and our natural friends together; to form the most robust and valuable seamen; to impoverish the English and Dutch navigation; to re-possess our rights; to have a legitimate share in the inheritance of the sea with all nations; to knock down the barrier erected there by London and Amsterdam; to provide ourselves our own subsistence; to reduce our cruel enemies from their privileged situation on the seas; to prohibit them from being the vehicles and the carriers of the French republic. Every vessel which the navigation act shall produce, will be as it were setting a firebrand to a vessel of London or Amsterdam. What squadron, what naval victory can equal such a kind of success! And should Toulon be for any time in the power of the ruffians of London and Madrid; should our destiny be to see our fine squadron of the Mediterranean purchased for English gold, lost or annihilated for us; in five years the act of navigation will compensate that loss. Would you have an idea of the interest which England has in her navigation? Be informed, then, that she would rather lose Jamaica, than revoke her act of navigation.

What reason have you, therefore, in being backward with the secret authors of the infamous treaty of Pilitz? Why have any delicacy with the corruptors of your fellow citizens, the destroyers of Lyons, the persecutors of Dunkirk, the purchasers of Toulon, the perverse founders of the new anglo-machiavelism? Why have you been backward with the enemies of human nature and of its rights? Their navigation act excludes you from their ports; but this is not all. The excessive duties the English receive from our vessels, interdicts our access to them forever; the river Thames is avaricious and devouring only with regard to us; the light house duties absorb one portion of the freight of our vessels. In Holland, their parsimony, their strict economy, and the low interest of their money, enable them to navigate at a less expense; we can rival them in our marine, neither at home nor abroad, otherwise than by a navigation act.

Who can hereafter arrest the destiny of the commerce and marine of France? The marine has experienced losses; they must be repaired. It has had to struggle with pride and distinction; we must liberate it from these shackles. It is still commanded by men of a caste justly proscribed; we must rescue it from these scourges of the liberty of nations; we must also dismiss all the suspected officers remaining in its bosom.

Commerce has had errors and crimes to repair: it became subservient to counter revolutionary and federal views, from interest, from ignorance, or egotism. It became anti-revolutionary and federal, because it is divested of political views, and rarely sees into futurity; because the revolution which it has forced, speculated in, and calculated upon, did not produce, at this epoch, as much profit as it had made in the first periods of it. But commerce will at length see, that its cosmopolism ought to cease; that it has also its cargoes in the vessels of the republic; that liberty is not calculated at five per cent. and that a democracy was always more favorable than a monarchical government, to commercial prosperity, to the welfare of merchants, and to the equality of all, which, till now, have been valued only for them. Commerce will perceive, that monarchies were always avaricious, insolent, proud, and military; and that true republics are generous, equal, simple, and commercial.

Should it be objected, that this act will be in opposition to our treaties of commerce with friendly and neutral nations—the first article of the project proposed, religiously maintains all the treaties; besides, none of the treaties are opposed to a navigation act, and the first article has been inserted, merely to silence the objections of the malevolent, and of those who are ignorant in political economy. Besides, those laws which rest on the faith of nations, will be always scrupulously respected by the French republic, and we do not seek, by the act of navigation, but to strengthen the ties of nations, but to restore the direct commercial intercourses with them, which the covetous Englishman and Hollander have interrupted for the purpose of engrossing.

What obstacle remains to be vanquished? the tyrant of the seas? But he has employed against us all his strength, and the English have cowardly fled at the approach of the French bayonet, at Dunkirk. Was he the corrupter of Toulon? But the conquest which is made by the agency of crimes and treason, is not of long duration. The English fleet would have been repulsed, if the fanaticism of the priests, the credulity of the people, the floods of British gold, and the traitorous conduct of Puissand, and of Trogoff, had not given up to the dastardly and vile English, the key of the Mediterranean.

Some years ago, one would have supposed, that English blood and treasure would have been employed only in the progress of philosophy and of liberty; but it was difficult for this Government, which has paid, by the loss of morals, for the dangerous advantage of being the depository of the gold of the world, not to deliver itself up to a mercantile spirit, and to all the political vices profusely emanating from wealth. Has it not, then, seen, that there is a limit to the blindness of the people; that the English Government enjoys, in the midst of the enormous fortunes of individuals, but an ideal public wealth, which may vanish in an instant; that it enjoys but a fictitious and momentary credit, and an unfounded paper, which party spirit may cause to vanish, and which, perhaps, before long, may leave to a mercantile and speculating nation, only regrets, corruption, revolutionary shocks, and despotism, without colonies, and without marine? The league directed against France, by the despots, accomplices of George, is composed of territorial and maritime Powers. As to the territorial Powers, who have not the same interest as the others, let us oppose to them our republican armies, and the French youth. The maritime Powers have other projects, and before long, will be divided by the result of their monstrous union; let us oppose to them the law for the freedom of the seas; let us oppose the iron of our pikes to their guineas, our bayonet to their phalanxes, our gunners to their cavalry, and navigation act to navigation act. Let other nations follow our example; let other nations completely repossess themselves of their natural rights on the seas, and then will England be violently detached from that maritime throne which she has too long usurped. The vizier of George has dared to declare, a few days ago, in dictating laws to neutral nations, and daring to restrain the rights and forms of their neutrality: "France," said he, "should be separated from the commercial world, and treated as though she had but a single city, but a single port, and as if that place was blockaded by sea and by land."

France blockaded! Thus spoke of Rome, before their just destruction, those men of puny faith, the ambitious and mercantile Carthaginians. France blockaded! Nay, if it were possible to reduce her to the confined limit of a

single port, of a single garrisoned city, the French nation would then sally out of its limits by a bridge from Calais to Dover, and landing with its liberty on the British territory, too long fertilized by our spoils, the heads of George and of Pitt would fall at the feet of those Englishmen who should feel themselves worthy of liberty; and the English island would raise, at our side, another republic, or become a desert.

But, in order to construct this bridge, which is to establish our revolutionary communications with this modern Carthage, who, after having drained India, wishes at her pleasure to give constitutions to Europe, let us decree a solemn act of navigation, and the mercantile island will be ruined.

It is always said, that the English are the masters of the sea; but the Spaniards were the gods of the ocean under Philip II. as the English are the tyrants under George III.

The Spaniards overflowed with the gold of Mexico and the silver of Peru, as the English are covered with the wealth of India and the treasures of the world.

Then the Spanish flag was the only one known at sea, as that of the English is the only one now seen on the ocean. However, the invincible fleet of Philip was conquered; his *Armada*, so much celebrated, was defeated; and the ancient kings of the seas, and of Peru, are no longer any thing more than the watermen of the former, and the exploring workmen of the latter.

Let Frenchmen, so intensely engaged in the revolution, pause a moment in order to contemplate its majestic and amazing progress, and then they will be as conscious of their strength as they are of their rights. Let them be for a moment spectators: What will they see? The genius of liberty, creating, amidst the most prodigious events, a still greater prodigy, a democracy of twenty-five millions of souls, a republic of thirty thousand square leagues, boldly establishing herself upon the wrecks of a conspirator's throne, upon the ruins of a nobility as perfidious as arrogant, upon the domains of a clergy as opulent as useless, upon the judiciary corps as ruinous as impolitic, upon the feudal system as absurd as inveterate, upon the titles as ridiculous as fallacious. What will they see? A free people, establishing a republican government for themselves, and establishing it by common consent; punishing at the same time the treasons of their kings, their legislators, their generals, the emigrants, and their ministers of religion; forced to make a civil war in the bosom of the State, at the same time that they were employed in extinguishing the fire-brands cast on all sides by their domestic enemies; obliged to bombard their rebel towns, and to punish the desertion of their fleets; obliged to re-conquer for liberty their maritime and commercial cities; to depopulate, to reduce to ashes, fanatical districts and royalized parts of the country, for the purpose of replacing in them a republican population; cutting off the slavish and suspected part, in order that the free and energetic may defend their fire sides; forced to supply with provisions the principal city, the seat of the representatives, as a garrison is supplied, by requisitions; a people at the same time struggling against military Europe, and against the French federalists, against the counter-revolutionary administrations, and against all the leagued tyrants, amidst preparations for sieges, bombardments, and plots, calculated to add famine to all the scourges of war; this people at the same time covering all the frontiers with cannon, with soldiers, and in a word realising the expression of Pompey: *By a stroke of the foot causing the earth to bring forth armed phalanxes.*

And such is the nation that isolated merchants too long tolerated on the side of a continent which they corrupt and oppress, have hoped to reduce to a state of subjection or to royalize! Let them tremble to the foundation of their counting houses and their workshops, when the other nations of Europe, awakened even by the clangor of their chains, shall at last perceive that Europe will be entirely free at the moment in which the influence of England shall be weakened or annihilated, her policy rendered impotent, her Indian commerce diminished, and her roll reduced to that of a factor and maritime commissioner.

Now, our commercial and maritime cities, rebellious towns which have eclipsed the renown of the genius of the south, *Liberty* cites you before the revolutionary tribunal of the *public opinion*. You have falsified your commercial avocation, and the representatives of the people are occupied in enriching you alone, or in repairing the injuries you have done us. You have been the enemies of the republic, and the republic answers you with benefits, with a navigation act, which will amend your errors and your crimes, while in time, a decree already projected, is about opening, in all the departments, canals for interior navigation, and proscribing all gewgaws, all the miserable wants of luxury, all merchandises manufactured by our irreconcilable enemies, the English. Let us have sufficient strength of mind, of patriotism, to become ourselves, by our own consumption, the first benefactors of the national manufactures; let us multiply, let us bring our fabrics to such perfection as to render the wants of other nations tributary to us; let us multiply them in order to diminish those of Batavia, and of Breton. Such ought to be the result of the navigation act, until that desirable epoch, when all the other European nations, having also their navigation acts, in virtue of their natural rights, shall force England to revoke hers, and to restore to the seas and to commerce that latitude and liberty which nature, the true policy of empires and justice, assigned to them.

Let Carthage be destroyed! Thus did Cato conclude all his speeches in the Roman Senate. Let England be ruined, annihilated! This should be the concluding article of every revolutionary decree of the National Convention of France.

The following are the projects of decrees which the committee of public safety present to you.

DECREE OF A NAVIGATION ACT.

The National Convention, after having heard the report of the committee of public safety, decree:

ARTICLE I. That the treaties of commerce and navigation existing between France and the Powers with whom she is at peace, shall be executed according to their form and tenor, without derogating therefrom by the present decree.

ARTICLE II. That, after the first of January, 1794, no vessel shall be reputed French, nor have a right to the privileges of a French vessel, unless she shall have been constructed in France, or in the colonies and other possessions of France, or declared to be a lawful prize taken from the enemy, or confiscated for contravening the laws of the republic, if she does not belong entirely to Frenchmen, and if the officers and three-fourths of the crew are not Frenchmen.

ARTICLE III. That no foreign commodities, productions, or merchandises, shall be imported into France, or into the colonies and possessions of France, except *directly* by French vessels, or vessels belonging to the inhabitants of the country of which they are the growth, produce, or manufacture, or of the ordinary ports of sale and first exportation; the officers and three-fourths of the crews of such foreign vessels being of the country under whose flag the vessels sail; the whole under the pain of confiscation of the vessel and cargo, and a fine of three thousand livres, jointly and severally, against the owners, consignees, and agents, of the vessel and cargo, captain and lieutenant.

ARTICLE IV. That foreign vessels shall not transport, from one French port to another French port, any commodities, productions, or merchandises, of the growth, production, or manufacture, of France, the colonies or possessions of France, under the penalties contained in Article III.

ARTICLE V. That the tariff of the national custom houses shall be reformed and combined with the act of navigation, and the decree which abolishes the duties between France and the colonies.

ARTICLE VI. That the present decree shall, without delay, be solemnly proclaimed in all the ports and commercial cities of the republic, and notified by the minister of foreign affairs to the nations with whom the French nation is at peace.

DECREE RELATIVE TO THE LICENCES OF VESSELS UNDER THE FRENCH FLAG.

The National Convention, after having heard the report of the committee of public safety, decree:

ARTICLE I. That the licences of vessels under the *French flag* shall be, in three days, reckoning from that of the publication of the present decree, for those which shall be in the ports, and in eight days from the arrival of those which shall enter, reported and deposited in the office of the national customs, together with the proofs of ownership. The unloading and departure of every vessel shall be deferred till after the delivery of an *act of francisation*.

ARTICLE II. That every owner, on presenting a licence and title of proprietor of a vessel, shall be bound to declare, before a justice of the peace, and to sign on the register of French vessels, that he is owner of the vessel; that no foreigner is interested therein, directly or indirectly; and that her last cargo, arrived from the colonies or French settlements, or her present outward bound cargo for the colonies or French settlements, is not an armament on commission, nor foreign property.

ARTICLE III. That, if the owner does not reside in the port in which the vessel lies, the consignee and the captain shall give security conjointly and individually, to report, as soon as may be, the proofs of ownership, and a declaration attested and signed by the true proprietor of the vessel and cargo.

ARTICLE IV. That, if the property of the vessel, and also that of the cargo for the commerce between France, her colonies, and settlements, is not proved to be French by title and under oath, the vessel and cargo shall be seized, confiscated, and sold, and one half of the product given to the informer.

Report on a project of an act of navigation of the French republic, presented to the National Convention the 3d of July, 1793, in the name of the Committees of Marine, of Commerce, and of Public Safety, by Peter Marec, Deputy from Finistère, printed by order of the National Convention.

CITIZEN LEGISLATORS:

You have referred to your diplomatic committees of marine and commerce united, the proposition made in your body, the 20th of May last, to present to you, without delay, a project of an act of navigation.

This object, so worthy of the meditation of a republican legislator, has not been overlooked by your committee of public safety. In the report they made to you on the 29th of May, on the state of the French republic, they traced to you in general the invaluable advantages which would result to her from a measure, which, having been adopted by England a century and a half ago, has been the most fruitful source of the prosperity of that rival Power. But in a question of this nature, general considerations and observations hastily made, are insufficient to impress conviction on every mind.

Your marine committee has been employed in collecting such ideas and elements as might completely enlighten you on the importance of a navigation act, and finally determine you to establish, at the side of the political constitution of the empire, this first basis of her commercial constitution. They could not unite, according to your views, with the diplomatic committee, which has not been renewed since the suppression of the committee of general defence; but they have concerted with those of commerce and public safety, and it is in the name of these three committees that I come to present to you the result of their deliberations.

The principal end of the navigation act which we propose, is to destroy the interposition of all *indirect* navigation, in the maritime transportation of our articles of exchange with foreign nations, and in fine to put a stop to that intermediate carrying trade, so prejudicial to our commerce and marine, which hitherto has rendered us benevolent tributaries of all the maritime Powers of Europe. This act has also for its object, to reserve to the national vessels the exclusive privilege of transporting the same articles of exchange from one port of the republic to another.

This double prohibition is doubtless contrary to the principles of an indefinite commercial freedom; but such freedom, perhaps, would not agree with the system of an universal republic; and it is conceived that the republic of the human race will be still more difficult to realize than that of Plato. It is then our wisdom not to allow ourselves to be dazzled by the brilliant imaginations of political writers, and who warp the light of reason and experience in their specious arguments and pompous theory. It is from the example of the great nations who surround us, from that nation especially, who first knew how to apply to her navigation prohibitory regulations; it is from that source we ought to derive rules for our conduct, if we have at heart the true prosperity of our country.

France, taken in a commercial point of view, is the richest entrepôt of the universe; she is also the market which offers the most consumers and vent for the industry of other nations. Whence does it happen that, with so many resources and wants, with such abundance of territorial commodities, productions, and merchandises; with the habit of consuming such great quantities of the commodities, productions, and merchandises of foreigners, her navigation has hitherto been so languishing, her commercial marine so pitiful, so altogether destitute of the advantages which are its inherent right? Whence does it happen that the flag of her most formidable enemies has almost exclusively figured in her commercial relations? Because she was destitute of a navigation act; because a false, timid, and frivolous policy, knew not how to produce, or did not dare to borrow, from a great nation, proud of its wealth and of its credit, this valuable system, which has contributed more to the power of that nation, than all the victories of its admirals.

In a word, it is time that the French nation should know all her advantages, and how to profit of them. It is time for her to repair all the injury she has sustained, in this respect, through the ignorance or criminal indifference of an oppressive Government, more careful of preserving, at any price, its despotic authority, more occupied in diplomatic intrigues or fiscal operations, more tenacious in maintaining the false splendor of a throne at the expense of the true interests of the people, than attentive to render productive, by every means in its power, their agriculture, their commerce, and their industry.

Doubtless there never was a more favorable occasion for procuring to our country the benefit of a navigation act. Numerous republican armies, familiarized with victory, being now fighting for her independence and her liberty, against the very Powers who are most interested in preventing us from enjoying such an act. Before the war, it might have been sufficient for us to have made such an act merely with regard to England; such was the effect on Holland, when Oliver Cromwell, in 1651, had a decree passed by the British Parliament.

At that epoch, according to the inquiries of one of our countrymen, the best informed of the present day, in the knowledge of our true commercial and political interests, (citizen Ducher*) the maritime commerce of the English did not consist of more than 96,000 tons of transports; in 1790, it rose to more than 800,000 tons.

Again, at that epoch, according to the interesting report presented to the constituent assembly, on this subject, by citizen *Delattre*, "one half of the navigation of England was carried on by foreigners. England has imperceptibly retaken her rights; towards the year of 1700, foreigners possessed no more than the *fifth part* of this navigation; in 1723, only a little more than the *ninth*; in 1750, a little more than a *twelfth*; and in 1791, they possessed only the *fourteenth part* of it."

Our navigation, a year ago, was, in regard to foreign nations, still more unfavorable than the English navigation of 1651. Permit me here to give, in a concise manner, the striking calculations which were laid before you on this subject, in the month of December last, by the ex-minister of the home department, in the table containing the amount of the exterior commerce of the republic of France.

* If the Convention pass the present project of a navigation act into a decree, the country will be under obligations to citizen Ducher, who, for upwards of two years past, has endeavored to obtain the adoption of this plan with indefatigable perseverance, as well in committees of the National Assembly, as by the publication of his writings. This is an act of justice which affords me pleasure publicly to render to that excellent citizen.—*Note by M. Marec.*

The maritime transportation of our exchange with the Europeans, the Levant, the Barbary States, and the Anglo-Americans, estimating on a mean year, from 1787 to 1789, inclusive, has employed in the whole, 16,225 vessels, measuring 1,184,170 tons, which, taking one with another, at 36 livres the ton, would produce 42,630,120 livres of freight.

There have been employed in this transportation, during the same period, only 3,763 French vessels, measuring, in the whole, 295,251 tons, making, at the same rate, 10,808,316 livres of freight.

That is to say, the French flag has appeared to come in for only a little more than *two-tenths*, whilst the English flag has participated therein to nearly the amount of *four-tenths*, and that of other nations in the remaining *four-tenths*.

In the first six months of 1792, in near six thousand vessels, measuring 500,000 tons, which have been, in like manner, employed on our commercial imports and exports to and from the same people, the French had but *three-tenths* of the total mass, whilst the vessels of England and Holland, and the Hanseatic Towns, had *four-tenths*, and the vessels of other nations the remaining *three-tenths*.

If we view this navigation under another aspect, that of our direct relations with each of the European States, of the Levant, Barbary, and North America, it will be seen, that, during the same time, (taking the mean year of 1787 and 1789 inclusively) there have been mixed in the maritime transportation of our exchanges; with Spain, one hundred and ninety-nine vessels other than French or Spanish, deduction being made of the foreign vessels who might have intermeddled in this carrying trade, under either of the two flags. With Sardinia, 269 vessels, also intermedial. With the republic of Genoa, 261 similar vessels. With Holland, 253 similar vessels. In a word, with all the States of which I have spoken, 2,368 vessels, employed in indirect commerce, and whose tonnage amounts to 250,600 tons; which, valued at thirty-six livres per ton of freight, one with another, amount to 8,301,600 livres, carried off with impunity, in one year, from our carrying trade, merely from the want of a navigation act in France, without counting upon the considerable advantages which would otherwise result from it, for her industry and commerce, for ship building in her ports, and for the employment of the whole, or even the half of these 2,368 intermediate vessels.

It must then appear plainly to the conviction of every person, that nothing would contribute more to the prosperity of our navigation, and consequently to every branch of our commerce and industry, than the adoption of an act, which, by severely excluding all foreigners who hitherto have forcibly taken from our fellow-citizens the richest portion, if I may so express myself, of their patrimony, would in the same proportion increase the amount of their direct relations with foreign nations.

Let us hasten, then, citizens, to restore to our country all her rights, by adopting, in this respect, a grand system, worthy of all that we have done for liberty.

If, at the epoch at which I now speak, our navigation is proportionally more languishing than that of England was, when the genius of Cromwell gave her that so renowned act, let us hope that, by consecrating it in our maritime legislation, our navigation will in a short time acquire the same degree of splendor as that of our rivals. With more than two hundred and fifty leagues of coast on the ocean, and the channel, and more than one hundred on the Mediterranean, with ports as secure, as extensive, and commodious, with an infinite number of havens, of dock yards, of manufactures of every kind, with an immensity of people, as enterprising as industrious, with incalculable territorial riches, and a mass of colonial commodities superior to that of all the Powers of Europe united, and above all, with a free and republican constitution, let us hope that France, freed from the yoke of the feudal system, and that of the fiscal, inseparably connected with it; delivered from her kings, her nobles, her priests; raised to the happy condition of depending on those laws only, which are made by herself, and not obliged to receive them from any Power on earth; let us hope, I say, that, in such a state of things, France, with an act of navigation, would behold the rapid envelopment of all the seeds of public and private prosperity which she contains in her bosom. Let us also hope that the decree you are about to pass, will prove more efficacious for your obtaining a peace with the belligerent maritime Powers, than if they were to lose one hundred of their best vessels; and as to those, who at this moment preserve a circumspect neutrality towards you, be persuaded that the inevitable effect of your navigation act will be the attaching of them to you by indissoluble ties. All will be eager to seek an alliance with that European Power, from whom they will derive most benefit, by the suppression of indirect navigation, and the immensity of its consumers. Every one, from the moment of the promulgation of your decree, will pray, and perhaps make use of secret efforts for procuring you an advantageous peace, which, doubtless, at present, they have some interest in preventing; and besides, your independence, your political liberty, the establishment of your republican constitution, will be to them, as much as to yourselves, a subject of triumph and general victory.

The navigation act, as I have already said, is the basis of the commercial constitution of the republic; or rather, it is in this respect, a true constitutional act. All the other laws upon maritime navigation, should only be viewed as corollaries of this act, provisions as to the manner of its execution; in a word, merely regulating laws.

The latter may be successively presented to you by your committees. The most interesting of these are relative to the tonnage of vessels, upon the means of multiplying ship building, and of bringing them to more perfection; upon the forms of licences and passports; upon the means of discovering and preventing *francisations*, *stimules* &c.; and above all, upon a better tariff of rates of navigation, without which, the constitutional act, in this respect, cannot produce all the effect which we have a right to expect from it.

Your committee will now confine itself to laying before you the project of that act. By prohibiting all intermediate navigation between you and each foreign nation, it extends this prohibition, not only to the transportation of the commodities, merchandises, or productions imported, of their growth, production, or manufacture, but also to the transportation of those imported from the *ordinary ports of sale*, and of the first exportation. It is necessary that such a prohibition should be as extensive as it could be made, without which a navigation act would become a mere illusory measure. The English, from whom we borrow this system, have given it that extension; and, indeed, they are to be applauded for it.

The necessity of determining the requisite qualities for enjoying the privileges of a *French vessel*, that is to say, for the exclusive admission to carry on our direct navigation, in concurrence with the vessels of the people, from whom we draw our articles of supply; this necessity, I say, was an immediate consequence of the prohibition of all indirect navigation. The project of the act regulates these qualities; it also determines the only evidence by which we could know the vessels of the nation with whom we may trade; and it is easily perceived, that, if we did not impose, in this respect, those conditions which are most conformable to our interest, every day crowds of intermediate vessels would borrow the flag of such nation, and we should have employed but half the means for abolishing indirect navigation. Besides, these conditions have a tendency to favor the direct navigation and commerce of such nation. By them it is put in the happy necessity, of multiplying, by every means, its ship building, nautics, and maritime population; and if, in the meanwhile, its own vessels and mariners are insufficient for the exportation of its commodities and merchandises, then it belongs to us alone to supply that deficiency, and our navigation would then receive a further increase from this source, and our commerce an additional degree of prosperity.

Thus every thing concurs, citizens, to induce you to adopt the project of the navigation act, which I am instructed to present to you. It is a national right you are about to proclaim, after having solemnly recognized the sacred rights of man and of citizen, and founded the freest constitution under the globe.

If all nations ought to recognise the equality, the liberty of nature, and the safety of society, in the exposition of the doctrines of that immortal declaration, all the maritime nations ought to recognise the rights of property in the dispositions of our navigation act. Would to heaven that all had the courage or the wisdom to follow our example. Then there would be no exclusive privilege between one nation and another; and were the act of navigation adopted by all the maritime Powers of the globe, it would in some degree realize that indefinite commercial liberty, which without doubt is the first element of commerce, but which at present in particular, is not suitable to the interests of any commercial nation.

With so many powerful inducements to decree an act of navigation, you doubtless will not, in the existing circumstances, be withheld by the apprehension that such a disposition would injure the obtaining of supplies for the republic which they are obliged to draw forth from foreigners. It is an acknowledged principle with the English themselves, and constantly practised among them, that, in time of war, neutral vessels are excepted, of right, from the dispositions of the navigation act. This act, therefore, will not add to those restrictions which the maritime war at present imposes on the maritime transportation of our exchanges or of our supplies; and neutral vessels will continue to bring us every thing which we dare not confide to our own.

Neither will you be deterred by an apprehension of injuring the personal interests of some hundreds of cosmopolite capitalists, of selfish commissioners, for whom the want of a navigation act in France, has been the principal, the most fruitful source of their colossal fortunes. The general interest of the country, that of her laborers, of her manufacturers, of her artists, of her seamen, her merchants, and all her *sans culottes*, to whom you will assure employment and bread—these reasons should determine you; these reasons should influence you exclusively in your deliberations. All will bless you; all will look upon the act of navigation as one of the most precious gifts you could bestow on your countrymen, next to the constitutional charter which you have just digested. When Oliver Cromwell had, through the medium of his parliament, established a navigation act, all the ports of England manifested, by illuminations, the joy which that memorable act gave them; and the English people forgot for a moment, that they received this gift from the hand of a tyrant. How great, then, ought the transports of our fellow citizens to be, when they receive your decree from the same hands which have given them the declaration of rights and the French constitution!

May France be enabled, in the end, therefore, to boast also of having a navigation act; may it henceforward be the basis of her policy, as it is about being that of her commerce. May she soon become more rich, more flourishing, more happy, than she has been under the most brilliant reigns of her despots, and never treat with foreign Powers, without her constitution in one hand, and her navigation act in the other; and astonished Europe will doubtless see her merchants become, one day, her only ambassadors, like those of London and Amsterdam formerly, negotiating at foreign courts the most important interests of their country; and, after having weighed the destinies of the two worlds, and secured the prosperity and glory of their country, reassuming the peaceable pursuits of commerce.

The following is the project of the decree.

ACT OF NAVIGATION OF THE FRENCH REPUBLIC.

The National Convention, after having heard the report of their committees of marine, of commerce, and of public safety, considering that the French nation has the incontestable right of securing, by every method, the prosperity of her agriculture, commerce, and industry; that nothing has a more direct tendency to this end, than a navigation act; and that, in the solemn declaration of this act, she only makes use of the same right which she acknowledges to belong to all other nations, decrees as follows:

ARTICLE I. That no foreign commodities, productions, or merchandises, shall be imported but *directly* by French vessels, or those belonging to the inhabitants of the country of which they are the growth, produce, or manufacture, or to the inhabitants of the country of the ordinary ports of sale and first exportation; the officers and three-fourths of the crew of a foreign vessel, being of the country whose flag the vessel bears; the whole, on pain of confiscation of the vessel and cargo, and a fine of three thousand livres, jointly and severally against the owners, consignees, and agents, of the vessel and cargo, the captain and lieutenant of the vessel.

ART. II. That foreign vessels shall not transport, from one French port to another French port, any commodities, productions, or merchandises, of the growth, produce, or manufacture, of France, the colonies or possessions of France, under the penalties declared in article 1st.

ART. III. That, after the 10th of August next, no vessel shall be reputed French, nor enjoy the privileges of a French vessel, unless such vessel shall have been built in the colonies or possessions of France, or declared a good prize taken from an enemy, or confiscated for contravention of the laws of France, and unless the officers and three-fourths of the crew are Frenchmen.

3d CONGRESS.]

No. 79.

[1st Session.]

FRANCE.

Message from the President of the United States, communicating certain letters from the Minister Plenipotentiary from the French republic.

Gentlemen of the Senate
and of the House of Representatives:

UNITED STATES, February 7, 1794.

I transmit to you certain letters from the minister plenipotentiary of the French republic to the Secretary of State, enclosing despatches from the general and extraordinary commission of Guadeloupe.

GEORGE WASHINGTON.

Le Ministre Plenipotentiaire de la republique Française, à Monsieur Randolph, Secrétaire d'Etat des Etats Unis.

PHILADELPHIE, le 11^e du 5^e mois,
Nivose l'an second de la republique Française, une et indivisible. }

MONSIEUR:

La commission générale et extraordinaire de la Guadeloupe, m'a invité à remettre au Gouvernement Federal la dépêche ci jointe, dont elle m'a envoyé copie, je m'empresse de vous la faire parvenir.

J'y joins une copie de la dépêche que ce même corps colonial m'a écrite. Vous verrez, monsieur, dans l'une et dans l'autre, l'expression de l'amitié et de l'union, dont je vous ai toujours donné les assurances les plus vraies, au nom de la totalité de la nation Française; vous y verrez aussi ce que l'on attendait des Etats Unis dans cette isle.

Je m'étais décidé, depuis l'assemblée du corps législatif, à attendre dans le silence le dévouement de toutes les questions que j'ai eu l'occasion de discuter avec monsieur votre prédécesseur; cependant, je ne laisserai pas échapper ce moment sans vous prier de remettre sous les yeux de monsieur le Président des Etats Unis, la situation critique ou sont nos isles du Vent, les seules ressources aujourd'hui du commerce de notre république, à la veille d'une attaque de l'Angleterre, et manquant de munitions de guerre et de bouche. Un incident m'a mis entre les mains quelques moyens de remplir sur le champ les besoins de la plus grande urgence, est sans cet incident, monsieur, notre colonies allaient manquer de tout. Ces moyens sont bornés; et bientôt les embarras renaîtront si le Congrès ne décide pas finalement sur le mode de remboursement que je suis chargé de proposer aux Etats Unis.

Agréez mon respect,

GENET.

[TRANSLATION.]

The Minister Plenipotentiary of the republic of France to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 11th of the 5th month, Nivose, 2d }
year of the French republic, one and indivisible. }

SIR:

The General and Extraordinary Commission of Guadeloupe having requested me to transmit to the Federal Government the enclosed despatch, of which they have sent me a copy, I hasten to communicate it to you.

I also enclose a copy of the despatch which this same colonial body wrote to me. You will see, sir, in both, the expression of friendship and union of which I have always given you the truest assurances, in the name of the whole French nation; you will likewise see therein what is expected of the United States in that island.

I had determined, since the meeting of the legislative body, to wait in silence the unravelling of all the questions which I have had occasion to discuss with your predecessor. However, I shall not let this moment escape without requesting you to lay before the President of the United States the present critical situation of the Windward Islands, now the only resources of the commerce of our republic, on the point of being attacked by England, and without warlike stores and provisions. Accident has put in their power some means of supplying immediately their most urgent wants; and had it not been for this, sir, our colonies would have been destitute of every thing. Those means are limited; and the embarrassments will return, if Congress do not decide definitively on the mode of reimbursement which I am instructed to propose to the United States.

Accept my respect.

GENET.

La Commission Générale et Extraordinaire de la Guadeloupe, au Ministre de la republique près des Etats Unis.

BASSETTERRE, le 6 Brumaire, 1793, l'an 2^e de la republique Française.

CITOYEN:

La colonie de la Guadeloupe débarassée depuis six mois de ses tyrans, est restée presque seule au milieu des Antilles, à l'abri des grands malheurs irréparables des révolutions et des attaques ouvertes des ennemis du dehors. Vous sentez combien cette île fertile doit être précieuse pour la métropole dans l'heureuse situation où elle se trouve encore; mais l'orage gronde autour d'elle, et la gloire de la sauver semble vous être réservée. Ami de la révolution, et ministre de la republique auprès d'un peuple magnanime dont la liberté fut cimentée du sang Français, nous devons tout attendre de votre influence sur les magistrats des Etats Unis. Loin de nous l'idée de les entraîner au-delà de la ligne de leur bonheur. Nous ne voulons pas acheter sûreté au dépens du repos de nos frères d'Amerique. Nous ne réclamons que les droits que nous croyons avoir à leur reconnaissance, et les secours qu'ils pourront nous donner sans nuire à leurs propres intérêts. Puissent ils d'accord avec les vœux de nos cœurs, sentir qu'ils n'en ont pas de plus grand, que de resserrer plus que jamais les liens qui unissent la Nouvelle Angleterre à la France. Pour nous, nous ne cesserons jamais de les regarder comme les vrais alliés de notre nation, et ils trouveront toujours dans les colons de l'Amerique des frères, prêts à voler à leur secours, si jamais ils avaient encore besoin de nous.

Salut Citoyen.

La commission générale et extraordinaire de la Guadeloupe.

Signé.

LACHARRIERE, Président.

KAIO, Secrétaire.

POHL, Secrétaire.

Certifié conforme.

GENET.

The General and Extraordinary Commission of Guadeloupe to the Minister of the republic to the United States.

CITIZEN:

The colony of Guadeloupe, relieved for six months past from its tyrants, remains almost the only one in the midst of the Antilles which has been protected from the irreparable misfortunes of revolutions, and the open attack of enemies from without. You perceive how precious this fertile island ought to be to the metropolis, from its present happy situation. But the storm lowers upon it, and the glory of saving it seems to be reserved to you. From you, who are a friend of the revolution, and the minister of the republic to a magnanimous People, whose liberty has been cemented by French blood, we may expect every thing, through your influence on the magistrates of the United States. Far be it from us to draw them beyond the line of their happiness. We would not purchase safety at the expense of the repose of our American brethren. We claim nothing but the rights which we believe we have upon their gratitude, and the succors which they can afford us, without injuring their own interests. May they, uniting in the wishes of our hearts, feel the strongest zeal to draw closer than ever the bands which connect New England to France. As for ourselves, we shall never cease to regard them as the true allies of our nation; and they will always find the colonists of America to be their brothers, and ready to fly to their aid, if they should stand in need of us. Health to you, citizen.

The General and Extraordinary Commission of Guadeloupe.

LA CHARRIERE, President.

KAIO, Secretary.

POHL, Secretary.

BASSETTERRE, November 6, 1793, in the 2d year of the French republic.

A true copy:

GENET.

E. Randolph, Esq. to M. Genet.

PHILADELPHIA, February 3, 1794.

SIR:

It is unprecedented, that the Executive of the United States should transmit to Congress a paper, the contents of which are not open to his perusal. The letter addressed to that body, and superscribed as coming from the General and Extraordinary Commission of Guadeloupe, being sealed, I do myself the honor of requesting a copy of it; and, in the mean time, I shall direct the other papers to be translated.

I have the honor, &c.

EDM. RANDOLPH.

The Minister Plenipotentiary of the republic of France.

Le Citoyen Genet, Ministre Plenipotentiaire de la republique Française près des Etats Unis de l'Amérique, à Monsieur Randolph, Secrétaire d'Etat.

PHILADELPHIE, le 15^{ème} jour de Ventose, de la 2^{ème} année de la republique Française, }
une et indivisible. (4 Février, 1794, vieux style.) }

MONSIEUR:

Vous trouverez sous ce pli la copie que vous desirez de la lettre que la commission générale et extraordinaire de la Gaudeloupe m'a proposé de faire parvenir aux representants du peuple Américain.

Je me suis prêté avec plaisir à cette démarche, parcequ'il m'a semblé que, dans les circonstances présentes, tout ce qui pouvoit convaincre les Etats Unis de l'attachement inébranlable et des attentes motivées de toutes les parties de la republique indivisible des Français, ne pouvoit qu'être utile aux intérêts respectifs de nos deux peuples. Les circonstances d'ailleurs ne justifient que trop les demandes pressantes que la Gaudeloupe s'est permis de faire par mon entremise au corps federal. Cette colonie a eu connoissance des ordres qui m'ont été donnés par le conseil exécutif relativement aux approvisionnements des Antilles; je l'ai informée des obstacles qui m'avoient empêché de les exécuter, et alarmée du danger que ce contre-tems faisoit courir à une source de richesses aussi précieuse pour la France que pour les Etats Unis. Elle s'est fait un devoir de vous presenter sa situation sous les couleurs les plus vives, les plus patriotiques et les plus propres, à refuter tous les absurdes mensonges que répandent dans votre continent des hommes malveillans qui n'ayant point eu la sagesse d'attendre à l'exemple de la grande majorité des habitants des isles du Vent que le flambeau de l'expérience ait éclairé l'esprit philosophe qui préside à notre révolution, ont aggravé eux mêmes leurs maux par une résistance criminelle aux lois, et se sont précipités dans un abyme profond, plutôt que de faire quelques legers sacrifices aux préjugés et à l'orgueil.

Agrezé mon respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France to the United States of America, to Mr. Randolph, Secretary of State.

PHILADELPHIA, the 15th day of Ventose, of the 2d year of the republic }
of France, one and indivisible. February 4, 1794, (O. S.) }

SIR:

You will find under this envelope, the copy which you desire of the letter of the General and Extraordinary Commission of Guadalupe, proposed to me to have transmitted to the representatives of the American People.

I with pleasure complied with this method, because it seemed to me, that, in the present circumstances, every thing which might convince the United States of the unshaken attachment, and of the expectations discovered by all parts of the indivisible republic of France, could not but be beneficial to the respective interests of our two nations. Besides, circumstances but too much justify the pressing demands which Guadalupe has permitted itself to make through me to the legislative body. That colony has had information of the orders which have been given to me by the executive council, relative to the supplies for the Antilles. I have informed them of the obstacles which prevented me from executing them; and, alarmed at the danger in which this disappointment placed a source of riches, as precious to France as to the United States, they have conceived it a duty to present to you their situation in colors the most lively, the most patriotic, and the most proper to refute all the absurd falsehoods spread through your continent by malevolent men, who, not having had the wisdom to wait for the example of the great majority of the inhabitants of the Windward Islands, whom the torch of experience had enlightened with the philosophical spirit which presides over our revolution, have themselves aggravated their misfortunes by a criminal resistance to the laws, and precipitated themselves into a profound abyss, rather than make some trifling sacrifices to pre-judice and pride.

Accept my respect.

GENET.

La Commission Générale et Extraordinaire de la Guadeloupe, au Congrès des Etats Unis de l'Amérique.

BASSETTERRE, le 6^{ème} 1793, l'an second de la republique Française.

CITOYENS REPRESENTANS:

Une immense conjuration s'est formée contre la république Française. L'honneur et le droit des gens ont été mis à l'écarte. Les neutres mêmes ne sont pas respectés. Votre pavillon surtout loin d'être une sauvegarde assurée, n'est plus que le jouet de la cupidité et de la fureur de nos ennemis. C'est que dans ce système de guerre, ce ne sont plus les vieilles querelles des cours qui ont mis les armes à la main; elles ont tout oublié, tout sacrifié pour se réunir en étouffant dans sa naissance la liberté d'un grand peuple qui est au centre de ce continent, et qui fait ombre à leur ambition: et c'est l'Angleterre, qui dans la noble politique, dont elle s'honore, a préparé, depuis long temps, et a achevé ce plan de destruction; tant est factive et faux l'esprit de liberté, dont ce Gouvernement amuse le peuple Anglais.

Aussi en avez-vous été forcé de secourir le joug; et l'eussiez vous fait si le Gouvernement étoit juste?

Cependant les Français vous ont secourus dans cette importante occasion, quelque soit le motif que ait pu déterminer alors une cour rivale de la puissance Anglaise.

Le bien que l'interité établit alors, la franchise et l'amitié l'ont resserré dans le nouveau Gouvernement des Français. Déjà ils vous ont donné des témoignages de cette affinité qui doit réunir des républicains: et quoiqu'on fasse, un jour l'on sentira le prix de l'amitié du peuple Français, et ceux qui y auront les premiers droits, seront sans doute ceux qui l'auront aidé dans l'adversité, et dans le grand acte de sa régénération. En vain tous les efforts des puissances conjurées minent au dedans et au dehors les fondemens de son nouveau Gouvernement. La France veut être libre et republique; elle le sera, et ces puissances éprouveront elles mêmes la ruine et la dissension qu'elles apprennent à la France.

Américains du nord! Vous n'en êtes pas à faire ces reflexions. La politique d'un peuple vraiment libre n'est pas fascinée par les combinaisons des cabinets; elle est ostensible et franche; elle consiste dans les droits des nations unies. Déjà la France n'a pas attendu les effets de votre assistance pour vous traiter en freres et amis. L'adresse qu'elle vous a fait ne respire que la loyauté en le désintéressement; elle offre tout à votre avantage, et elle n'a en vue aucune recompense; elle vous présente une pacte et une communauté de commerce. Le décret que la convention a rendu pour vous affranchir des droits de domaine et vous assimiler aux nationaux, est le gage de sa sincérité. La convention vous a donc indiqué l'intérêt que vous avez à ses colonies. Vous devez donc à titre, d'allié, et à titre d'associé, garantir ces possessions précieuses de la cupidité de nos ennemis et des vôtres.

Depuis la déclaration de la guerre, nous avons adressé au ministre de France près des Etats Unis la demande des diverses secours qui nous étoient nécessaires; le ministre de marine y avait autorisé. Cependant rien ne nous est parvenu. Nous sollicitons des secours en vivres, en munitions, et en hommes même. Quoi! Lorsque l'Angleterre, voyant pour la première fois, flotter le pavillon blanc parmi ses vaisseaux, venoit prendre possession des colonies Français au nom d'un roi sans état, l'Amérique du nord témoin de cette perfide politique, ne pourroit prêter main-forte contre une indigne trahison, au nom d'un republique maîtresse d'un territoire et d'une population immense. Nous n'avons donc pas cru, dans une hypothèse semblable, déroger au droit des nations et à notre fidélité Française en invoquant des secours en hommes. La foi des republicains nous suffit.

Quant aux secours en munitions de toute espèce, c'est une dette à liquider, et le ministre de la marine l'indiquait dans sa lettre du 2 Février, adressée à St. Lucia. Nous avons écrit de concert avec le Général Collot au délégué de France près de vous. Nous ferons aujourd'hui une démarche plus directe et plus franche, en partants immédiatement au Congrès; c'est pour appuyer la demande faite au ministre et dont il doit notifier les articles. Nous pensons que cette preuve de confiance et de loyauté, égale dans les Français de la métropole et des colonies, agira efficacement auprès des Etats Unis, et que si les liens de la fraternité attachent à jamais nos deux nations, de même les rapports précieux du commerce ne manifesteront plus qu'une même esprit et un même intérêt entre les republicains de l'Amérique du nord et ceux de l'Amérique du sud.

Salut Citoyens Representans.

La Commission Générale et Extraordinaire de la Guadeloupe.

LACHARRIERE, *Président.*
KAIO, *Secrétaire.*
POHL, *Secrétaire.*

[TRANSLATION.]

The General and Extraordinary Commission of Guadeloupe to the Congress of the United States of America.

CITIZEN REPRESENTATIVES:

An immense conspiracy is formed against the republic of France. Honor, and the law of nations, have been put out of the question. Even neutral Powers have not been respected. Your flag, especially, far from being a sufficient safeguard, is no longer more than the sport of the cupidity and fury of our enemies. This is the system of war: they are no longer the old quarrels of courts, which lead them to take up arms; they have forgotten all, sacrificed all, in order to league together, and to stifle in its birth the liberty of a great People, who are in the centre of the continent, and who give umbrage to their ambition. And it is England, who, in the noble policy with which she honors herself, has for some time prepared and accomplished this plan of destruction; so factitious and false is the spirit of liberty with which that Government amuses the English people.

You have also been forced to shake off the yoke; and would you have done so, if the Government were just?

However the French succored you on this important occasion; whatever might have been the motives of determining, at that time, a court which was a rival of the English power; the connexion then formed, from interested motives, sincerity and friendship have bound more closely in the new French Government. They have already given you testimonies of that affinity which ought to unite two republican Governments; and whatever may be done, the value of the friendship of the French People will one day be experienced, and those who shall have the first right to it will, doubtless, be those who have aided them in adversity, and in the grand act of regeneration. In vain are all the efforts of the conspirators to injure within and without the foundation of their new Government. France wishes to be free, and to be a republic; she shall be so; and those Powers will themselves experience the ruin and dissensions which they prepared for France.

Americans of the North! You are not to apply these reflections to yourselves. The policy of a people truly free, is not to be fascinated by combinations of cabinets; it is ostensible and open; it consists in the rights of nations united.

Hitherto France has not waited the effect of your assistance as an inducement to treat you as brothers and friends. The address which she sent to you requires nothing but loyalty and disinterestedness; she offers every thing to your advantage, and has no reward in view. She presents to you a compact and commercial community. The decree which the convention has passed to enfranchise to you the rights of domain, and to assimilate you to the people of her own nation, is the pledge of her sincerity. The convention then indicated to you the interest which you have in her colonies. You therefore owe to justice, to allies, and to the title of associates, the guarantying of these precious possessions from the cupidity of our and your enemies.

Since the declaration of war, we have addressed to the minister of France with the United States, the demand of divers succors necessary for us. The minister of marine had authorized them. However, nothing has come to our hands. We now solicit succors of provision, ammunition, and even men. What! when England, seeing, for the first time, the white flag waving among her vessels, came to take possession of the French colonies, in the name of a king without dominions; and North America, witness to that political perfidy, not able to lend a helping hand against an unworthy treachery, in the name of a republic mistress of an immense territory and population! We have not, therefore, in such an hypothesis, conceived that we derogated from the law of nations, and our French fidelity, by invoking succor in men. The faith of republicans to us is sufficient.

As to the succors of ammunition of every kind, there is a debt to be liquidated, and the minister of marine pointed it out in his letter of 2d February, addressed to St. Lucia. We have written, in concert with General Collot, to the French minister residing with you. We now take a more direct and free method, by speaking immediately to Congress, in support of the requisition made to the minister, and of which he will notify the articles to you. We think that this proof of confidence and loyalty, the same in the Frenchmen of the metropolis as in the colonies, will operate efficaciously with the United States; and that, if fraternal connexions forever attach our two nations to each other, so also will our commercial relations no longer manifest but the same spirit, and the same interest, between the republicans of North, and those of South America. We greet you citizen representatives.

The General and Extraordinary Commission of Guadeloupe.

LA CHARRIERE, *Président.*
KAIO & POHL, *Secretaries.*

BASSETTERRE, November 6, 1793, 2d year of the French republic.

3d CONGRESS.]

No. 80.

[1st SESSION.]

GREAT BRITAIN AND SPAIN.

Message from the President of the United States, communicating information in relation to our affairs with Great Britain and Spain.

Gentlemen of the Senate

and of the House of Representatives:

UNITED STATES, February 24th, 1794.

The extracts which I now lay before you from a letter of our minister at London, are supplementary to some of my past communications; and will appear to be of a confidential nature.

I also transmit to you copies of a letter from the Secretary of State to the minister plenipotentiary of his Britannic Majesty, and of the answer thereto, upon the subject of the treaty between the United States and Great Britain, together with the copy of a letter from Messrs. Carmichael and Short, relative to our affairs with Spain, which letter is connected with a former confidential message.

GEO. WASHINGTON.

Mr. Pinckney to the Secretary of State.

LONDON, November 25, 1793.

DEAR SIR:

My last letters to you were of the 9th and 11th of the present month, since which I have received yours of the 7th and 11th of September; the former having been forwarded to me only a week ago. The bill sent to me by the cashier of the bank, drawn on Messrs. Bird, Savage, and Bird, for £1000 is accepted; the other, on Messrs. T. and F. Baring & Co. is noted for non-acceptance, of which circumstances, I have apprized our bankers at Amsterdam.

You will have received, long before this reaches you, my account of the issuing of the additional instructions; of the representations, both verbal and in writing, I made on the subject, with the reasons urged by this administration in defence of that measure; and now that, by your letter of the 7th of September, I am particularly instructed on that point, I shall reiterate a formal representation in writing; but having reason to be tolerably certain what the purport of the answer will be, I will not defer, on that account, giving you the substance of a conference I lately had with Lord Grenville. Having received authentic intelligence that the truce between the Algerines and Portuguese (of which I forwarded to you the first information I had received) had been negotiated by the British consul at Algiers, without the knowledge of the court of Portugal, and learning at the same time that the negotiation for peace with the Northwestern Indians had failed, I thought it my duty to obtain explanations on these subjects. (a.) I therefore turned the conversation to them, on Lord Grenville's expressing his satisfaction at hearing that the epidemical disorder in Philadelphia had nearly ceased, by expressing my gratitude for the interest he took in our welfare, and for his general professions of friendship to our country, and assured him of our earnest desire, that this friendship should be continued and augmented, as mutually beneficial. But I observed it was unfortunate that the circumstances which occasioned any material diminution of the prosperity of the United States, apparently originated from the measures of this country; that I had a well grounded hope, that it was not the intention of administration to do us injury; that I was certain it was not their interest so to do; but that people who felt grievances, who imagined they knew the parties from whom those grievances originated, and that those parties had it in their power to remove them, could scarcely view, with that eye of cordiality we mutually wished to promote, those who were the willing causes of their misfortunes: that the circumstances which were now particularly calamitous to the United States were, first, the Indian war, which I attributed to the detention of the posts; the second was, the letting loose the Algerines upon us, which I attributed to their consul, Mr. Logie; the third was, the interruption to our commerce and neutral rights, which I placed to the account of the measures of this country. I enlarged severally on these subjects, with such arguments as suggested themselves to me, and concluded, by expressing a reliance that this administration would not hesitate to relieve us from the inconveniences we felt in consequence of their measures. On the subject of the detention of our vessels with provisions bound to France, I mentioned, that as I was particularly instructed, I should offer a written representation; to which Lord Grenville said he would give an answer in writing. His Lordship, in answer to what I had advanced, stated that, with respect to the truce between the Portuguese and Algerines, this country had not the least intention or a thought of injuring us thereby; that they had been applied to by their friend and ally, the court of Portugal, to procure a peace for them with the Algerines, and that Mr. Logie had been instructed to use his endeavors to effect this purpose; that he, finding the arrangements for a peace could not immediately take place, had concluded the truce; that in this they conceived they had done no more than their friendship for a good ally required of them; but that the measure was also particularly advantageous to themselves, as they wanted the co-operation of the Portuguese fleet to act against their common enemy, which it was at liberty to do when no longer employed in blocking up the Algerine fleet. As I had stated that the court of Portugal had promised a convoy to the American vessels then in their harbors, he assured me that they would give no opposition to that measure. With respect to the posts, he observed, that the negotiation concerning to continue it; that this negotiation was not terminated; and he assured me that he continued to receive pressing applications from the commercial subjects of his Majesty, on account of the non-execution of the treaty on our part. He farther said, that if the measure of relinquishing the posts were to take place, their settlements would be exposed to the ravages, and themselves to the expense and disadvantages which I had described to be at present the case with us; for these reasons, he thought administration would not be justified in relinquishing the posts at this time; and expressed his regret, that Mr. Hammond had not been permitted by us, to enter into a negotiation for some arrangements relating particularly to the posts, and (as I apprehended him) Indian affairs, which, he had no doubt, would have terminated in our common advantage and mutual satisfaction; but that, when Mr. Hammond wished to open that business, he was given to understand (though in the most civil terms) that the less that was said on that subject the better. (b.)

The newspapers will convey to you all the public intelligence. The affairs of France appear to me to be conducted with great energy; but of that you will undoubtedly receive more accurate information than I can offer. The little republic of Genoa appears to have displayed more of the dignity of an independent State, and greater respect for her own and the neutral rights, than might have been expected from her position.

I remain, &c.

THOMAS PINCKNEY.

Mr. La Colombe, a friend and aid-de-camp of M. Lafayette, who served in America, and has considerable arrears of interest due to him, applied to me three months ago to procure his interest from Paris. I wrote to Mr. Morris, but have not received a line from him during that period; in the mean time, Mr. La Colombe fell sick, and was in great distress: I therefore have drawn upon our bankers for £100 for him, from the contingent fund, to be replaced from Mr. L's demand upon the public. I shall be obliged to you for your direction, in similar circumstances, should they occur. (c.)

Explication of the ciphers in Mr. Pinckney's letter of November 25, 1793.

(a.) That the real attention of this court towards us might be ascertained.

(b.) He was then proceeding to another point, but being unwilling that the extraordinary hint contained in what he had last said, should remain merely as a hint, I begged to detain him a little longer on that subject, and asked him explicitly, whether, in case we should comply with what they conceived to be the full execution of the treaty on our part, they would relinquish the posts to us? He answered, that in case one party to a treaty had deferred the accomplishment of their part of the obligation for nine years, whereby the complete execution could not afterwards be had, neither reason nor the law of nations would exact a strict compliance from the other party.

You will see by their last treaties, that they cannot now retract their instructions concerning the detaining of corn; neither do they appear to have the inclination. On the contrary, I am informed they meditate fresh embarrassments to our trade.

(c.) He produced to me a letter from Lafayette, desiring me to furnish him with money from the thousand pounds sent for him by the President.

The SECRETARY OF STATE.

Mr. E. Randolph to the British Plenipotentiary.

PHILADELPHIA, February 21, 1794.

SIR:

From a review of your letter to my predecessor, on the 22d day of November, 1793, it appears that you had not then received such definitive instructions relative to his communication of the 29th of May, 1792, as would enable you *immediately* to renew the discussions upon the subject of it.

Suspended as this negotiation has been for so long a time, I have it in charge from the President of the United States to repeat the inquiry, whether any instructions have been yet received by you, for pursuing those discussions? Permit me to hope for the honor of a reply at as early a moment as may be convenient.

I have the honor, &c. &c.

EDM. RANDOLPH.

P. S. I thank you for the communication of his Britannic Majesty's declaration which I have just received.

The Minister Plenipotentiary of Great Britain.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, February 21, 1794.

SIR:

In answer to the inquiry contained in your letter of this date, I have the honor of informing you, that I have not yet received the definitive instructions that, as I have before assured you, I expect to obtain, on the subject of the discussions to which you allude.

I have the honor to be, &c.

GEO. HAMMOND.

The SECRETARY OF STATE.

Messrs. Carmichael and Short to the Secretary of State.

ST. LORENZO, October 22, 1793.

SIR:

Immediately on receiving your letters by Mr. Blake, we did ourselves the honor of informing you of it by post on the 29th ult. and sent four copies of our letter via Cadiz and Lisbon. The Algerine cruisers having since passed the straits, the American vessels in those ports, by which the several copies of that letter would have been forwarded, will probably not put to sea. This suggests to us the idea of writing at present by the packet to Falmouth, to repeat to you the information of Mr. Blake's arrival here, although it is not in our power to add any of importance as to the subject of the letters received by him.

It was our intention that he should have left this place for Cadiz about this time, even if we received no written answer to our written communications on that subject made by our letter to M. de Gardoqui the 1st of this month. We were, according to custom, constantly assured that we should have it daily; but we did not think it would be proper, after your letter of the 12th of July, to keep him longer, as we knew, from the invariable form and constant usage in doing business here, that it might be, trained beyond all kind of calculation. Our determination in this respect has been changed by the Algerine cruisers. He would not consent, and indeed we could not expect it of him, to embark on board of an American vessel sailing from Cadiz or Lisbon, even if any should sail, whilst the Algerines are on that coast. We know of no other there destined for the United States, and therefore think it would be improper he should proceed to either of those ports on that contingency. We have written to Cadiz, Lisbon, and Bilbao, to obtain information on that subject; and shall decide according to what we may learn from thence. This will unavoidably delay his departure. We think it indispensable that you should be informed thereof, and shall, therefore, send different copies of this letter.

* [The mode of conveying this letter prevents our going into detail even by cipher. We think it, however, proper to mention to you, that, on our communicating to Gardoqui the subject of your despatches, he gave us the strongest verbal assurance, that it was not the intention of Spain to interfere, if war should take place between the United States and the Indians. He promised an immediate answer to that effect, to our letter of the first of this month to him. After delaying this in his way, from day to day, under the various pretexts of our letter being to be translated to present to the King, &c. he informed us, on the 19th instant, that at the moment he should have answered it, the Duke de la Alcuia had determined that it belonged to his [156 *ad menu*] and had, therefore, taken into his hands our letter, and the other papers, in order to give the answer, for which we were to [156 *ap seventy*] to him. This we accordingly did by our letter of the 20th instant; and are now expecting the answer. From experience we do not think the verbal assurances of Gardoqui sufficient to affirm to you what a written answer will be; it will be the same, however, from the Duke that it would have been from him. In the conversations which Mr. Carmichael has had with him, he has always found his sentiments consonant to the professions made by Gardoqui.]

We shall do ourselves the honor of writing to you again, without delay, and in the mean time beg you, &c.

WM. CARMICHAEL,
W. SHORT.

The SECRETARY OF STATE for the United States, Philadelphia.

* NOTE. The part comprised within brackets was written in cipher.

3d CONGRESS.]

No. 81.

[1st SESSION.]

FRANCE.

COMMUNICATED TO THE SENATE, FEBRUARY 26, 1794.

UNITED STATES, February 26, 1794.

Gentlemen of the Senate:

I have caused the correspondence, which is the subject of your resolution of the 24th day of January last, to be laid before me. After an examination of it, I directed copies and translations to be made, except in those particulars which, in my judgment, for public considerations, ought not to be communicated.*

These copies and translations are now transmitted to the Senate, but the nature of them manifests the propriety of their being received as confidential.

G. WASHINGTON.

Correspondence between the Minister Plenipotentiary of the United States, at the republic of France, and the Secretary of State, in the years 1792, 1793.

No. 1.

PARIS, June 10, 1792.

DEAR SIR:

I have the honor to acknowledge your favors of the 10th of March and 28th of April. My last was of the 25th of April.† As Mr. Short remained here until the 2d instant, and was better acquainted with the current transactions, I relied on him for the communication of them. He informed you that we obtained an interview with M. Dumouriez on the 15th of May. In this interview, he told me that he thought it was best that I should be presented to the King immediately, but yet my first audience did not take place until the third of this month. He apologized for this delay as proceeding from the state of public affairs, which kept him continually occupied and agitated. I shall have occasion presently to say something about them. In our first conversation, as a fair opportunity presented itself, I made use of it to tell him that, during my residence here in a private character, I had as well, from my attachment to the cause of liberty, in general, as to the interests of France, in particular, endeavored to effectuate some changes in the constitution, which appeared to me essential to its existence; that, being now in a public character, I thought it my duty to avoid all interference in their affairs, of which, from henceforth, I should be a mere spectator. I will not trouble you with repeating what passed at my reception by the King and Queen.

On the next day, I dined with M. Dumouriez, and delivered the letter from the President to the King, on his acceptance of the constitution, of which letter I had previously made a translation, to avoid mistakes of their agents, which are not uncommon. By the by, several members of the corps diplomatique have spoken to me on the subject of this letter, which has given them a high idea of the President's wisdom. I took occasion, according to your instructions, to mention the obnoxious acts of the late Assembly, both to M. Dumouriez and M. Bonne Carrée, his confidential Secretary. The latter told me that he coincided with me in opinion fully on that subject, but that nothing could be done till they brought the Assembly into more consistency. That they could indeed command a majority, but that they could not bring that majority into a support of other measures than those of the moment; that, however, we might digest the business, and put it in train. M. Dumouriez told me that his system of politics was extremely simple; that a power so great as France stood in no need of alliances, and, therefore, he was against all treaties, other than those of commerce. That he would very readily enter with me into the consideration of a treaty of commerce, but wished me to defer it until he should return from the frontiers.

In order that you may fully understand the facts which I shall have occasion to communicate, I think it most advisable to mention the state of affairs in this country, such as it appears to me. I shall avoid speaking of characters, for evident reasons. You are already informed, I suppose, of the reasons which led to a declaration of war against the King of Hungary, and you know that the hope of an insurrection in the Austrian Flanders was among those reasons. Indeed, the intention to excite it, and the efforts made to that effect, have (for the first time, I believe, in modern days) been publicly avowed. This hope has hitherto proved fallacious, and, indeed, as far as can be judged from the temper and character of the Flemish people, and from the information I have been able to collect, it seems to be the better opinion, that, however they may feel an aversion to the Austrian Government, they are still less disposed to that of France. There is, therefore, no probability of any capital diversion in that quarter, and the chance of it is daily decreasing, from two natural causes: First, that the French troops are extremely undisciplined, and, secondly, that the force of their enemies will soon receive very considerable additions. On the first of these heads, I need say nothing, since you will receive, from various quarters, the sufficient evidences. In respect to the latter, having combined all the intelligence which can be relied on, it results that, about the middle of next month, the allied armies will be one hundred and eighty thousand strong, exclusive of the French emigrants. It is doubtful whether these last will be permitted to act, and for the following reasons: First, it is not to be supposed that twenty thousand gentlemen volunteers, serving at their own expense, can be well disciplined; consequently, it is to be apprehended that they will be more injurious to their friends than to their enemies. Secondly, it is next to impossible that, in such a number, all irritated by injuries either real or supposed, there should not be some who will act more from motives of private vengeance than regard to public good; and it is certain that acts of cruelty and injustice will rather tend to prolong than terminate the contest, at least to give it that termination which they wish for. Thirdly, it is notorious that the great mass of the French nation is less solicitous to preserve the present order of things, than to prevent the return of the ancient oppressions, and, of course, would more readily submit to a pure despotism, than to that kind of monarchy whose only limits were found in those noble, legal, and clerical corps, by which the people were alternately oppressed and insulted. And this observation leads naturally to the object of the combined powers, which I conceive to be the establishment of a military Government on the ruins of that anarchic system which now prevails, and in the continuance of which no Power but England has any interest. The others, seeing that, without a counterpoise in the marine scale, Britain must possess the empire of the ocean, (which, in the present commercial state of the world, is a kind of universal empire) cannot but wish to re-establish this kingdom. But a great question occurs—What kind of Government shall be established? The emigrants hope for their darling aristocracy: but it can hardly be supposed that Kings will exert themselves to raise abroad, what they labor incessantly to destroy at home, and more especially, as the French Revolution having been begun by the nobles, the example will be so much the more striking, if they become the victims of it. But, if the allied monarchs have an interest in destroying the aristocracy, they have a much stronger and more evident interest in preventing a free and well poised system from being adopted. Such a system must inevitably extend itself, and force the neighboring Powers to relax from their tyranny. If the court of Berlin could have been insensible to this truth, in which it is so deeply interested, the zealous reformers here would not have permitted the Prussian ministers to slumber over their danger. The desire to propagate, and make converts to, their opinions has led them so far, that the quarrel which might have been only political, has become personal, and I have good reason to believe, notwithstanding the profound secrecy which is preserved respecting the designs of the grand alliance, that it is in contemplation to put all power into the hands of the King. Things have been prepared for that event by the inconsiderate partisans of liberty; in their eagerness to abolish ancient institutions, they forget that a *monarchy*, without intermediate ranks, is but another name for anarchy or despotism. The first, unhappily, exists to a degree scarcely to be paralleled.

* The paragraphs which were omitted, in the papers communicated to the Senate, are now supplied.

† This was prior to his arrival at Paris as our minister.

And such is the horror and apprehension which licentious societies have universally inspired, that there is some reason to believe the great mass of French population would consider even despotism as a blessing, if accompanied with security to person and property, such as is experienced under the worst Governments in Europe.

Another great means of establishing despotism here, is to be found in that national bankruptcy which seems to be inevitable. The expense of the last month exceeded the income by about ten millions of dollars. This expense continues to increase, and the revenue to diminish. The estate of the clergy is consumed, and the debt is as great as at the opening of the States General. The current expense has, by taking away the property of the church, been increased about a sixth. The dilapidation in every department is unexampled, and they have, to crown all, an increasing paper money, which already amounts to above three hundred millions of dollars.

From such facts it is impossible not to draw the most sinister presages. The country people have hitherto been actuated in a great measure by the hope of gain. The abolition of tithes, of feudal rights, and burdensome taxes, was so pleasant that a cold examination of consequences could not be admitted; still less an inquiry into the strict measure of justice.

Next to the abolition came on those philosophical and mathematical arrangements of the *fisc*, which are very beautiful and satisfactory; and to which there lies but one objection of any consequence, which is, that they are inexecutable. Now I have frequently observed, that, when men are brought to abandon the paths of justice, it is not easy to arrest their progress at any particular point, and therefore, as the whole kingdom (Paris excepted) is interested in the non-payment of taxes, the question will be decided without much difficulty, if once the Legislature get out of this city.

They are already preparing for a march, and it is intended to take the King with them, to which effect a decree has already passed to disband his life guard, and another to collect twenty thousand men to the northward of this city. An opposition will be made by the Parisian militia to the latter decree, because they begin to perceive the object; and as it seems to be a pretty general opinion among them, that no capital opposition will be made to the Austrian and Prussian troops, they consider the person of Louis the Sixteenth as forming the most solid reliance they have to protect them from plunder and outrage. This decree may therefore occasion either a schism between the militia and the Assembly, or among the inhabitants of Paris, or both.

Already there exists a serious breach between the members of the present administration, and a part of them must go out. I have the best reason to believe, that the whole will be changed before many weeks, and some of them within a few days. There exists, also, a mortal enmity between different parties in the Assembly. At the head of the Jacobin faction is the deputation of Bordeaux, and that city is, as you know, particularly indisposed to our commercial interests. It is this state of universal hostility, or rather confusion, to which Dumouriez alluded when he apologised for delaying my audience. And it was this also which his confidant had in view, when he mentioned the necessity of waiting for a greater consistency in the Legislature, before any thing could be done.

I mentioned to you above that M. Dumouriez had it in contemplation to visit the frontiers. This was in his quality of principal minister, and certainly not as minister of foreign affairs. One of his principal advisers tells me that he has dissuaded him from taking that step. The object was to bring the army to action: for, having brought on a state of hostility, for which he is personally responsible, he is deeply concerned in the success, and he has little hope unless from a *coup de main*, before the armies of the enemy are collected. In consequence, he has given repeated orders to fight, both to Monsieur Luckner, and Monsieur de Lafayette. The former has declined, and the latter peremptorily refused—the situation of their respective armies not permitting any well grounded expectations. At present the two armies are in march to form a junction, when the whole will be commanded by Monsieur Luckner. It is expected that he will beat the head of sixty thousand picked troops, and the Austrians cannot well oppose above thirty-five thousand. It is said that they are to act immediately, but I have pretty good reason to believe that the stroke will be about the twentieth to the twenty-fifth.

M. Dumouriez told me that he was perfectly easy in respect to Russia, whose only object was to get the House of Austria fairly engaged, and then to take advantage of its embarrassments. I told him that he must of course be well informed on that subject, but that, since the departure of the Prussian minister, without taking leave, I could not but suppose the intentions of that court were more serious than he imagined. He gave me many reasons for his opinion, which I should have supposed to be only an ostensible one, if one of his intimates had not, on another occasion, quoted it to me, and if I did not know the principal channel through which he derives his intelligence. A late circumstance will tend rather to establish than remove this opinion; I mean the attack of Poland by the Empress of Russia to overturn the new constitution. Whether this movement be in concert with the Austrian and Prussian cabinets or not, is doubtful. I cannot as yet make up any tolerable judgment on the subject, but I believe that in either case those cabinets will pursue their object in regard to this country.

The details I have entered into, and the information which you will collect from the public prints, will show that, in the present moment, it will be very difficult to excite attention to other objects than those by which they are so strongly agitated. The best picture I can give of the French nation is that of cattle before a thunder storm. As to the Government, every member of it is engaged in the defence of himself, or the attack of his neighbor. I shall, notwithstanding, pursue the objects which you recommend. The obstacles to success form but excitements to the attempt. It must, however, be made with caution, because any sudden change of affairs may bring forward persons who would oppose a measure merely because their predecessors had approved of it.

You desired me, among other things, to send you the *Moniteur*, but the editor of that paper does not give so faithful a report of what passes in the Assembly as you will find in the *Logographe*. If there be any one of the *Gazetteers* who is impartial it is the author, or rather transcriber, of this. I send you of course the *Gazette* of France, which says, you know, whatever the ministry orders it to say. The *Patriote Français*, written by M. Brissot, will give you the republican side of the question, as the *Gazette Universelle* does that of the kind of monarchy proposed by the constitution. The paper called the *Indicateur* is written by a party who wish a more vigorous executive, although, strange to tell, this party consists of the persons who, in the beginning of the late Assembly, did every thing to bring the kingdom into the situation now experienced. The *Journal* of the Jacobins, will give you what passes in that society. The *Gazette* of Leyden, which I transmit according to your request, will convey a kind of digest of all these different sentiments and opinions. Thus, sir, if you have the patience to look over these several papers, you will have a clear view not only of what is done but of what is intended.

For the present I take my leave, with the assurances of that sincere respect and esteem, with which I am, yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esqr. *Secretary of State.*

No. 2.

PARIS, June 17, 1792.

MY DEAR SIR:

I had the honor to write to you (No. 1) on the 10th instant. The ministry is changed rather sooner than I expected, that is to say as to the totality. Messieurs Servan, Roland, and Claviere, were dismissed by M. Dumouriez. He filled the places of the two former with his particular friends; and, as this step was decisive, and would certainly bring on very serious quarrels, it was supposed that he had prepared himself, before hand, for all consequences. It would seem, however, that he was less firmly fixed than he imagined: for, as the reason for sending away the other ministers was, that they insisted on the royal sanction to the two obnoxious and unconstitutional decrees, it was in the natural order of things that they should be immediately sent back to the Assembly. Instead of that, it is said that M. Dumouriez insisted on passing both, and, in case of refusal, threatened resignation. To his surprise the King accepted the resignation, and, in consequence, his friends newly appointed got out with him. As the present set have not all taken the oaths, I will defer giving you the list for the present, but put at the foot of my letter the names and places of such as may finally be fixed on. The Jacobins were busy all last night to excite a tumult in the city, but the precautions taken to prevent it have as yet proved successful. I am told that M.

Luckner and M. de Lafayette still persist in their determination not to risk an action. If so, the present state of uncertainty may continue for some time. If they fight, and gain a victory, it is not improbable that we may witness some outrages of the most flagitious kind. If, on the contrary, there is any capital defeat, the jacobin faction will be a little moderated. On the whole, sir, we stand on a vast volcano; we feel it tremble, and we hear it roar; but how, and when, and where, it will burst, and who may be destroyed by its eruptions, it is beyond the ken of mortal foresight to discover.

While I am writing I learn the following to be the arrangement for the new ministry: of the old set two remain, M. Duranton, and M. Lacoste; the former is said to be a pretty honest man, but rather too much attached to the *faction bordelaise*; the latter is considered as an honest man, well acquainted with the business of his department, the Marine. M. Lajarre is appointed to the Department of War; he is a creature of M. de Lafayette; his ability doubtful, but his principles sound. M. Chambonas is appointed to the office of Foreign Affairs; he is *un homme d'esprit*, but *une mauvaise tête, un mauvais sujet*, and ignorant of the business; at least so says my informant, and he is well informed. M. Mouciél, a very worthy man, is named to the Department of the Interior, but his acceptance is very doubtful. The minister of Impositions is not yet fixed on; he will be a cipher, for two or three such have been applied to.

This new ministry will be purged (at any rate) of some of its members, but one great doubt exists whether it will not be driven off by the jacobin faction. It is in contemplation to make a serious effort against that faction, in favor of the constitution, and M. de Lafayette will begin the attack. I own to you that I am not sanguine as to the success.

Very much is to be done, and there is very little time to do it, for the foreign enemy will soon be greatly superior in number, and it seems now to be ascertained, that Alsace and Lorraine are disposed to join the invaders. Thus, while a great part of the nation is desirous of overturning the present Government, in order to restore the ancient form, and while another part, still more dangerous from position and numbers, are desirous of introducing the form of a federal republic, the moderate men, attacked on all sides, have to contend, alone, against an immense force. I cannot go on with the picture, for my heart bleeds when I reflect that the finest opportunity which ever presented itself, for establishing the rights of mankind throughout the civilized world, is perhaps lost, and for ever.

I write on as events arise, and shall continue to do so, until the opportunity to send my letter shall present itself.

I am, very truly, my dear sir, yours,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State*.

No. 3.

PARIS, July 1, 1792.

DEAR SIR:

According to your orders, I sit down to render this day a state of my account,* which will be but short, because I shall charge, at present, no contingencies. There are some such which will come in my next account, and which would be stated this day; but as I have not yet got into the house which I hired immediately after my arrival, and which I have daily been in the hope of entering, my papers and books remain in the state in which they were. Add to this that the amount is not great, and that I am very much occupied, and frequently interrupted.

I left London on the last day of April, wherefore my salary to the last day of June, being for two months, was fifteen hundred dollars. My outfit is nine thousand, making, together, ten thousand five hundred dollars, which I have drawn for on the bankers of the United States at Amsterdam.

I have boxed up the several newspapers to this day, and shall send them to Havre. My Secretary's salary will now commence.

I am, respectfully, dear sir, your obedient and humble servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State*.

No. 4.

PARIS, July 10, 1792.

DEAR SIR:

I had the honor to write to you (No. 3.) on the first instant. On the seventeenth of the last month, I mentioned the plans then in contemplation, and gave a short view of the existent state of things. I did not communicate those events which have since taken place, because you will find the most ample details in the several gazettes. On Saturday the seventh, a farce was acted in the Assembly, in which the principal performers played well their parts, and the King was duped according to custom. Things are now verging fast to the catastrophe of the play. For some weeks the adverse parties, I mean court and jacobins, have been laboring each to cast on the other the odium of violating entirely the constitution, and commencing the civil war. The party which calls itself independent, and which in fact is the fearful party, begs hard for peace, and seizes eagerly whatever bears the appearance or the name. It was to catch these gudgeons that the scene of Saturday was exhibited. The King and Queen believing that the actors were in earnest, and knowing that their lives had been at stake, were overjoyed; and their timid counsellors, trembling under the tyrannous powers of the Assembly, seized with eagerness the bait of reconciliation which had been thrown out, without any hope that they would swallow it. One of them, whom I have already mentioned to you as a very worthy man, saw through the thin veil of deception, and opposed the opinion of the others, but in vain. Events in justifying him have fixed his predominance. This day the King will commence a new career, and if he goes through, I think he will succeed. I have every reason to believe that this letter will go safely, but yet I cannot justify saying more on the subject, because otherwise the confidence reposed in me might, in the course of events, prove fatal to my informant.

The present intention of the King is to secure the liberty of France; but whether he will preserve the steady purpose through those varying events, which must soon take place, to me appears uncertain. Indeed I doubt whether he will be sufficiently master of his own party to execute such purpose, even if it be not changed. Whether he will live through the storm is also uncertain: it will blow hard.

The exterior enemy hovers over his prey; and only seems to wait the moment which he has fixed to himself for his own stroke. New parties to the grand alliance daily show themselves. The Palatinate has declared; Holland seems on the point of adhering; and doubts in regard to England begin to appear. The force which France can oppose to her numerous assailants does not exceed one hundred and eighty thousand undisciplined men; some of whom wait but the opportunity to desert. Against her are collected two hundred and fifty thousand of the best troops in Europe, under the command of the ablest general in this hemisphere. The intention was not to enter before the harvest, in order that subsistence might be easily procured. Whether this plan will be changed, in consequence of what is like to happen here, I cannot say; I rather think it will. I understand that the manifesto which precedes attack, will disavow the constitution, and claim for the King (what it calls) his *rights*; for the clergy its *possessions*; that this city will be rendered responsible for the royal family; that the *gardes nationales* will be considered as armed peasants, meddling with business not their own, and therefore not under the protection of the laws of war. The allied monarchs are to declare themselves in arms against France, but against the *revoltés*. You will easily see that these broad terms will mean whatever power may choose to explain them to mean.

I have repeatedly pressed the Minister of Foreign Affairs to come to a settlement of accounts, which he has promised to do; and I think I shall accomplish my purpose; because the marine department is to treat with me for supplies to St. Domingo. I mean to be generous in the terms of exchange for this supply, obtaining, at the same time, a beneficial liquidation of past payments: for you will observe, sir, that the whole account is open. Two reasons operate with me on this occasion: First, I think that we ought to encourage our own agriculture and arts, and secondly, I think that what is paid here goes into a gulf of unbottomed profusion, and can but little advance the real interests of the nation.

* Not in the office, but probably in the Treasury Department.

I have also repeatedly called the minister's attention to the obnoxious acts of the late Assembly, and to their proposition for a new commercial treaty. He has replied, very candidly, that, for himself, he should be glad to settle every thing to my satisfaction, but that his ministerial existence is too precarious to undertake any extensive plan; that the attention of Government is turned too strongly towards itself (in the present moment) to think of its exterior interests; and that the Assembly, at open war with the Executive, would certainly reject whatever should now be presented to them. These are truths which I knew before, and therefore I thought it best not to urge too strongly for a decision, in the unpropitious moment. The apparent reconciliation of Saturday seemed to give a better prospect. The court, on Sunday, had an air less embarrassed, and therefore (although the dictate of my judgment was different from that of others) I thought it my duty to make a formal application, which I did yesterday in a letter, a copy of which shall be transmitted. My intelligence of this morning justifies the opinion I had formed, and proves that the matter must be yet, for some time, suspended.

I am, sir, very truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esqr. *Secretary of State.*

No. 5.

PARIS, August 1, 1792.

DEAR SIR:

My last was of the tenth of July. Mr. Livingston, who is on his way to America, presents an opportunity of writing which must not be neglected; although I am engaged, at present, in examination of the account received from the commissioners of the treasury. I have already mentioned to you, sir, that the whole of this account is open, and I must now observe that I do not find myself particularly authorized to make the final adjustment. If it becomes necessary I will do it, but I shall avoid it as long as I can. In respect to the payments made and making in America, I am at ease, because there I have your orders, but not so in regard to those made by Mr. Short. I shall hope, however, to be favored with your instructions, in consequence of his communications. I shall write particularly respecting the account, when I have gone through it.

In a former letter I mentioned that M. de Lafayette was about to commence an attack upon the jacobin faction. I have not followed that business in my correspondence, because the gazettes will furnish the most ample intelligence. I mentioned my apprehension that it would not be successful, and it furnishes a new instance of the instability of human affairs, especially of those which depend on the opinion of an ignorant populace. I verily believe that, if M. de Lafayette were to appear just now in Paris, unattended by his army, he would be torn to pieces. Thank God we have no populace in America, and I hope the education and manners will long prevent that evil. In the present state of things, it seems evident that, if the King be not destroyed, he must soon become absolute. I think the prime movers of the revolution see no other mode of establishing the affairs of their country on any tolerable footing, and will therefore declare their adherence to his majesty, grounded on the abolition of the constitution by the Assembly, and their masters the jacobin club.

In my last I told you that the King would that day commence a new career; but, while I was writing, all was changed, and my letter was gone off but a few minutes, before I was informed that the ministry had given in their resignation. I will not communicate the reasons, because they would be uninteresting to you, and should my letter miscarry, it would occasion much of that noise and nonsense, in which it is unpleasant to find one's name. And the wrong-headed people, who get hold of such things, cannot distinguish between a person who has obtained exact information of what is doing, and those who are actors in the business. For the same reason, I must decline mentioning the plans in agitation, at present, to establish a good constitution. I dare not say that I hope this will take place. I ardently wish it, but I have doubts and fears, because I have no confidence in the morals of the people. The King is anxious to secure their permanent happiness; but, alas! they are not in a state of mind to receive good from his hands. Suspicion, that constant companion of vice and weakness, has loosened every band of social union, and blasts every honest hope in the moment of its budding.

You will have seen, in the report of the Minister of Foreign Affairs to the Assembly, that the impressions are made, which you desire, respecting the dispositions of the United States. After this report was made, some persons spoke to me of those dispositions in a term of irony; but I assured them, very seriously, that our grateful sentiments for the conduct of this nation would be demonstrated by our conduct, whenever occasion should require. That the changes they might make in their own administration would by no means affect our regard for them, nor diminish our attachment. As this language was not ministerial, but held in the sincerity of social life, it surprised those who, unfortunately for them, can find for the conduct of nations no motive but interest, and are so short-sighted as not to perceive that a virtuous and honorable conduct is the truest interest which a nation can pursue.

In respect to other objects, which are committed to me, it is hardly necessary to say, that nothing can be done in the present moment. Such time as the Assembly can spare from the discussion of party disputes, is necessarily engrossed by the departments of war and finance. The determination to suspend the King has been a little palied by the information that their armies would immediately revolt, and particularly the southern army, on which they made their greatest reliance. This circumstance has greatly deranged the plan of operations, and the more so, as many instruments specially concerned, and collected for that grand stroke, are at present no small incumbrance to the contrivers of it. Among these are the Bretons and Marseillois now in this city. Some of the chiefs of the jacobins have, I am told, prepared the means of their escape to America, and among them your old acquaintance Condorcet. They are to embark at Dunkirk and St. Valery.

I am, dear sir, very truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esqr. *Secretary of State.*

[Letters accompanying the foregoing despatch.]

Copy of a letter from Gouverneur Morris to Monsieur Chambonas.

PARIS, 9th July, 1792.

SIR:

I have already had the honor of communicating to you the good dispositions of the United States towards France, and of which they sincerely desire to multiply the proofs. I have had that of informing you at the same time, that, in the last session of Congress, although wines arriving from other countries had been highly duties, nothing has been added to the duties yours paid, which is, in effect, granting a premium on them: whence a considerable vent for them must be the result. It is thus, sir, that the American Government, when occupied in the means of paying off its pecuniary debt, endeavors, at the same time, to acquit that of gratitude. You may reckon upon its punctuality, and give assurances of it to the King.

I should badly fulfil my duty towards my nation, and give, sir, but a weak testimony of the attachment I have avowed to yours for so many years, were I to conceal the discontentment excited in America by the decrees of the Constituent Assembly, which operate to the injury of the commercial system established between France and the United States before the year 1789. I avoid any observation in this respect, because I report them to your understanding and to the sentiments of your nation; and I venture to believe that, even if her own interest only had been in question, the National Assembly will not allow to exist, any longer, regulations which bear much harder on the French consumer, than they injure the American merchant.

There is another object, sir, to which you will certainly pay all the attention its importance merits. The Constituent Assembly testified a desire that the King should cause a new treaty of commerce to be negotiated with

America. The communication of it has been made to the President of the United States by the minister plenipotentiary of his Majesty, but hitherto, this project has been stationary. I am instructed to assure you, sir, that the United States will, with true satisfaction, attend to all the overtures which shall be made to them on this subject, and that they desire to found that treaty upon a basis just, solid, and reciprocally useful to the two nations. The minister plenipotentiary of France, at Philadelphia, is better able than any body to appreciate the advantages of it; and I venture to certify to you beforehand, that, if he is instructed by the King, for this negotiation, he will expedite, on our part, the most amicable dispositions. You will give me much pleasure, sir, when you shall be pleased to authorize me to write that the commission for the purpose has been given to him.

[TRANSLATION.]

From Monsieur Chambonas to Gouverneur Morris.

PARIS, 23d July, 1792, 4th year of Liberty.

I have received, sir, the letter which you have done me the honor to write to me on the 9th of this month, and I have read it with all the attention the importance of its contents merits. I shall not fail to communicate to the King and to the National Assembly the new proofs of friendship and interest which the United States of America have given to the French nation, during the last session of Congress. I shall also lay before them the desire testified by the American Government of cementing the union of the two people by a new treaty of commerce, and I shall immediately take the King's orders for opening this important negotiation. I have no doubt of its being soon brought to a happy conclusion, since the two Governments are equally desirous of founding the new treaty on a basis of the strictest justice, and consequently to the reciprocal advantage of the two nations.

I have the honor to be, &c.

No. 6.

PARIS, 16th August, 1792.

DEAR SIR:

My last was of the first instant, (No. 5.) Since that period another revolution has been effected in this city—it was bloody. Success, which always makes friends, gives to the present order an air of greater unanimity than really exists. A very considerable party is deeply interested to overturn it, but what may be their conduct is uncertain. Whether they will confine themselves to idle vows and empty wishes, or whether they will break out into action, is doubtful. Some of them are men of enterprise, but it is rather small than great enterprise. As you know well this kingdom, it may, perhaps, be sufficient to mention the kind of persons which compose this party. They are those who called themselves the moderate, or middle men, and who hoped to balance the two extremes, and govern the kingdom by playing off one set against the other. This, in quiet times, requires great talents as well as great address, and they had more of the latter than the former. In times of turbulence, it is necessary that those who play this game should have a considerable armed force, because neither argument nor persuasion can then avail. It remains to be proved by the fact whether they possess such force. If they do, it must be in the hands of M. de Lafayette; and, as all must depend upon an immediate exercise of it, I rather think that the precious moment will be suffered to pass away. I have long been convinced that this middle party, who, by the by, were the prime movers of the revolution, must fall to the ground, and that those who compose it must join one of the great factions. The aristocratic faction is still split into two or more. Some are for absolute monarchy; some for the ancient regime; some, and those but few, desire a mixed Government. The framers of the late constitution had got up to this last ground, but the idea of an *hereditary* Senate stuck in their throats. The King, who has an uncommon firmness in suffering, but who has not the talents for action, and who is, besides, a very religious man, found himself fettered by his oaths to the constitution, which he, in his conscience, believed to be a bad one, and about which, indeed, there is now but one opinion in this country; because experience, that great parent of wisdom, has brought it already to trial and condemnation. The King, from the causes just mentioned, would not step forward, and, of course, there was no standard to which the adherents of the two chambers could repair. The republicans had the good sense to march boldly and openly to their object; and as they took care not to mince matters nor embarrass themselves by legal or constitutional niceties, they had the advantage of union, concert, and design, against the disjointed members of a body without a head. If, under these circumstances, the foreign force were out of question, I should have no doubt that the republican form would take place quietly enough, and continue as long as the morals of the country would permit. You know the state of morals here, and can, of course, (if it be necessary) form the calculation for yourself. The circumstance of foreign force is, however, on the present occasion, a preponderant object, and I think its effect will depend on its activity. Should the Duke of Brunswick advance rapidly, he will be joined by great numbers, even of the armies opposed to him, because the late change will furnish to some a reason, and to others a pretext, for abandoning the cause they had espoused. If, on the contrary, his progress be cautious and slow, it is probable that those who are now silent from fear, will habituate themselves by degrees to speak favorably of the present Government, in order to lull suspicion; and that thus a public opinion will appear, which, when once pronounced, governs the generality of mankind. If, by this means, the new republic takes a little root, foreign Powers will, I believe, find it a difficult matter to shake it to the ground: for the French nation is an immense mass, which it is not easy either to move or to oppose.

If you will observe, sir, that matters are now brought to a simple question between an absolute monarchy and a republic: for all middle terms are done away. This question, also, must be decided by force: because, on one side, it is in the hands of the people, who cannot treat for themselves, and who will not permit others to treat for them in respect to the important interests which are now at stake. If, as in former times, some factious nobles were at the head of a party, they would, as formerly, take the first opportunity to stipulate for themselves, at the expense of their party; but, without entering here into a question of relative integrity, I do not think that the people are so attached to any particular men as to have what may be called leaders; and those who appear as such, are, in my opinion, rather instruments than agents.

I do not go into the history of things, nor trouble you with a recapitulation of events. I enclose, and shall send by the present opportunity, the gazettes since my last, which will communicate all particulars which you may desire to know. Since the operations of the tenth, the *Logographe*, *Gazette Universelle*, and *Indicateur* are suppressed, as indeed are all those who were guilty of *feuilleantisme*: that is, adherence to the *club des feuillans soi-disant constitutionnel*. You must, therefore, make allowances for what you find in the other gazettes, written not only in the spirit of a party, but under the eye of a party. The first must influence the most honest printer in the coloring of some facts, and the second will restrain the boldest printer in the publishing of other facts. If it were necessary, or could be useful, I should communicate all the particulars which come to my knowledge; but this invidious task would answer no good end, and, long before my letters would reach you, changes must inevitably take place.

One particular, however, it is becoming to note. You will find that the Assembly immediately superseded the appointment of a Monsieur Bonne Carrère as minister to the United States. This man's character is as bad as need be, and stained by infamous vices. By what influence he was introduced into the office of foreign affairs, I know not, for I was then in England; but I have reason to believe that it was the poor expedient of the *feuillans* to watch and check, and, perhaps, to betray the jacobin ministry. While the King was pressing Monsieur de St. Croix (an eight day minister) to accept the Department of Foreign Affairs, this last declared that he would not serve if Bonne Carrère was retained; and, to get rid of him, they invented the expedient of sending him to America. I considered this step as a kind of insult, and transmitted my sentiments on the subject to the King, who, thereupon, told Monsieur de St. Croix that I was angry at that appointment, and he must arrange the matter with me. That he wished

I would prevent his being received. The minister apologised for himself by saying the nomination had taken place before he came into office, and that he had remonstrated against it. He apologised for the thing as well as he could, admitting, always, that it was wrong, and added that his embarkation should be delayed, and I was at liberty to prevent his being received. To this I replied that he must not embark at all, but be removed; and that would have been done, for, when he presented the *Bon* for his appointments, the minister refused to sign it.

In the mean time the new revolution took place, and the history of M. Bonne Carrère's ministry is at an end. It may perhaps be misrepresented, and, therefore, having stated the facts, I think it right to add, that it proceeded from downright weakness. He was supposed to possess the confidence of a great many of the nobility, and therefore they were afraid to turn him about his business; perhaps, also, he had been trusted so far that he knew too much. This was the case with some others, not better than him as to essentials, though not so much abused.

I shall send, herewith, a packet containing my correspondence with the commissioners of the treasury relative to our debt, and, in the same packet, you will find a letter from Mr. Cathalan to you, relative to a riot at Marseilles, and his conduct therein. He has written two long letters to me on that subject, and I have replied by one, of the thirteenth instant, which you will also find enclosed with his letter to you.

I have already had occasion to mention to you, sir, that I did not find myself authorized to go into the settlement of the account, *finally*, with the commissioners of the treasury. This observation I must again, in this place, repeat, and add that, notwithstanding my utmost efforts, I have not been able to bring the Minister of Foreign Affairs to consider, for a moment the question referred to me respecting the sums paid and paying in America. What is still more surprising is, that, the Minister of the Marine, although authorized to treat with me for supplies to the colony of St. Domingo, has done nothing in that affair. Two ministers have occupied that place since the decree. Each has given me various rendezvous, but neither has appeared at the time and place, because circumstances of the moment have obliged them to attend to something else. Indeed, the Executive of the late constitution has been at the last agony for these three months, and, of course, has thought more of saving its life than of doing its business.

The present Executive is just born, and may perhaps be stifled in the cradle. If a general arrangement could have been made with the late Government for paying the whole of our debt, at some fixed exchange, so as to do justice, and fulfil the honorable intentions of the United States, I should have been well pleased, and although not exactly authorized, should probably have taken on me to make the needful engagements; and, in so doing, I should have made a great sacrifice to the public, because I wish, of all things, to be free from any pecuniary transactions: for I know, by experience, that the utmost possible purity will not prevent malicious insinuations, which, however unfounded, will always find some believers. It appears, however, a probable event that, before our debt be paid, we may experience some considerable losses on exchange, not to mention the dead charges, which are considerable too. It has therefore appeared to me most advisable to make one general statement and settlement of the whole; and if it shall appear that we have gained, and that they have lost, by the modes of payment, then to give a good round sum as a compensation, and as it were gratuitously; because, by that means, we have the reputation of the good we do, and the sacrifice we make, and because, otherwise, the agents of this Government might attribute to their address an advantage gained, instead of giving credit to our generosity for a compensation granted. And it seems important to establish the latter idea, because it cannot fail to extend our credit throughout the world, and consequently to facilitate all pecuniary operations which hereafter we may have occasion to make.

Before I conclude this letter, permit me, my dear sir, to request the orders of the President respecting my line of conduct in the circumstances about to arise. Perhaps these orders may not reach me until the circumstances are past; but, even then, they may serve as a ground to reason on, in the circumstances which succeed. If they arrive in season, they will relieve my mind from a great weight. At present, I feel myself in a state of contingent responsibility of the most delicate kind. I am far from wishing to avoid any fair and reasonable risk, and I rely on the justice of Government, at the same time, to mark out as exactly as possible the conduct to be pursued, as well as on its goodness to judge favorably of cases unforeseen.

I am, with sincere esteem and regard, dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

[Accompanying the foregoing despatch.]

Extract of a letter from Gouverneur Morris to William Carmichael, Esq.

PARIS, July 3, 1792.

"Two days ago I saw M. Le Coreteux, who told me that his friend had made application to the Spanish court to obtain an assignment on the debt from the United States, in discharge of a debt due to him, and that Mr. Gardoqui said the United States owed Spain above a million of dollars, being in part for advances made in America. This assertion struck me, and, as I had formerly some knowledge of the state of our finances, I ruminated on the subject, and have thereby brought back to my recollection the objects which I suppose he contemplated. They are twofold: first, advances for the United States, and, secondly, for the State of Virginia. These advances have been regularly charged against the States and the United States by the persons to whom they were made; and to these persons, I believe, full payment, but I am pretty sure that at least partial payments, have been made. It seems, therefore, most advisable to leave the settlement of the American account to be made in America. As to the advances made to us by the court in Europe, I suppose it will be right to adjust them in Europe."

PARIS, August 13, 1792.

SIR:

I have received your two favors of the third instant. I am very sorry to find that your city has been so much disturbed, and I hope that the peace which you say was re-established may be of long duration. The moment is critical, and you must be guided in circumstances, such as you mention, by your own discretion. In general, however, you will observe, that, as consul of the United States, you should take part as little as possible in revolutions or counter revolutions; but especially in the latter, because, if we had any right to interfere in the politics of this country, we should undoubtedly take part with those who wish to establish a free government.

Mons. S. CATHALAN, Jr. *Consul at Marseilles.*

No. 7.

PARIS, August 17, 1792.

DEAR SIR:

If I have not hitherto mentioned the applications made to me by the foreign officers who have certificates whereof the interest is payable in this city, it has not been for want of sufficient cause, but because I did daily hope to have received some orders on that subject. Many have spoken to me, written to me, and called upon me. I have given to all the general assurances that justice would be done, that I would transmit their claims, and the like. I now enclose a letter from the Polish envoy, relative to the claims of Brigadier General Kosciuszko, and I have told the Count d'Oraczewski that I daily expect despatches from you on this subject. I did this because General Duportail told me that he has information from Colonel Ternant that these claims are all honorably provided for. In the uncertainty as to what may have been done, I feel it my duty to bring the matter to your recollection, persuaded that you will do every thing which may be proper on the occasion.

I enclose in like manner, a letter I have received from Mr. Francis Coffyn of Dunkirk, respecting the consular office in that city. I tell him in answer to it, that I shall inquire of M. de la Motte as to the appointment he complains of, and will transmit his letter to you, and take your orders. These you will, I trust, be so kind as to give me. I know not Mr. Coffyn, and consequently, can say nothing either for or against him.

I am, with esteem and regard, dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. *Secretary of State.*

GOUV. MORRIS.

[Letters referred to in despatch No. 7.]

SIR:

PARIS, August 15, 1792.

I here state the business concerning General Kosciusko, about which I spoke to Mr. Short, Chargé des Affaires of America, upwards of a year before your arrival, which he assured me he had communicated to the Government, and of which I had the honor to speak to you at the house of the Minister of Foreign Affairs, when you requested in writing, the better to bear it in memory.

The said General Kosciusko, a native of Poland, who has served in America, to whom you yourself have rendered the justice of saying that he is a man of distinguished talents, has a promise from the treasury of the United States for a sum of £66,314 18s. 9d. which is equal to \$12,280 $\frac{2}{3}$ of the current money in America.

I enclose the copy of the promise.

He should receive the interest of that sum annually, and he has, in fact, received it for one year from Mr. Grand, banker of Paris; but for some years past he has received neither interest nor principal.

He desires that a banker may be directed to pay him regularly the interest, together with the arrearages, or, if more convenient, that he may receive the whole sum. This, sir, is what I have the honor to recommend to you, requesting you to take such steps as you shall judge proper.

I am obliged to absent myself from business with which I am charged, but shall return in two months, and then await your answer.

I have the honor to be, &c.

L. ANC. D'ORACZEWSKI,
Ambassador and Minister Plenipotentiary of Poland.

DUNKIRQUE, July 26, 1792.

HONORED SIR:

I have the honor to inform your excellency that, since the year 1775, I have been entrusted by your predecessors, the honorable commissioners, ambassadors, plenipotentiary ministers of Congress at the court of France, with all matters concerning the United States at this port, as appears by my correspondence with Mr. Deane, Dr. Franklin, Mr. Jay, Mr. Adams, and Mr. Jefferson; in 1778, I was entrusted with the forwarding of two cargoes of gunpowder, and other warlike stores, from this port to Philadelphia. During the whole course of the war, I supplied, by order of said commissioners, all the American prisoners which arrived here from England, with money to defray their expenses to the different ports of France, where they shipped for America; my disbursements in these occasions amounted to a considerable sum. In 1781, being then at Passy, and consulted by Dr. Franklin, I penned the plan for the cruise of the American squadron, under the command of Captain Paul Jones, in which he took the English frigates Seraphis and Countess of Scarborough, and other prizes, some of which were brought to this port, and others carried to Norway; and I was afterwards commissioned by Dr. Franklin to proceed to Copenhagen, to claim the prizes taken by said squadron, detained at Bergen, in Norway, by a requisition of the British consul there. In 1785, being at Paris, at the request of Dr. Franklin, Mr. Adams, and Mr. Barclay, I was appointed arbitrator to settle the accounts between Mr. Beaumarchais and Congress, for the stores he sent to America during the war, and, by my award, reduced his demands of a considerable sum. On the first of January, 1782, Thos. Barclay, Esq. consul general for the United States, at L'Orient, (no appointments of consuls in the other ports of this kingdom being then made) sent me a commission, (of which I enclose a copy) to empower me to act as agent for the United States at this port, in consequence of which, I have ever since acted in that capacity, and rendered numberless services to the American captains, and other subjects who frequented this port, for all which services, disbursements of money, &c. I never received, nor demanded, any reward, commission, interest, or recompense whatever, except a thankful acknowledgment from said commissioners, and their full approbation to all the transactions they entrusted me with.

Since your excellency's appointment as ambassador for the United States, at the court of France, nothing material occurred at this port which merited your excellency's attention, and thereby I have been deprived of an opportunity of making a direct application concerning the objects entrusted to me by your predecessors. But, having been informed that a certain M. de la Motte, concerned in the house of Messrs. Le Mesurier & Co. at Havre, who styles himself vice consul for the United States of America, has given a commission in his name to a Mr. Watson, an Englishman, late clerk in the said house at Havre, and lately established in the commercial line in this town, to act in the capacity of vice consul in this port, I have reason to suppose that M. de la Motte only sent such a commission to Mr. Watson, in the idea that no person was appointed at Dunkirk to act in the capacity of agent for the United States, in which I was invested by the power transmitted to me by Mr. Barclay, and by the approbation of your predecessors. I take the liberty to inform your excellency of these circumstances, and rely too much on your excellency's justice, to apprehend that, after seventeen years' service, with an unremitting zeal, and a perfect disinterestedness, your excellency would suffer me to be excluded from the appointment, and the preference given to a young Englishman, lately established in the commercial line, at this port, to whom the necessary experience cannot, with any judgment, be allowed. The inconvenience of the interference of an *Englishman* in matters which may occur, concerning the common interest of the United States and this kingdom, is too striking to escape your excellency's attention. If the administering of the proofs of the zeal, activity, and disinterestedness, which I have manifested in the different occasions where my interference between the American commissioners and the ministers of this country, has been found necessary, and which are consigned in the great number of letters I received from your excellency's predecessors, I am ready to give your excellency all the satisfaction that may be wished for, and convince your excellency that I am as ambitious to obtain your excellency's confidence, as I have been to merit that of your predecessors.

I have the honor to remain, with great respect, honored sir,

Your excellency's most obedient and most humble servant,

F. COFFYN.

To his Excellency M. MORRIS,

Minister Plenipotentiary for the United States of America at the Court of France, at Paris.

L'Orient, January 1, 1792.

SIR:

The arrangements in the consular department not being yet entirely formed, I shall probably, at some future time address you more particularly on the subject than I now do; and, in the mean time, you will please to consider yourself as appointed by me, *agent for the United States of America, at the Port of Dunkirk*; and act in that capacity, until some future consul, or myself, inform you, that the power I give you is expired. The business that will require your immediate care is that of attending to the wants of any of the American vessels whose commanders or supercargoes apply to you for advice and assistance; to claim all American seamen, who may be detained contrary to their inclinations on board vessels belonging to any Power whatever, except their own country;

to hear and adjust any disputes that may arise between officers and seamen; to see that the subjects of the United States receive that protection to which they are entitled; and to transmit to the American minister at this court, and to myself, from time to time, every thing of consequence that occurs relative to America; and every information which may be thought necessary. Your own judgment will inform you that something may occur to make your writing to the Secretary for Foreign Affairs in America proper; and that this will be, when any matter of importance arises necessary to be immediately communicated, and that an opportunity of transmitting it offers from your port, or from your neighborhood, by which loss of time will be prevented.

It is not expected you will make advances for American subjects, there being no fund that I know of to discharge such engagements, and the application for supplies of that nature ought not at present to be made to me.

I shall occasionally transmit to you such information as will be necessary, and should any difficulty arise in the execution of your office, let me know, and I will endeavor to remove it, and give you all the advice and assistance in my power. At foot I send you a note of the agents which are at present appointed.

I have the honor to be, sir, your most humble servant,

THOS. BARCLAY.

MR. FRANCIS COFFYN, *Dunkirque.*

I hereby certify, that the above copy is conform to the original, reposing in my hands.

F. COFFYN.

No. 8.

PARIS, 22d August, 1792.

DEAR SIR:

My last (No. 7) was of the 17th instant. In No. 6, of the 16th, I mentioned the revolution of the 10th. I suggested my idea that the force commanded by Monsieur de Lafayette would not be brought to immediate action, and that, in such case, he and his friends had nothing to hope for. He, as you will learn, encamped at Sedan, and official accounts of last night inform us that he has taken refuge with the enemy. Thus his circle is completed. He has spent his fortune on a revolution, and is now crushed by the wheel which he put in motion. He lasted longer than I expected. Some other officers tried to influence their troops in favor of the late constitution, but without effect. They are, it seems, yet to learn, that an officer has never complete possession of his soldiers, till rigid discipline has led them by the hand over fields of glory, in which he has shared their danger, and pointed them the path which leads to triumph. These scenes are yet remote, but if the combined Powers cannot succeed in the present plans, they must hereafter take place. In the mean time, much suspicion, much jealousy, and many victims, are all in the natural order of things. I do not find that the Prince of Brunswick has made those rapid movements which the existent state of things required, and he loses much by the delay. He probably understands too well the business of war, and his high station requires a man in whom the accomplished General should be but a secondary talent. I cannot, for a moment, suppose a possibility of beating him with the French army, if army it may be called, where there is no discipline; but, if he will not commit himself a little to fortune, it appears to me a very easy matter to wear away the time till winter shuts the theatre. We are now far advanced in August, and he has at most three months before him.

The day before yesterday the British ambassador received a despatch from his court, which he immediately transmitted to the present Minister of Foreign Affairs, and, at the same time, asked for passports. This despatch has not yet been communicated to the Assembly, because it runs rather counter to expectations which had been raised, and, of course, the public mind is not duly prepared. The purport of this despatch is, that Britain has determined on a strict neutrality, that she means to preserve it, and therefore, as his letters of credence are to the King, now dethroned, he had best come away. To this is subjoined a hope that nothing will happen to the King or his family, *because that would excite the indignation of all Europe.* This despatch, turned into plain English, is, shortly, that the British court resent what is already done, and will make war immediately, if the treatment of the King be such as to call for, or to justify, measures of extremity.

The different ambassadors and ministers are all taking their flight, and if I stay I shall be alone. I mean, however, to stay, unless circumstances should command me away, because, in the admitted case that my letters of credence are to the monarchy, and not to the republic of France, it becomes a matter of indifference whether I remain in this country, or go to England, during the time which may be needful to obtain your orders, or to produce a settlement of affairs here. Going hence, however, would look like taking part against the late revolution, and I am not only unauthorized in this respect, but I am bound to suppose that, if the great majority of the nation adhere to the new form, the United States will approve thereof, because, in the first place, we have no right to prescribe to this country the government they shall adopt, and next, because the basis of our own constitution is the indefeasible right of the people to establish it.

Among those who are leaving Paris is the Venetian ambassador. He was furnished with passports from the office of Foreign Affairs, but he was, nevertheless, stopped at the barrier, was conducted to the Hotel de Ville, was there questioned for hours, and his carriages examined and searched. This violation of the rights of ambassadors could not fail (as you may suppose) to make impression. It has been broadly hinted to me, that the honor of my country, and my own, require that I should go away. But I am of a different opinion, and rather think that those who give such hints are somewhat influenced by fear. It is true that the position is not without danger; but I presume that, when the President did me the honor of naming me to this embassy, it was not for my personal pleasure or safety, but to promote the interests of my country. These, therefore, I shall continue to pursue, to the best of my judgment, and as to consequences, they are in the hand of God.

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 9.

PARIS, 30th August, 1792.

DEAR SIR:

My last (No. 8) was of the 22d instant. In No. 6, I mentioned to you that I had not been able to adjust, with the Minister of Foreign Affairs, the rate of exchange which should govern the payments made and making in America, on account of our debt to France. And that I had not been able to see the Minister of Marine, to adjust with him the sums which the Assembly had determined to apply, out of that debt, to the use of St. Domingo. You will have seen, by my correspondence with the commissioners of the treasury, that the last payment of six millions will nearly balance the account, according even to their statement of it, over and above the four hundred thousand dollars which are to be paid at Philadelphia, during the current year.

A few days since, Mr. Monge, the present Minister of the Marine, desired an interview, and, at our meeting, presented me a regular contract for payment of eight hundred thousand dollars, as being equivalent to the four millions of livres which the Assembly had appropriated as above mentioned. I will not trouble you with the conversation, because it ended with a request, on his part, to meet Mr. Le Brun, the Minister of Foreign Affairs, and Mr. Claviere, the Minister of Public Contributions. This meeting took place yesterday, by their appointment. The same form of agreement was again produced, and Mr. Claviere, who was principal spokesman, mentioned my signing it as a thing of course. I told him that I had been authorized to settle with the late government the exchange of one-half of that sum, already paid and paying on this very account. He spoke of such settlement as the easiest thing in the world, and advanced, on the subject, exactly those principles which Mr. Short had refused to be governed by, and rejected as visionary those which Mr. Short had stated as just, and which I think are reasonable and right. The great object, however, was to get the money, and Congress was to fix the exchange. I told them

(which is very true) that I felt a very sincere desire to furnish aid to that unhappy colony, and had done every thing in my power to comply with the wish of the Legislature in that respect, but in vain. That, at last, our bankers in Holland being extremely anxious to discharge themselves of the large sums which had for months been lying in their hands ; their own commissaries of the treasury being also desirous to receive ; Mr. Short (to whom the management of that business had been committed by the United States) being also solicitous that the payments should be made, I had desired him to place in the hands of the bankers named by the commissaries, an equivalent of six millions of livres, by which means the instalments of our debt, already due, were overpaid. That, of course, any advances now made must be on account of those instalments which are to become due hereafter. That I have no instructions respecting them, for reasons I had already assigned, and that, of consequence, if I should enter into the agreement they wished, I should probably be blamed for exceeding the line prescribed to me. That there remained, however, another point, worthy of their attention, which was, that my agreement would be, in itself, void, because I had no powers to treat with the present Government. It followed, therefore, that the ministers of the United States would feel themselves as much at liberty as if nothing had been done, and act according to their own ideas of the object, distinctly from my engagements ; that it would be equally useful to them, and more proper in me, to state the whole matter to you, in the first instance, and that I would add my earnest request to make the desired payment. This, however, did not at all suit their ideas. Mr. Claviere made many observations on the nature of our debt, and the manner in which it had accrued. He said that the United States would certainly act in a different manner towards the present Government than the monarchs of Europe did. That it was impossible I should have any difficulty, if I inclined to do what they asked, and then concluded by asking me, peremptorily, whether I would or would not. His language and manner were such as naturally to excite some little indignation, and although I could pardon much to a man whose stock-jobbing life had not much qualified him for a station in which delicacy of manner and expression are almost essential, yet I could not submit to an indignity, in my person, towards the country I represent. I told him, therefore, that I did not understand what he meant to say. My countenance, I believe, spoke the rest of my sentiment, and led him to say, in explanation, that it was necessary for them to have some positive engagement, because, otherwise, they must make provision for the service from another source ; and then he again expressed his conviction that the United States would recognize them, and, at any rate, would not disavow the engagements which I might make. I told him that it was not proper for me (a servant) to pretend to decide on what would be the opinion of my masters. That I should wait their orders, and obey them, when received. That the present Government might collect my sentiments from my conduct. That I could not possibly take on me to judge questions of such magnitude. That I would do every thing I could, with propriety ; and again repeated my offer, which they would not listen to ; and I left them not a little displeased, if I may judge from appearances by no means equivocal.

The Dutch ambassador, who dined with me, told me that he had received his orders, and should ask for passports this day. The British ambassador went off two days ago, and Mr. Lindsay, their minister, intends going to-morrow. He offers to take my letters to Mr. Pinckney, to whom I shall enclose this, to be forwarded to you.

Last evening, between ten and eleven, I received a visit from some *commissaires de section*, who came in consequence of a denunciation, made by some blockhead or rascal, that I had arms concealed in my house. I made them sensible of the impropriety of their conduct, told them that I had no arms, and that, if I had, they should not touch one of them ; that, in such case, they must apply to me through their Minister of Foreign Affairs, and ask me to cede them. I insisted that the man who had presumed to make this denunciation should be seized, and then I would demonstrate the falsehood, that he might be punished. The scene finished by apologies on their part. Last night there was a general visit and search throughout the town for arms, and, I presume, for persons also. It still continues. Between nine and ten, the commissary called on me with many apologies, and took a note of my reply, so that we met and parted good friends.

You will see, by all this, my dear sir, that I have sufficient cause to take offence and depart, if I were so inclined ; but I will stay, if possible, so as to preserve to you the most perfect liberty of action. I do not, indeed, feel offended at what is done by the people, because they cannot be supposed to understand the law of nations, and because they are in a state of fury which is inconceivable, and which leaves them liable to all impressions, and renders them capable of all excesses. I shall endeavor, nevertheless, to preserve the proper firmness, and, let what will happen, I hope that, though my friends should have occasion to lament my fate, they will never be obliged to blush for my conduct.

I am ever, my dear sir, very truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq.

No. 10.

PARIS, 10th September, 1792.

DEAR SIR:

My last (No. 9) was of the thirtieth ultimo. The object of this is merely to transmit a letter forwarded to me by Mr. Cathalan, who desires me to communicate the scarcity to my friends, and at the same time mentions, that, if I will encourage him thereto, he will immediately set off to America to procure wheat. My answer, of this date, is enclosed. By the first *convenient* opportunity, I shall write to you respecting the state of things here, and I shall now send, with this letter, the several gazettes. We have had one week of unchecked murders, in which some thousands have perished in this city. It began with between two and three hundred of the clergy, who had been shut up because they would not take the oaths prescribed by law, and which, they said, was contrary to their conscience. Thence *these executors of speedy justice* went to the Abbaye, where the persons were confined who were at court on the tenth. These were despatched also ; and, afterwards, they visited the other prisons. All those who were confined, either on the accusation or suspicion of crimes, were destroyed. Madame de Lamballe was (I believe) the only woman killed, and she was beheaded and embowelled ; the head and entrails were paraded, on pikes, through the street, and the body dragged after them. They continued, I am told, at the Temple, till the Queen looked out at this horrid spectacle.

Yesterday the prisoners from Orleans were put to death at Versailles. The destruction began here about five in the afternoon, on Sunday, the second instant. A guard had been sent, a few days since, to make the Duke de la Rochefoucault prisoner. He was on his way to Paris, under their escort, with his wife and mother, when he was taken out of his carriage and killed. The ladies were taken back to La Roche Guyonne, where they are now, in a state of arrestation. Monsieur de Montmorin was among those slain at the Abbaye. You will recollect that a petition was signed by many thousands to displace the Mayor, on account of his conduct on the twentieth of June. The signing of this petition is considered as a sufficient proof of the crime of *feuillantisme*, and it was in contemplation with some to put all those who were guilty of signing that petition to death. This measure seems, however, to be suspended, (for the present at least) but as there is no real executive authority, the plan may be easily resumed, should it suit the views of those who enjoy the confidence of that part of the people who are now active.

I am, very dear sir, very sincerely yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq.

PARIS, 10th September, 1792.

SIR:

In yours of the first inst. you confirm your apprehensions of a general scarcity of wheat and flour throughout the Southern provinces of France, and propose going in person to the United States, in order to induce them to supply you with those necessary articles. I question whether that step would so well accomplish the end you have in view, as to apply in the usual mercantile line. I have always observed that supplies, of every kind, are more cheaply, speedily, and abundantly obtained, through the ordinary channels of commerce, than by the envoy of

special agents; and I think that your appearance in a public capacity would probably induce the husbandman to enhance the price of his productions, and keep them back from the market. Your letter to Mr. Jefferson shall be forwarded by the first opportunity, and I think it most proper to convey the intelligence it contains in that public way, than to give private intimations which might enable the parties receiving them to make extraordinary advantages, where all ought to be on an equal footing.

S. CATHALAN, *Consul at Marseilles.*

No. 11.

PARIS, 19th September, 1792.

DEAR SIR:

My last was of the 10th instant. I shall confine myself, on the present occasion, to the transmitting copies of my correspondence with the ministry, on the subject of the conference mentioned to you in mine (No. 9) of the 30th of last month. I transmit, however, copy of what I wrote on the 20th of August, because the answer of the 8th of this month would not be otherwise intelligible. I will not, at present, make any comments on this correspondence, and I do not know whether I shall ever mention it again. I send you, also, as the best means of communicating the state of this city and kingdom, the short but lively picture drawn of them in the Assembly, by Mons. Masuyer, on Saturday last, the 15th instant, and the report made on Sunday morning, by Mons. Roland, Minister of the Interior. I wish it were in my power to communicate a more flattering prospect than is held out by these extracts. It gives me pain to write, and will, I am sure, give you pain to read, the distressful state of a country for which we have both a sincere regard. All which I can do, under present circumstances, is to be silent. Bad news have a flight so rapid that I will not add to their wings.

I am, my dear sir, very truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq.

Enclosure 1.

PARIS, 20th August, 1792.

SIR:

I have the honor to send, herein enclosed, a letter which I have just received. The seal which is affixed to it indicates, in a manner not to be doubted, that it has been opened by authority of the Government. Such a proceeding, sir, discloses suspicions neither honorable to him who is the object of them, nor to those who are susceptible of them. I request you, therefore, sir, to put a stop to such violations.

I have the honor to be, sir, &c.

GOUV. MORRIS.

TO M. LE BRUN, *Minister for Foreign Affairs.*

Enclosure 2.

PARIS, 30th August, 1792—4th year of Liberty.

SIR:

I now bring to your recollection the essential point on which we conferred together yesterday, only to convince you of the necessity of preventing the great inconveniences which would result from the pretended insufficiency of your powers. Upon the principle that you are not authorized by your instructions to treat with the new Government of France, your functions would be null at this present moment, and our colonies, whose urgent wants of supplies require our solicitude, our activity, and zeal, would be at the point of being destitute of them.

I have the honor to observe to you, sir, that we have too high an idea of the sentiments of friendship and attachment of the United States for France, to believe that their representative could or should hesitate, under any pretext whatever, to contribute to the success of an arrangement begun by Mr. Short, the continuation of which has been confided to your care.

The suspension of the King, of his functions, should not change, sir, the dispositions of a nation with which we have connexions of friendship and interest, and whose independence is our work. They know all the efforts and sacrifices we have made to procure it for them. We do not mention the matter to excite your acknowledgment, but your good will. I believe, sir, that you owed it to the French nation before it actually took place; and if you should manifest it at the present moment, you would certainly fulfil the vows of your constituents.

But to return, sir: I ought to observe that the King is only suspended; besides, the Government being immutable, and always to subsist, no representative can, without an express order from his court or constituents, refuse to treat directly with it. Since the establishment of the new Government, you have not received from your constituents any order which can divert that measure; you might, then, sir, cause to be fulfilled the engagement entered into by Mr. Short, relatively to the eight hundred thousand dollars, which shall be held at our disposition in North America, for the purchase of necessary supplies for our colonies.

If the facts I have just detailed do not lead you to alter the determination which you made known to us yesterday, I request you to be so obliging as to assign the reasons for your refusal in the answer which I shall expect from you, and which will serve me as a direction.

The Minister for Foreign Affairs.

MR. MORRIS.

LE BRUN.

Enclosure 3.

PARIS, 1st September, 1792.

SIR:

Your letter, of the 30th August, was not delivered to me till yesterday at four o'clock. I am going to answer it fully, and with as little delay as possible. You do me the honor to say, *that I might cause to be fulfilled the engagement entered into by Mr. Short, relatively to the eight hundred thousand dollars, which shall be held in North America at your disposal, for the purchase of necessary supplies for your colonies.* I have already observed to you, sir, and I now repeat to you, that the care of making the payments of our debt to France has been confided to Mr. Short, and *that I have never been authorized to meddle in it.* I venture to add, sir, that you have in your own offices the proofs of what I have just advanced. Your predecessors have told me that they had received from the Minister of France, at Philadelphia, the copy of a letter which Mr. Hamilton, our Minister of Finances, had written to him on the 8th of March. You will see, sir, that Mr. Hamilton therein says: "From the instructions which have been given to Mr. Short, from the known progress of his operations, and by some passages of one of his letters, of the 12th November last, I conclude, with certainty, that he has paid all the arrears of interest and reimbursements of capital, due to the end of the year 1791." He adds, (with regard to the four hundred thousand dollars agreed to be paid during the year 1792) "that that sum will be an anticipation of what is yet to grow due." Here, I think it my duty to observe to you, sir, that all the engagements entered into by Mr. Short will be fulfilled by the United States with the greatest exactness.

I must also, sir, request you to fix your attention to another very important fact which I have had the honor of mentioning to you. Mr. Short had left in the hands of our bankers at Amsterdam very large sums, for several months, in constant expectation of definitive arrangements with regard to the payments—arrangements which did not take place during his mission. On the 30th of July last, I mentioned to the commissioners of the national treasury, the impossibility in which I found myself of concluding any thing in that respect, until I had received the orders of my court. At this time, Mr. Short, on his part, pressed me to cause the commissioners of the treasury to receive the money which was at his disposal; and the commissioners, also, pressed me to make payment of

it. Therefore, having agreed with them the exchange by which it was to be regulated for the moment, (and excepting always the definitive arrangements to be made with the person who should be authorized for that purpose by the United States) I requested Mr. Short, by a letter of the 6th of August last, to give orders to our bankers to pay to Messrs. Hoguer, Grand & Co. bankers, designated by the commissioners of the treasury, the sum of one million six hundred and eighty-five thousand florins, of the bank, which, at the said exchange, amounted to six millions, money of France.

You will have the goodness to observe, sir, that, according to the account of the commissioners, there was due to France, on the 1st of July last, the sum of six millions and a half; that in that sum is comprised that of three millions one hundred and fifty-seven thousand seven hundred and fifty-eight pounds, which was not in the calculation of Mr. Hamilton, and of which a part at least is yet to be verified. You will also be pleased to observe, in the same account, the payments actually made in America are not comprised, which will make an additional sum of more than two millions. Hence it results that, in every statement of the case, the reimbursements to be made to the present time, are all acquitted. I further observe to you, sir, that I am in nowise authorized to dispose of the sums which were or may be in the hands of our bankers at Amsterdam, and that all that I have done, or that I have been able to do, has been to address myself to Mr. Short, who, alone, still has the management of it.

There yet remains, sir, to be brought to your recollection another important fact, and which is found to be proved in that same letter of Mr. Hamilton, which is, that, on account of the extraordinary expenses occasioned by our war against the savages, it was impossible for him to promise the payment of the sum of four hundred thousand dollars, at earlier periods than those agreed on, and of which the last is on the 1st of December, 1792.

You can judge, sir, from what I have just mentioned, whether it is possible for me to go further than the offer I have made to you, of using the most lively solicitations to my court for the purpose of engaging it to grant the relief you require of me; an offer which you have refused to accept.

As to the suspension of the King, sir, you certainly must be sensible, as well as myself, that a minister has a right to express no sentiment whatever, without the previous orders of his nation. And, when I spoke to you on the subject, I did not wish to express to you any thing concerning it, but only, when you insisted, to lead you to perceive, that, if it were possible for me to have ventured to compromise myself, by consenting to the pecuniary arrangements which you desired, and which have not been confided to me by my court, you could not claim from it the execution of my engagements; because, that, in acknowledging your authority, it might reply to you that you should have waited for new letters of credence.

In the letter which I have had the honor to write to you, the 21st August, I informed you, sir, that my intention was to remain at Paris, but the style of yours of the 30th August, imposes on me the necessity of requesting a passport from you, that I may leave France. I shall travel with my horses a short journey, and shall take the route for England, by way of Calais. I leave here my house, my secretary, and part of my equipage, till I receive orders from the United States.

I have the honor to be, &c.

GOUV. MORRIS.

M. LE BRUN.

Enclosure 4.

PARIS, 8TH SEPTEMBER, 1792;

4th year of Liberty and 1st of Equality.

SIR:

I have received the letter which you have done me the honor to write to me, and in which you complain of the opening of a letter, the superscription of which is addressed to you, at Paris, and stamped *Spa*. I immediately communicated your complaint to the mayoralty, and you may be assured that attention will be paid to it.

In times of more serenity such an error would not have been committed, and I believe you are too just, sir, to view the opening of your letter in any other light. I shall add, that there has not been the slightest intention of derogating from your person, and the character with which you are clothed. Besides, you represent a nation, to whom we are united as much by the ties of friendship as by commercial connexions, and a sameness of principles.

We are also, sir, too much led by inclination to maintain the good harmony which subsists between the two people, not to observe, exactly, every thing that tends to a reciprocity of friendly proceedings. I request you to be convinced, in like manner, of the sincere attachment with which I have the honor to be,

Sir, your most humble and most obedient servant,

The Minister for Foreign Affairs.

LE BRUN.

MONSIEUR MORRIS.

Enclosure 5.

PARIS, 16TH SEPTEMBER, 1792.

4th year of Liberty.

SIR:

I have seen, in the answer which you have given to the letter I had the honor to write to you on the 30th of August last, that you have not taken the true sense of certain expressions which it contained, relative to the existing circumstances. My object in speaking to you of the present Government was to prove to you that, in France, it never can be dissolved, nor lose any part of its gravity, as long as the nation shall exist. From this just and incontestable principle, I thought that you might reside at Paris, and there wait for new letters of credence, and new instructions from your constituents; in a word, to continue to treat, without interruption or delay, of the affairs which interest the two nations.

You ought to be persuaded, sir, that you had found us very ready to give you satisfaction on all the points which might have been founded in justice and reason. And as, without doubt, you never had presented others, the result of our conferences and of your proceedings with us might have been followed with the success you had desired.

As to the idea you appear to have, of quitting our present Government, I think it my duty to remind you of a fact, in support of the principle I have cited to you above. It is this. When the inhabitants of North America resolved to separate from England, and to obtain their liberty, they sent to France representatives to negotiate with the Government, which made no difficulty in entering into, speaking of, and even concluding with them a treaty of amity and commerce, as well as a treaty of alliance. Scarcely had the United Provinces appointed a Congress, when Dr. Franklin was acknowledged by us in his quality of minister plenipotentiary. He was admitted, with all the corps diplomatique, to the audiences of the court, and of the minister. France sent and accredited, also, on her part, a minister to Congress.

Nevertheless, sir, you know that, at that epoch, fixed measures had not yet been taken for the establishment of a Government in America, and it could not have any solid existence, while the war continued there for the cause of independence and liberty. Our present situation, and that of your country, at that time, are, then, very different: of which you will be convinced by the following fact.

Before your Revolution, we had a Government which has always subsisted since. It is true, it has assumed another form; but liberty, the salvation of the country, have thus determined its creation. Besides, you, sir, who are born in the midst of a free people, should consider the affairs of France under another point of view than that of all the foreign ministers residing at Paris. We support the same cause as that of your country: then our principles and yours should be the same, and, by a series of natural consequences, no reason can be opposed to your residence at Paris.

I wish, sir, that this relation of facts, with which you are as well acquainted as I am, may engage you to reflect again on the matter, and determine you to change your resolution.

Whatever it may be, sir, I have caused to be expedited the passport which you have requested; it is now with the municipality for the fulfilment of the formalities. I expect to be able to send it to you to-morrow.

You will see, sir, by the enclosed extract of the reply of the minister of public contributions, that you have almost an entire satisfaction on all the points contained in your letter of the 21st of August last. I have the honor to observe to you, that the little personal accidents which you have experienced relative to your effects, your wines, and your estates, are the consequence, as you know, of the agitation inseparable from a great revolution.

I have the honor to be, with a sincere attachment, sir, your most obedient and most humble servant,

The Minister for Foreign Affairs,

LE BRUN.

Mr. MORRIS.

Enclosure 6.

PARIS, 17th September, 1792.

SIR: I have had the honor to receive your letters of the 8th and 16th. From the explanations contained in the latter, I shall pay no more attention to that of the 30th August, and, as it was that which had determined me to quit France, I have concluded to remain here, and to wait the orders of my court. As to my personal opinions, sir, they are unimportant in an affair so serious, but you may be persuaded that I have never doubted the right which every people have of forming, to themselves, such government as they please. I have, for several years, made sincere vows that France might enjoy full liberty, and all possible happiness; and I am sure of fulfilling the intentions of the United States, in assuring you that all my countrymen participate in them.

I have the honor to renew to you, sir, my request for a passport for the interior of the country. By proving my situation, it will secure me against the interruptions which might be experienced in the present moment.

I have the honor to be, &c.

GOUV. MORRIS.

MONSIEUR LE BRUN.

Enclosure 7.

Extract from the Journal of Debates and Decrees.

SITTING OF SATURDAY, 15th September, 1792; 6 o'clock, P. M.

M. Masuyer converted into a motion the demand of the minister, and arose, with force, against that sort of dilapidation. If the National Assembly, said he, does not take vigorous measures, one can no longer remain in Paris. It is become more dangerous, a hundred times, than the forests which are most infected with highwaymen. All persons are attacked here; property is violated; the laws are violated. Terror and desolation are spread throughout Paris, and all France.

SITTING OF SUNDAY, 16th September, 1792; 10 o'clock, A. M.

Mr. ROLAND, Minister of the Interior, spoke nearly in the following words: Charged, with the place which is confided to me, with a general superintendence of the police of the kingdom, I have thought it a duty to trace the cause of the disorders of Paris. This matter, gentlemen, merits all your attention, because it brings into question the support of liberty. It is reported in Paris, that, since the 4th of this month, four or five hundred persons have been arrested, and that the prisons are as full as they were before the 2d September. I have had these facts verified; they are true. *But the prison book has not been found.* I have demanded who the persons were who gave orders for these arrests: *nothing was known of them.* I required that the orders should be presented to me, and did it with authority; and I have seen and discovered that it was, at one time, the *municipality, then the sections, then individuals, then the people*, without designating what citizens, what part of the people. Some of these orders show the reasons; the greater part of them do not show any. I judge neither persons nor things, but I have conceived it a duty to bring these matters to the National Assembly; and I deposite them in the office.

No. 12.

PARIS, 27th September, 1792.

DEAR SIR:

My last (No. 11) was of the 19th; I therein transmitted copies of my correspondence with the minister, respecting the subject of the conversation mentioned in mine of the 30th of last month, of which, as well as of those of the 17th and 22d, copies are here enclosed. I think it is proper to mention to you now, a circumstance relating to that conversation, because it may explain transactions connected therewith. I had good reason to believe that a private speculation was at the bottom of the proposals made to me, and the extreme urgency which was exhibited by one of the conferees, who had been designated to me as concerned therein, tended, not a little, to confirm the information I had received. The wrath excited by the unwillingness on my part to jump over all the bounds of my powers and instructions, did by no means lessen, but came in support of the same idea. Since that period, I have been asked, by a person who said he was offered a bill drawn by the Government here on the treasury of the United States, whether such bill would be paid. I expressed my surprise thereat, and was told that this bill would be for the sum decreed by the Assembly, to be employed in purchasing supplies for the colony of St. Domingo. I observed thereon, that it seemed a strange procedure, either to sell or buy such a bill; because the vender could only employ the money in America, and, of course, need not risk a draft, and the purchaser, who must make the expenditure thereof, could not, I supposed, find his account in the transaction. This led to an explanation. The bill was to be paid for in assignats, at par, six or nine months hence, and the produce was to be employed in purchasing manufactures, suitable to the colony, in this country. I told the person who applied to me, that I did not think this would be considered, in America, as falling within the decree, and that no good reason could be assigned for paying, under great *disadvantages*, in Philadelphia, what could be paid, with great *advantage*, in Paris, when the sum paid was not to be expended in the *United States*, but in *France*. At length, the true object of this application to me came out. I discovered that it was merely a scheme of speculation, to be carried into effect if I could be induced to recommend the payment, under what was known to be a favorite idea with me, viz: the expending in *America* what we owe to *France*, and for the support of the colony of *St. Domingo*. As my concurrence could not be hoped for, I believe that the plan is abandoned, but perhaps it is only abandoned in appearance.

I also take the liberty to enclose the extract of a letter from Mr. Short, respecting Monsieur de Lafayette, with my answer thereto. I understand that he was forwarded from Luxemburg, (privately) on the route to Vienna, and had got as far as Brisgaw several days ago. I presume that his treatment will depend very much on the success of the military operations. If the allied monarchs, finding themselves disappointed in their expectations from the present campaign, are obliged to look forward to more extensive and more permanent efforts, they will, probably, endeavor to gain one of the great parties in this country; and should they turn their eyes towards the *Quatre-vingt-neuf* or *feuillans*, they will naturally consider Monsieur de Lafayette as the most fitting instrument to be employed; and he will, as naturally, desire to aid in the establishment of the party and the principles which he considers as true supporters of liberty in this country. For, you will observe, that, in like manner as the cleric and aristocratic parties considered the Assembly in 1789 as an usurper, the leaders of that assembly affixed on the jacobins the same charge of usurpation; and now, the leaders of the last revolution are charged by some of their brethren with *feuillantism*. You will see, by the gazettes, that there is the same enmity between the present chiefs, which prevailed heretofore against those whom they considered as their common enemies; and if either of the present par-

ties should get the better, they would, probably, again divide: for party, like matter, is divisible *ad infinitum*, because things which depend on human opinion can never be tried by any common standard. And not only is it unavoidable that there should be differences among different men, but it is even uncommon to find, in the same man, the same sentiments for a continued length of time, though upon the same subject: for either the circumstances change, or else the man.

You will see that the King of Prussia has made some overtures for treaty, which were not listened to. I consider the offer as a mere military manœuvre, because it is not possible that treaty should succeed in the present moment, and because preparations are making for more vigorous efforts the ensuing campaign. I am told that both Sweden and Denmark have acceded to the league, and that they count on the assistance of Great Britain, should that become necessary. On this last subject much may be said. Of the King's personal opinions there can be no doubt, and I have some little reason to believe, that not only his ministers, but the great mass of property and interest in that kingdom would readily embark in a contest to crush opinions which are considered as fatal to the peace and order of civil society; and you know of how little consequence it is, as to human action, whether opinions be or be not well founded. On the other hand, there is a party in England, not inconsiderable as to numbers, and very important from the activity of its members, who, joining to high notions of civil liberty some mixture of the enmities and prejudices of particular sects of religion, aim at a subversion of monarchy, hierarchy, and aristocracy. But as any great convulsion must necessarily overturn the stupendous fabric of national credit which has been erected within this century, there are, among the chieftains even of this party, several who rather wish that the battles for freedom should be fought on French than English ground. Yet these same men, should it become necessary to take a decided part, would range themselves (I think) under the revolution standard. But in this uncertain state of men and things, the ministry have to fear, from inaction, that the principles of the government will be sapped, and they have to fear a total defeat, should they declare war without first securing the aid of opposition. This they have been laboring at for some time, but with little effect, because there are two or three great places desired by both parties. Of these intrigues, however, Mr. Pinckney will, I doubt not, give you ample details, as they are closely connected with the objects of his mission. I have little doubt but that a junction, or coalition between these two parties would enable the Government to act with all the energy it could wish, and there seems to me to be a little cause, not much noticed, but of considerable effect, which may lead them into a war: it is, the legal advantage to be gained over those who, in supporting certain opinions, may, in case of war, be brought under the statute of treasons, as adhering to the foreign enemy.

An opponent more dreadful than any of the armies which can be sent against this country, or any of the parties by which it may be distracted, seems to be preparing his vengeance. Famine is among the things on which to calculate. The crop in Sicily was short, that of the southern provinces (always insufficient) is much less than usual. The supplies usually drawn from the coast of Barbary will (I am told) be totally cut off by those Powers, who, in consequence of the affair of the 10th of August, mean to break with this country. The grain provinces on the north and east, if not possessed by the enemy, will be totally exhausted by the two armies, and Poland, whose granaries are shut up till next spring, will be engrossed by the enemy to furnish his own magazines. I consider it therefore as next to certain that the want here will be very great during the ensuing year; and as this must, by the end of December, become apparent to every body, most other resources will then be shut by the hand of mercantile speculation. Hence it would seem that our merchants would act wisely in sending hither cargoes of flour, and I have but one apprehension in recommending it, which is, that (from the laxity of Government) property of that sort may become precarious, when the price has got so high as to oppress the poor; and yet it must so rise, or else the merchant will suffer, because the exchange cuts off a great proportion of what he receives.

I submit, my dear sir, to your better judgment, all these ideas, persuaded that you will turn them to the best account, and I pray you to believe in that sincere regard with which

THOMAS JEFFERSON, Esq.

I am, yours,

GOVERNEUR MORRIS.

Extract of a letter from Mr. Short to Mr. Morris, enclosed in the preceding number.

THE HAGUE, September 7, 1792.

DEAR SIR:

I have now to communicate one to you of a very different nature; and although I have no idea myself of what can be done in it by us with any hope of success, yet I lose no time in informing you of it, as I have been requested to do, in order to concert with you and Mr. Pinckney, conformably likewise to request, the measures to be pursued. You are no doubt informed of the circumstances of M. de Lafayette's arrestation and confinement. He and his companions were first sent to Nivelles near Brussels. Every body supposed (and even the persons at Brussels the most acquainted with the dispositions of the Government there, and the best informed here) that they would be released immediately on an answer's being received from Vienna. On the contrary, before that answer could have been received, orders were given for sending M. de Lafayette and the three members of the former assembly accompanying him, to Luxemburg, for detaining the others at Nivelles, and releasing such as had been made prisoners the day after M. de Lafayette, and who had also been brought to Nivelles. Under these circumstances, which would seem to indicate no intention in the Government to release those whom they now detain, manifestly in contravention to the principle existing of allowing the peaceable and unarmed citizen, to pass as travellers through the two countries, I have been pressed to concert with you and Mr. Pinckney means of our jointly reclaiming M. de Lafayette, in the name of the United States, as a citizen thereof. I am urged to this by some officers, his friends and former companions, who arrived here, and by a letter from himself, which is short, but pressing in the extreme.

Whatever is done should be done immediately, for numberless reasons; and whatever is possible in a case of this kind will no doubt be considered as proper. I therefore submit it to you, as I shall do to Mr. Pinckney, under the urging request above mentioned. I am persuaded you will both weigh the matter as it ought to be, and suggest some means of acting with propriety and efficacy if there be any. I shall be anxious to hear from you, and to prevent delay, imagine you will find it proper to communicate directly with Mr. Pinckney on the subject. I can add nothing to the considerations which will naturally occur to you on this distressing occasion, and which the companions of M. de Lafayette, who are here, represent as dangerous to him.

I trust, however, that their fears are exaggerated by the interest they take in what concerns him, and cannot help flattering myself that the Austrian Government, from a regard to their own character, will not extend this violation of the most sacred principles of right and justice further than to a mere detention of those gentlemen, who fled from their country because they would not partake of the atrocities which the same Government have held up as the motive for their interfering and endeavoring to suppress the factions which have occasioned them; which factions the persons now detained prisoners notoriously combated, and are exiles for their having so done. In this exile and proscription they abandoned their arms, and asking only a peaceable passage through the country whose Government had taken the engagement, in the eyes of Europe, to extend protection to all they found in that situation, instead of receiving this passage to which every right entitled them, were arrested, imprisoned, and are still detained. History and posterity, the supreme tribunals of sovereigns, will no doubt avenge such a violation of the solemn promise made by the allied sovereigns, and by those who proclaimed it in their name. Being persuaded myself, however, of the enlightened mind and love of justice which those who possess the Emperor's confidence both at Vienna and in the low countries have given so many proofs, and of the moderation also which directs their councils, I cannot allow myself to believe that the passage to neutral territory, which was asked by these gentlemen, after having quitted their arms, and determined to leave their country, can long be refused them. Yet, lest I should have mistaken the character of the Imperial Government, I join my request to that already made, that you will weigh well this matter, and communicate to Mr. Pinckney and myself your sentiments.

WM. SHORT.

Extract of the answer of Mr. Morris to Mr. Short.

PARIS, September 12, 1792.

DEAR SIR:

I proceed to the next object of your letter. The situation of M. de Lafayette I have long lamented, and since these last disasters I feel more than ever a desire to alleviate his distress. I had already meditated on the circumstances in which he might be placed, and his imprisonment was among those events which appeared not improbable. The enemy may consider him as a prisoner of war, as a deserter, or as a spy. In the first capacity he might be delivered up to be sacrificed by his countrymen; in the last he might be made the victim of resentment excited by his former conduct; as a deserter he is entitled to protection, but I doubt whether he would choose to be so protected.

I incline, however, to the opinion that the enemy mean to use him in a different capacity, and that his future treatment will depend entirely on himself; but at the same time I fear that the employment they would give him is not such as he will choose to engage in. Be all this, however, as it may, he is in their power, and they will do as they please. The reasons you urge for his liberation are cogent, and I hope they will be attended to; but power sometimes makes law for itself, and in such cases it cares but little for history or posterity.

Supposing that M. de Lafayette were a natural born subject of America, and taken under the circumstances in which he was placed, I do not exactly see how the United States could claim him. He was not in their service. If he had been made a prisoner of war could they claim him as their citizen? If claimed and delivered up would they not be bound to put him to death for having attacked a neutral power, or else by the very act of acquitting him declare war against those who had taken him? Can the United States interfere in an affair of this sort without making themselves parties in the quarrel? But M. de Lafayette is a Frenchman, and it is as a Frenchman that he is taken and is to be treated. Again, supposing the right as clear as it is questionable, I presume that before the United States made such demand they would determine to go all lengths to establish their right, in case it should be refused; for otherwise, by advancing the claim and then receding, they would sit down quietly under an insult. Consequently they would consider well before they placed themselves in a situation to be dishonored, or else drawn into a war.

These are points of such magnitude that I do not feel myself competent to decide on them in behalf of my country, and therefore, if I were minister to his Imperial Majesty, I should (I think) confine myself to prayer and solicitation, until I received express orders from the President of the United States. But as I am not minister to the Emperor, I rather think that my interference would prove offensive, and do more harm than good to M. de Lafayette. And not only the Emperor, and perhaps the King of Prussia too, might complain, if they thought it worth while to take any notice of such unauthorized application, but the Government of this country also might feel itself offended, and that in either of those events which are now at the issue of the sword. If there was, however, any probability that a demand on our part would liberate him, it might be well to attempt it. You may perhaps find out how that matter stands through the medium of the court at which you are, and this it would, I think, be well to do. If the Austrian ministry should wish an excuse to deliver him from bondage, they may admit of that which you mention, but certainly they will not consider it as a reason.

GOUVERNEUR MORRIS.

No. 13.

PARIS, 23d October, 1792.

DEAR SIR:

My last (No. 12) was of the 27th of September. Since that period, and within a few days, I have received yours of the 16th of June. In sending the gazettes it would be well, I think, to put them in an envelope, open at each end, and direct them to the consul at Havre, who should be desired to forward them to me by the stage. This will avoid the heavy postage.

The unexpected events which have taken place in this country since your letter was written, and of which you will have been informed before this reaches you, will show you that I cannot, until I receive the President's further orders, take up any of the objects to which it alludes, not having, indeed, the proper powers. I apprehend, also, the United States will wish to see a little into the establishment of the new republic before they take any decided steps in relation thereto. In this case I may be yet a long time without such orders, which is to me a distressing circumstance; because it involves a degree of responsibility for events which no human being can foresee. It may, indeed, be replied, that, in a position like mine, the proper conduct is to preserve a strict neutrality, and, of course, to do nothing; but cases often arise in which to do nothing is taking a part. I need not state the many situations of that sort which occur. I had it in contemplation to leave Paris and visit Bordeaux and Marseilles; but I found it necessary to continue here for the sake of such of my countrymen as were in this city, and who might, in the madness of the moment, have been exposed to danger, but certainly to inconvenience. A proof of which is, that the English, who remained after Lord Gower went away, found it so difficult to obtain passports, though possessed of those he had given, that many, after waiting for weeks in fruitless attendance, went off at all hazards without them.

I informed you, in my last, that I believed the plan for speculating on the sum appropriated to the use of St. Domingo was abandoned; but a further attempt was made by the minister, who pressed me again on the subject, and I, of course, again declined, referring him to Mr. Short, who, in fact, is alone empowered in that respect. What they may have since done I know not. The intercourse with Holland is much interrupted just now, and a letter which Mr. Pinckney forwarded for me, by Colonel Smith, from Mr. Short, and which was put into the post office at Dieppe, has not yet come to hand. I suppose that it relates to Monsieur de Lafayette, who is, I am told, at Wesel, and, of course, in the power of his Prussian Majesty.

The gazettes will inform you of the retreat of the Prussian army. I have been told, on good authority, that the cannonade of the twentieth of September was only to amuse; that, during its continuance, the Duke of Brunswick made a masterly movement by which he opened to himself the roads to Rheims and to Chalons. That the French army was so much in his power that he might either have driven them away and dissipated them, or if, under every disadvantage, they would risk an action, that he would have cut them to pieces. And why didn't he? To this natural question two answers are given. It is said that the plan fixed for the campaign was, that the King of Prussia, at the head of his army, should form the point of a wedge, of which two columns of Austrian troops should form the angles. The right, under General Clairfayt, to penetrate to Soissons; the left, under the Prince de Hohenloe, to penetrate, after masking Thionville and Metz, to Chalons. That, by this means, the magazines, sick, and wounded, of the three armies, would have been completely covered, and the police of the country been maintained by the emigrants, under the immediate orders of the King's brothers. Another body of troops was, at the same time, to make a powerful diversion, or to penetrate, as circumstances might permit or direct, from the Brissgaw. You will observe that all which depended on the Austrians, in the plan above supposed, did completely fail, and that, in consequence, if the King of Prussia had advanced any further, the French would have closed in upon his rear, and, of course, his sick, his wounded, and his magazines, would have been sacrificed; perhaps his retreat cut off. It is said that the three days consumed in treaty were to give time to the columns in question to advance, and, by their demonstrations, to drive off the corps which infested one of his flanks and menaced the other, and to show, at the same time, that he had completely performed his stipulations. In effect, he had surmounted the obstacles which nature had opposed to his march; had disentangled himself from the Ardennes, and was complete in force, and in view of the two great plains of Champaign, the one leading by Rheims, and the other by Chalons, to his object. It is said that, without the aid of the columns in question, his further progress would have been useless; because he could not detach to the right and left so as to cut off the communication between this city and the southern and western parts of the empire. To this, it is added, that a season, of which there is no parallel in the memory of man, and disease, beyond all reasonable expectation, had almost crippled the Duke's army before he could extricate

himself from the defiles, and drive off the parties which were in possession of them. This is one solution of the events which took place subsequent to the 20th. Another is of a different nature: it is said that Monsieur Dumouriez, convinced that an opposition to the combined forces must prove unavailing, and supposing that the rivalry of Austria and Prussia must prevent any cordiality of union; being further induced to believe that the Prussian cabinet would pursue its own separate interests, when occasion should offer, without much regard to previous stipulations, and would, in fact, rather sacrifice somewhat even of its particular interest, than aggrandize, in any degree, a rival, sore from ancient and recent injuries—Dumouriez, prompted and encouraged by these ideas, sought eagerly the occasions of treaty with the King of Prussia. That at length he succeeded so far as to show that Prince that the present was a favorable moment for giving a final blow to the House of Austria, and that France and Prussia would find immense advantage in an union by which he might take up again the business he had abandoned in Poland, and thereby foil the schemes of both Russia and Austria. That a more evident advantage, though not more certain, would be found in a subsidy of two hundred millions of livres, and that he must see the danger of the war in its present situation, and might thence the more easily estimate the advantage of abandoning it. These reasonings are said to have had the desired effect, and that a kind of treaty was actually entered into, one article of which related to the royal family of this country, which is to be set at liberty. I have been told further that the Executive Council here will not confirm that part of the bargain which relates to the subsidy and the royal family, saying, which is true enough, that they are, in this respect, without authority.

I must slightly mention another solution of the late movements, because it is possible that it may be well founded. A lady, I think Madame de Guisne, but certainly the daughter of Madame de Polignac, is said to have made an impression on his Majesty, who is, it seems, very susceptible of violent, though not of lasting, affection. This young lady is said to have been ill treated by her mother and others who are among the principal emigrants, and to have used her influence with the King to avenge the slights of her countrymen and relations. In the midst of all these different accounts, of which, perhaps, not one is true, the leaders here seem to consider Prussia as weighing no longer in the scale against them. Dumouriez is on his march to Brussels, in which he means to take up his winter quarters, and there is in this more of cool good sense than at first sight may appear. I have already communicated to you the state of things here in what regards subsistence. The country, late the seat of war, is totally consumed; never abundant, it is now so bare that the inhabitants will be reduced to the utmost straits; and although the northern frontier is not yet in the same state, it would be not far from it before the end of January if the whole of the French army, late in the centre, were stationed there. This army is now very numerous, and, from the want of discipline, consumes much more than is usually allotted to one of equal number. It is, furthermore, very sickly, and of course the followers must be greatly increased. If he can penetrate into Flanders and Brabant he not only saves the provisions, which would have been consumed in France, but he destroys so much of the resources of the enemy. If he can create a revolution, which may be effected by a very small number of the people, while supported by a victorious army, he obliges the Emperor to confine his efforts to a single side of France, namely, that defended by the Ardennes in part, and in part by the Rhine. And on this side it will be very difficult to make any serious impression so long as the French continue in their present mind. These objects justify some risk by M. Dumouriez, and he is better able to calculate the extent of that risk than any mere spectator, because he has long had intelligence in that country. The undertaking is not, however, without considerable difficulty. There are not, indeed, any strong towns in his way, but there are three strong positions, of which the first is near Mons, the second, still stronger, on a hill, about half way, to the best of my recollection, between Mons and Brussels, and the third not far from Brussels itself. The military face of that country is, you know, understood by all military men with perfect exactness, having been the theatre of war for the two last centuries; of course all the advantages which it gives to disciplined armies will be made use of by those who are to defend it. Add to this that we approach the end of October, and though we are just now flattered with fine weather, it is not to be expected that those who go due north will meet with warm nights and long days in November. A failure, therefore, must be fatal to many, but this is little thought of here just now, because there is no want of men. It will count, however, in the next season. Fortune has hitherto smiled on the French arms in a manner unexpected to themselves, and it may, perhaps, continue to do so. Much of this is, in my opinion, owing to the folly of their opponents, who seem to have fostered the determination to reduce them under a military despotism. The Divine justice will never, I hope, permit such iniquitous plans to succeed; and I always consider princes and generals and statesmen as mere instruments, and generally blind instruments, in the hands of the Almighty, to work out his ends by ways which are, for the most part, inscrutable to us. I do not say any thing about the incursions into Savoy and Germany, both brilliant, and the former of which bids fair to extend the French republic to the foot of the Alps, because these things, fully detailed in the gazettes, speak for themselves.

As to the domestic affairs here they are by no means quiet. The great majority of the Convention is united, in opposition to a few members, who are joined to some chiefs in this city, and meditate further revolutions. They aver that those whom they call the Brissotines had no wish to overturn the monarchy, but only to get the loaves and fishes for themselves and their friends; that the affair of the 10th of August happened not only without their aid, but contrary to their wish; that having happened, they did, indeed, take advantage of it to obtain the executive power for their particular friends; but that, even then, they would not consolidate the revolution by destroying its enemies—a business, say they, which was effected on the second of September and the following days, and which those, who now solely enjoy the fruits of it, pretend to blame. The Brissotines, on the other hand, contend that they alone are the true friends of republican government, for which they have incessantly labored ever since the second Assembly met. That the attachment they professed to the late constitution was only simulated, and was necessary to cover their attack upon it. That, in their various decrees, they constantly kept in view the advantage to be gained by obliging the King either to sanction what, though agreeable to the popular wish, was contrary to the constitution, in which case the constitution would have become a dead letter, and have left the field of contest open between the King and the Legislature; or else, if the King withheld his sanction, it turned the voice of the people against him, and left him, in consequence, exposed to a successful attack, whenever the favorable moment should present itself. That it was they, in short, who brought forward the plan of an army of twenty thousand republicans under the walls of Paris, and who took private and effectual measures to bring that army into the field, if, as was apprehended, the King should put a veto on the decree. That it was owing to these measures that the Bretons and Marseillois, and other Federees, were on the spot to execute the plans of the tenth of August, &c. These are the outlines of the arguments made use of on either side to convince the public that each is exclusively the author of a republic which the people find themselves possessed of by a kind of magic, or, at least, a slight of hand, and which, nevertheless, they are as fond of as if it were their own offspring. To these main arguments are added a number of subordinate ones, with all the little accessories of time, place, and circumstance. The majority of the Convention, however, diffident of the people of this city, and apprehensive that they may take it into their heads to make another revolution when they grow tired of the present state of things, have called (privately) for a guard from the different departments. This now forms the bone of contention; you will see in the gazettes the arguments pro and con. I own that I think it a false stroke in politics, though, as a peaceable citizen of Paris, and interested in the preservation of order, it is personally agreeable to me. On the ground of argument it is clearly a feature not republican, and, *prima facie*, implies that the convention means to do things which a majority of the capital would disapprove, and hence it follows again that either the interests of the capital and the provinces are different, or else that the measures in contemplation are contrary to the inclinations of both. But it is not, I think, on the ground of theoretic argument that such things are to be tried, but from an examination of probable consequences. A guard of this sort evidently draws a strong broad line of separation between the city and the Convention. It gives, of course, many means for operating on the people to those who are opposed to the Convention. It is among the things to be calculated on that the guard, after it has been here some time, should catch the spirit of the city, be that what it may. In such cases, instead of protectors, they will find enemies in their guard; but admitting that this should not happen, if the guard be feeble, it will be overawed; if strong, those who can influence the guard, will command the Convention, who, in this case, will only have changed masters. If any little check should happen on the frontiers

it will be too unpopular to keep a considerable body of men for parade who might be useful in camp, and, as soon as they go, the people rise at once to resent the insult offered to them. It seems probable, therefore, that this guard will be among the reasons why the convention may leave this city, and that would give a very serious shock, and in many ways. It is to be noted also, that, when they take up the report on a form of government, the opposition will find vast resources in the opinions of the majority, let those be what they may. To these leading points I might add a thousand little things, but you would be tired of such particularities.

With respect to the present temper of the people of this country, I am clearly of opinion that the great decided effective majority is now for the republic. What may be the temper and opinion, six months hence, no prudent sensible man would, I think, take upon him to declare. Much must depend on the form of government which shall be presented by the Convention. If vigorous, it is very problematical whether the departments will adopt it, unless compelled by a sense of impending exterior danger. If feeble, it is, humanly speaking, impossible that it can control the effervescent temper of this people, and that appears sufficiently by the fate of the late constitution. Whether they will be able to strike out that happy mean which secures all the liberty which circumstances will admit of, combined with all the energy which the same circumstances require; whether they can establish an authority which does not exist, as a substitute (and always a dangerous substitute) for that respect which cannot be restored after so much has been done to destroy it; whether, in crying down, and even ridiculing religion, they will be able, on the tottering and uncertain base of metaphysic philosophy, to establish a solid edifice of morals; these are questions which time must solve.

I am, ever truly, yours,

GOUVERNEUR MORRIS.

No. 14.

PARIS, December 21, 1792.

DEAR SIR:

I have received your favors of the 12th of July, and fifteenth of October; the last reached me yesterday, by express, from Bordeaux. I am astonished to find that, so late as the middle of October, you had received but one of my letters. I had taken every precaution against *miscarriages*, but there is no answering for the *negligence* of those one is obliged to employ in the posts. I shall transmit you, herewith, copies of Nos. 1, 2, and 3, although the time which has elapsed will have reduced them to the value of waste paper, excepting the last. I have written to Monsieur Merlino, but have received no answer, and really know not where to find him; I shall, however, keep a look out.

When I mentioned supplies to St. Domingo, I certainly meant that such supplies should be purchased by French agents in the United States, and that the money should be advanced by us in diminution of our debt, upon such terms as that the United States should not lose in the mode of payment, but the contrary; besides the advantage of expending such large sums in the purchase of objects, the growth, produce, and manufacture, of our country, and of its industrious inhabitants. As to specific supplies I had declared, in pointed terms, that the American Government would, by no means, enter into stipulations of any kind, with relation thereto. I am happy to find that, on this occasion, my sentiments have so fully coincided with yours.

It gives me also great relief to be informed that, until further orders, the payments are suspended. You will have seen that, on this point, I have been hard run; and I do assure you that, if fear or interest would have induced me to swerve from the line of duty, there were not wanting sufficient motives. But it is not needful to relate such particulars, and you may rely that I shall not communicate your present instruction respecting our debt, unless I shall be of opinion that it will become serviceable to the honor or interest of the United States.

I see, with concern, that the Indian war is like to continue. This war prevents the investment of European money in the purchase of our waste lands; and I have already expressed to you my conviction, that this species of investiture would be as salutary as the engrossing of our domestic debt is pernicious. The distressed state of things here induces many to turn their attention towards us, and, consequently, occasions numerous applications to me. I endeavor, as far as propriety will admit, to lead people to a preference of American lands, but am sorry to observe that the disposition to invest in our funds is predominant, and that we shall thereby become tributary to those who obtain, below its value, a share of those funds. I think it my duty to mention this to you, to the end that, if any measures can be devised to enhance the value with you, and thereby lessen the negotiations, or at least obtain thereon the competent value, such measures may be adopted.

Although I step very much out of my sphere for the purpose, I feel myself bound also to mention, respecting this Indian war, some ideas which have formerly suggested themselves to me, and which the circumstances of the present moment seem to favor in a peculiar manner. I cannot but think that it would be well to build a fleet on Lake Erie, having for that purpose established a strong post at Presque Isle, which, I believe, the only good harbor on the south side of that lake, and to send also a *flotilla* from Oswego, with flour and salt provisions, to be transported by way of Niagara. As to this last measure, if not obstructed by the British, it would considerably lessen the expense, and, if opposed, would terminate that situation of demi-hostility which has but too much existed with them. If a body of fifteen hundred men were sent, with all the needful stores, by water, in good vessels, they might establish a strong post near the Miami towns, and carry on from thence a war of devastation, which would force the savages to abandon the country, and that is, I believe, the only effectual means of obtaining peace with them.

You will find enclosed, herewith, my letters (Nos. 12 and 13) of the twenty-seventh of September, and twenty-third of October. I have had no good opportunity since the latter of those dates. If, indeed, America had been at the distance of only fifty leagues, I should have given you every two or three days the state of men and things; but placed as we are, both morally and physically, in respect to this country, I should only have wearied you by the little uninteresting histories of persons and projects, whose existence will soon be consigned to an endless oblivion. It has, however, appeared to me important to obtain, as nearly as may be, a view of the greater events which may probably arise; because the conduct of the United States will, I presume, be squared rather to that state of things which you may conceive likely to be established, than to the fluctuating chances of an hour which passes away.

I shall resume, then, my account of things where I last left it, namely, in the projected invasion of Flanders; and first, it may be proper to cast an eye on the structure and consistence of the French armies. The leading feature here is an artillery, which is, beyond all controversy, the best in Europe, and likely to continue so, from two causes. First, that the Frenchman is by nature a better artilleryist than almost any other man, it being in his temper, (and if I may say so) in his blood and marrow, to act suddenly, and without deliberation. Hence, he becomes very dexterous in those things which are to be performed at a single motion, and by a single glance; but rarely acquires a knowledge of any business which requires constant, close, and undissipated attention. Secondly, the excellence of the French artillery depends upon the great care and culture of their natural disposition. The able men who have formerly been at the head of their military affairs had the merit of knowing the character they had to do with, and therefore (quitting what appeared unattainable in the military art) sought perfection there where Frenchmen could find it. They despaired of forming solid columns of infantry, moving with the exact precision of German discipline. It happens, therefore, that the present French army differs less from what the French armies have been heretofore, than would easily have been supposed. The same enthusiasm of enterprise, the same contempt of danger, the same impetuosity of valor, and the same impatience of control, still mark the nation which inhabits ancient Gaul. They have as heretofore overrun Flanders, made impression on Germany, and occupied Savoy. Dumouriez, in his Flemish expedition, combined the arts of a politician with the bravery of an experienced soldier. You know that the inhabitants of the low countries were indisposed to the domination of the house of Austria, particularly since the attempts of Joseph the Second, to weaken the influence of the priesthood. During the latter part of his reign, there had sprung up three parties, viz. the bigots, who wanted a kind of theocracy, to be exercised by the priesthood; the nobility and substantial burghers, who wished to establish a free and well organized constitution,

and the French party, or those who were desirous of levelling the nobles, and above all the church, which possesses, as you know, the greatest part of the Flemish territory. On the return of imperial authority, after the revolt under Vandernoot and Van Eupen, the second party above mentioned naturally enough fell in with the Government, as they had already experienced no little tyranny from the priests, and saw much danger in the prevalence of French ideas. They stickled, however, for a confirmation of ancient chartered rights, and the disputes on that chapter were still open. They hoped that the war (whose avowed object on the part of France was to drive out the house of Austria) would induce the Emperor to cede the points in controversy. The cabinet of Vienna (on the other hand) believing in a certain victory over the French Government, rather wished than feared revolt; and when the face of affairs had materially changed, it was too late to retreat, since the concession of weakness neither conciliates affection, nor commands respect. The agents of the different parties, who had preserved a connexion more or less direct with Dumouriez, were urgent with him to go into Flanders, as soon as the Russian army began to retreat, and he adroitly flattered each with the hope of favoring its particular views. This was done at the expense of a little lying, which does not cost him much. By these means, the crafty priests were as completely duped as their adversaries, and more so. After the battle of Jemappe, when he had taken possession of Mons, he took care to proscribe the adherents to the Emperor, which left but two parties to deal with; and although the ecclesiastics began to perceive their danger, it was now too late to retreat, and they were obliged to pretend an attachment which they did not feel, and which served his temporary purpose as effectually as if it had been sincere. But he had too much sense not to know that measures hostile to the real interests of the country could only be carried into effect by those who have no common interest with the country, the populace of the large towns, who, having some chance to gain by turning all things topsy turvy, and who, being happily secure against the possibility of loss, because they have nothing to lose, are always the ready instruments of mischief to those who can bring themselves to use them for destructive purposes. He, therefore, published a proclamation, which may in few words be translated into an order to be free, according to his ideas of freedom, on pain of military execution. As a military man, he had almost ensured success, by advancing with three armies, the least of which was equal to all the force which the enemy could muster, and the centre (which he commanded) was double to what was spread over the different parts of that level country. At the affair of Jemappe, he commanded eighty-six thousand men, although they were not all in action, because eighty thousand cannot act together on only two sides of eighteen thousand. By the by, this affair, notwithstanding the accounts published, was decided by the immense train of heavy artillery which the French employed; and the proof is in the retreat of the Austrians, who carried off their cannon—a thing impossible, had the lines been taken, as was said, by assault; but the truth is, that the assault was given after the retreat was begun, and the Hungarian grenadiers, who brought up the rear, were in course cut to pieces.

Dumouriez, as soon as he had got fairly in possession of Brussels, began to develop his particular plans. It was never his intention to continue (if he could avoid it) in the capacity of a servile agent to the Executive Council; but they also were aware of his views; hence the course of his successes naturally tended to a breach between them. There were additional reasons on each side, both of safety and advantage, too tedious to enumerate, because it is sufficient to state those sentiments which may govern events, without developing all the sources from which they originate. The council gave orders for opening the Scheldt, with design to captivate by that measure the attention of the people of Brabant, and, lessening his influence, increase their own. He struggled against that measure, but in vain. Having, however, made the step, he formed the plan of attacking the Dutch, who were by no means prepared to receive him; and the party in that country which calls itself *patriotic*, and which others would be very apt to term *aristocratic*, immediately opened an intelligence with him. The governing powers here, in the midst of all these plans, (and intoxicated by success perhaps) declared themselves the allies of all those who would revolt against established authority, and the enemies of all those who would not revolt. They determined that every body should be free, French fashion, *and should pay the expense which might attend the making of them free*. This last address to the purse was not perhaps well calculated for the taste either of the Hollanders or Flemings; but the latter must for the present submit to whatever impositions may be laid on them, being in the power of this country. Shortly after the plan was laid for invading Holland, of which the above mentioned decree was a partial execution, two circumstances arose which changed the measures of the council. The French army began to lessen very much; but this is a subject which I must treat separately, and, therefore, barely mention it in this place. The other circumstance was, that the ministers and agents they had employed in London, assured them that, although the declaration respecting the Scheldt had occasioned much alarm, and irritated at the same time the British cabinet, yet they might avoid hostilities if they did not actually invade the Dutch territory. They, in consequence, gave orders to Dumouriez to abandon his design upon the Netherlands, and turn his arms to another quarter. This he refused to obey; but, being reiterated, and things here being a little different from what he hoped, he has within these few days submitted; but I shall come to this part of the history presently, and here I will conclude as to Holland, by adding that the agents of the patriotic party press the Government hard to attack their native country immediately, but are told that the time is not favorable; that they will certainly march that way by and by; but that, at present, *they have not sufficient force nor supplies*. You will observe that Mr. Le Brun declares to the Assembly, that they are guiltless of any design against Holland, and that England cannot justly complain on that score. I presume, however, that the British ministry are exactly informed of the contrary; but, be that as it may, you may rely on what I relate to you. In respect to the Flemish, before I leave them, I must tell you that their ancient hatred to the French is all revived, and is (if possible) more violent than ever. Several reasons for this appear from what I have already said; but there is one cause affecting equally all the neighbors of France, and which it may be well in this place to mention. It would seem, at first sight, somewhat strange, that the people in the world the most amiable at home, should be the most disagreeable abroad; but this is strictly true. The morals, or rather the want of morals, in this country, places every one at his ease. He may be virtuous if he pleases, but there is no necessity either to be, or to appear so; consequently, both good men and bad men can enjoy the society of Paris. But when the French go abroad, they desire to introduce among other people the same free and easy principles, which do by no means suit the taste of those who consider a chaste and orderly deportment essential to the peace and happiness of civil society.

The open contempt of religion, also, cannot but be offensive to all sober-minded men; add to this, a style of conversation which runs on the insulting comparison between their own usages and those of the people with whom they live. In this, they naturally, and I believe justly, give a preference to their own, but this preference becomes irksome to others, especially if, in the expression of it, there should be mingled some little contempt; which is not uncommon. The French emigrants had wearied out all those countries, which for two years past they have infested, and had accumulated on their own heads the antipathies which had been previously extended to all their countrymen. Nay, from this hatred to them sprang up a kind of left-handed love for the Jacobins, it being natural to like those who war on the persons whom we dislike. No sooner do the French armies enter into a country, than the scene changes. The emigrants do not indeed find favor, but the original sentiments of the people return in regard to the French nation. These sentiments are universally unfavorable, as I observed (with sorrow and surprise) in a journey I made two years ago through Flanders, and a part of Germany, viz. that which is the seat of the war.

The irruption into Germany, under Custine, was attended with the same rapid success as that of Dumouriez into the low countries. Mayence was surrendered rather to the assigns than to the arms of France, it is believed. Frankfort naturally fell as being a neutral city. Contributions were raised in both, and you will see, with astonishment, that the deputies, sent from Frankfort to solicit the remittance of her contribution, were made prisoners here when their city was retaken by the Prussian and Hessian forces. This re-capture was attended with strong circumstances to show that hatred of the French which I have above mentioned. Custine's advance into Germany was certainly hazarded beyond the rules of prudence, and it will be well if he escapes with no further loss than what he has already suffered. His present situation is certainly critical, since the council have thought proper to order on Dumouriez to his relief. And here, by the way, it may be well to remind you, that the distance from Valenciennes to Liege is about one half the distance from Liege to Mayence, and that the former is a level open country, the latter a country of defiles, at least for a considerable part of the distance. Add to this the season, which is already severe in that quarter, and must, in all human probability, become more so every day, and you will easily

see why Dumouriez, in agreeing (at last) to obey his orders, has declared that he will by no means be responsible for the success. You will recollect, also, the diminution of the French armies, which it is proper now to state more particularly.

The alarm spread through France, after the affair of the tenth of August; the call to defend their country—a call which must ever be efficacious so long as men are endued with the feelings of men; the boiling spirit of the nation, and the strenuous exertions of those against whom the Duke of Brunswick had denounced an inexorable war; had called into the field six hundred thousand men. Presently France renewed the appearance of a nation of warriors, overflowing on every side, and bearing down, with an irresistible impetuosity, every obstacle. Her enemies, who had never brought against her, in the whole, above one hundred and fifty thousand, and who were much reduced by sickness and fatigue, found themselves obliged to retire, and had no resource but to impede a progress which they could not prevent. This Government, on the other hand, sensible that the next campaign would press them hard, and feeling (in spite of delusive appearances) that a paper system of finance must at length sink under the enormous weight of their expenses, thought it wise to push to the utmost their successes, and were little solicitous about a loss of men which they could supply more easily than their enemies. But there is, to the physical powers of man, a narrower bound than to his moral conceptions. Excessive fatigue, want of necessities, and bad accommodations, had carried many to the grave. Not a few have fallen in action. At the present moment there are, in the different military hospitals, seventy-five thousand sick beds, and at Liege the hospital stores are so greatly deficient that the inhabitants have been compelled to furnish all their spare beds and mattresses, notwithstanding which, many of the sick soldiers lie on the straw. The extent of country which they occupy, and the projected changes in Government, contrary to the wish of the majority of the people, render it necessary to keep up garrisons beyond those which are placed on the communications. A great proportion of the volunteers, who had turned out at first to defend their country, who had afterwards been prompted by a national spirit and temper to march into the neighboring States, and who, from the same spirit and temper, pursued as long as their limbs would support them, sinking at last under fatigue, have stopped, and from that moment it is in their nature to return—such of them, at least, as are able; of consequence, the troops in condition to act are, comparatively speaking, but a handful, though still numerous. You will see, by the gazettes, that the armies of France have frequently been strained for subsistence, and surely this is not to be wondered at. Lorrain is so completely eaten up that (as I am credibly informed) above one hundred thousand of its inhabitants had left it, before the present month, from the want of food. A contagious dysentery has swept off numbers in that quarter. You know the country from Aix la Chapelle to Coblenz, and that, having been the theatre of war (almost) since the beginning of August, it will be impossible to find any thing in it; and that, confined by the Ardennes on one side, and the Rhine on the other, nothing can be brought to it but by a land transportation of at least fifty leagues. I fear that, even had Dumouriez quartered his troops as he intended, in and about Liege, it would have been extremely difficult to have collected magazines, especially for his cavalry. What must it be when he gets to the neighborhood of Bonn! Beurnonville is, you will see, pushing with an army of thirty thousand men towards Coblenz, by the way of Treves—a rugged country of fastnesses, defended by the winter; and fifteen thousand Austrian troops are opposed to him. Consequently his progress is slow, and, by and by, his convoys will be exposed to parties from the garrison of Luxemburg. Thus you see, sir, that France is warring, at present, against nature herself, as it were, and sanguine men hope for success. If it be obtained the enemy will open the next campaign under manifest disadvantages. But we must not yet enter into that consideration.

You will have seen that the jacobin club is as much at war with the present Government as it was with the preceding. Victory or death is the word with both parties. Hitherto the majority of the Convention has had rather the advantage, although they frequently decree what they do not wish. The ministers, possessing vastly more patronage than any monarch since Louis the Fourteenth, secured, by that means, the influence of the majority, their friends; and the Jacobins, though backed by the Parisian populace, have been several times within an inch of ruin. Luckily for them, their adversaries are many of them timid, while the jacobin leaders are daring and determined. It is now some time ago since the Jacobins despatched Bonne Carrère to make overtures to Dumouriez, whose quarrel with the Council was then just breaking out. It was then understood that, if Dumouriez threw up his commission in disgust, his army would presently retreat back to Valenciennes; and this, it was supposed, would justify a coup d'état in this city, and extend the influence of it through all France. Ever since this embassy of Bonne Carrère, things have been ripening fast on both sides. At present there is a schism in the ministry, and Pache, the minister of war, throws his weight into the scale of opposition. Dumouriez has (I am told) acceded, notwithstanding the adulations and concessions of the other party, and the coalition now nearly balance their opponents. A late circumstance brought forward a show of forces, and though it is rather anticipating on a different subject, I must state it here. The *Brissotines*, finding themselves hard pushed towards the killing of the King, and apprehensive (not without reason) that this might be a signal for their own destruction, determined on a measure not a little hazardous, but decisive. This was the expulsion of the Bourbons—a blow principally levelled at the Duke of Orleans. The motion was carried, but the Convention have been obliged to suspend the decree, and that is, I think, equivalent to a repeal. The suspension was pronounced under the influence of the tribunes evidently. Many members have talked of leaving Paris; but the same fear which controls them while in this city will prevent them from quitting it. At least such is my opinion.

I come now to the trial of the King, and the circumstances connected therewith. To a person less intimately acquainted than you are with the history of human affairs it would seem strange that the mildest monarch who ever filled the French throne; one who is precipitated from it precisely because he would not adopt the harsh measures of his predecessors; a man whom none can charge with a criminal or cruel act; should be prosecuted as one of the most infamous tyrants that ever disgraced the annals of human nature. That he, Louis the Sixteenth, should be prosecuted even to the death. Yet such is the fact. I think it highly probable that he may suffer, and that for the following causes: The majority of the Assembly found it necessary to raise, against this unhappy prince, the national odium, in order to justify the dethroning him, (which, after what he had suffered, appeared to be necessary even to their safety) and to induce the ready adoption of a republican form of Government. Being in possession of his papers, and those of his servants, it was easy, (if they would permit themselves to extract, to comment, to suppress, and to mutilate) it was very easy to create such opinions as they might think proper. The rage which has been excited was terrible; and although it begins to subside, the Convention are still in great straits, fearing to acquit, fearing to condemn, and yet urged to destroy their captive monarch. The violent party are clamorous against him for reasons which I will presently state. The monarchic and aristocratic parties wish his death, in the belief that such catastrophe would shake the national feelings, awaken their hereditary attachments, and turn into the channels of loyalty the impetuous tide of opinion. Thus he has become the common object of hatred to all parties, because he has never been the decided patron of any one. If he is saved it will be by the justice of his cause, which will have some little effect, and by the pity which is universally felt (though none dare express it openly) for the very harsh treatment which he has endured. I come now to the motives of the violent party. You will see that Louvet (whose pamphlet, with many others, I send you) has charged on this party the design to restore royalty in the person of the Duke of Orleans. This man's character and conduct give but too much room to suspect him of criminal intentions. In general, I doubt the public virtue of a profligate, and cannot help suspecting appearances put on by such persons. I have, besides, many particular circumstances which lead me to believe that he has, from the beginning, played a deep and doubtful game; but, I believe also that, on the present occasion, as on some preceding, he is the dupe. Shortly after the tenth of August I had information, on which you may rely, that the plan of Danton was to obtain the resignation of the King, and get himself appointed chief of a council of regency, composed of his creatures, during the minority of the Dauphin. This idea has never, I believe, been wholly abandoned. The *Cordeliers* (or privy council, which directs the jacobin movements) know well the danger of intervening the order of succession. They know how to appreciate the fluctuating opinions of their countrymen, and though they are very willing to employ the Duke of Orleans in their work, I am much mistaken if they will consent to elevate him to the throne. So that, for his share of the guilt, he may probably be rewarded with the shame of it, and the

mortifying reflection that, after all the conflicts of his political warfare, he has gained no victory but over his own conscience.

It is worthy of remark that, although the Convention has been now near four months in session, no plan of a constitution is yet produced; nevertheless, the special authority committed to them by the people, and the only authority, perhaps, which cannot be contested, was to prepare such a plan.

I shall now, sir, make a few reflections on the state of foreign Powers. The adoption of Savoy, as an additional department, forms one ground on which the adversaries of this country contend that their protestations against conquest were only delusive. But the declaration, that they would erect the standard of liberty every where, &c. &c. forms the great cause with some, and pretext with others, for endeavoring to crush the republic. On the conduct likely to be pursued by Great Britain, although that of Holland stands in close connexion, I shall not permit myself to hazard much conjecture; because Mr. Pinckney will, I am persuaded, keep you fully informed; and because the accounts which Mr. Short has given you will also throw light on the same subject. I have already troubled you with some ideas respecting the interior state of Great Britain, and I add here my opinion, that, sooner or later, they must go into the war.

Mr. Hammond's manœuvres will give you some good clew, I think; and perhaps hostile decisions at St. James's may produce pacific dispositions among the Indian tribes. I am sure I need not add that it would be well to make the Indians, as the price of peace, declare who set them on. Perhaps, in resentment of that conduct which may be pursued, they may take it in their heads to make Mr. Simcoe a visit.

The Elector of Hanover, as a member of the German empire, *must* come into the field; and from *inclination and interest* he will do so, I think, fully. The contingent of Saxony will be sent forward with speed; and, notwithstanding the debauched temper of the Elector of Bavaria, as his dominions in the Palatinate are exposed as well as his dutchy of Juliers, he must exert himself. A strong squadron of British men of war would rouse all Italy; and, without them, the French arms may make considerable progress in that fertile, feeble country.

As to Spain, I think the court is too corrupt and too profligate to make any considerable efforts. Bankrupt, almost, in full peace, with the mines of Mexico and Peru at their disposal, what would a war produce? The chances are, that France will make an inroad, rather than suffer one in that quarter.

Russia menaces, but the state of finances, and the great distance, must make her efforts fall short of her wishes. Every art is used, on each side, to influence the Turks; and I own to you that I rather apprehend that England and the Imperial courts, combined, will prove successful, especially as Monsieur de Choiseul Gouffier is now openly active there, on the part of the emigrant princes. Should his Highness interfere, he will draw after him all the Barbary Powers; and the want of the grain, usually drawn from them, will not be the least evil that will thereby fall upon the provinces bordering on the Mediterranean sea. Austria and Prussia are making their utmost efforts; and the Prince of Hesse, who (strange as it may seem) is adored by his subjects, will second those efforts to the utmost of his ability. Such, my dear sir, is the foreign storm lowering over this country; in which you will see that my predictions, respecting corn, have been, hitherto, exactly verified. How they are to obtain supplies from abroad, in the face of the maritime Powers, I own myself at a loss to conjecture. It is, nevertheless, in this awful moment, and immediately after expediting their orders to recruit their armies to six hundred thousand effectives, in order to sustain the land war, that they affect to wish Britain would declare against them, and actually menace (as you see) the Government with an appeal to the nation. There are cases in which events must decide on the quality of actions, which are bold or rash according to the success. The circumstance of a war with Britain becomes important to us in more cases than one. The question respecting the guarantee of American possessions may, perhaps, be agitated, especially if France should attempt to defend her islands. There will doubtless be many in the United States who will contend that the treaty made by the King is at least suspended (if not abrogated) by the abrogation of his office and authority. Without entering into the numerous arguments on this subject, some of them forcible, and all of them plausible, I will only pray your indulgence while I express my wish that all our treaties (however onerous) may be strictly fulfilled, according to their true intent and meaning. The honest nation is that which, like the honest man,

"Hath to its plighted faith and vow forever firmly stood,

"And tho' it promised to its loss, yet makes that promise good."

I feel, nevertheless, the full force of your observation, that, until the nation shall have adopted some regular form of government, we may not know in what matter, or to what persons, our obligations are to be acquitted.

Before I close this too long letter, excuse me for mentioning that a statue of General Washington, ordered by the State of Virginia, is finished, and requesting to know to what place it is to be forwarded, and when.

With sincere esteem and respect I am, my dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 15.

PARIS, *January 1, 1793.*

DEAR SIR:

I transmit, herewith, a duplicate of what I had the honor to write on the twenty-first of last month. Since that period this Government, perceiving that they had been wholly deceived, respecting the British nation, have made advances towards conciliation; at least so I am informed; and also that these advances are by a declaration that, however general the terms of their decree, they had no idea of exciting revolt, except in the dominions of the Powers leagued against them. That, as these Powers had entered into France, with a design to change the established government, they are justified in turning against them the weapons of revolt, which they had intended to use. If this should ever become an object of diplomatic controversy, it will, perhaps, be objected that, until the asserted meaning of a general decree be declared by some other decree, the words must be taken in their plain and natural import. Should such new decree be passed, which, by the by, would take from France a very powerful engine, the case of Savoy will be quoted where, whatever may have been the supposed intentions, no facts existed to support the conduct which has been pursued, in such manner as to show a consistency with the limited interpretation put upon the decree. Lastly, as to the Austrian Netherlands, it will, I presume, be alleged that not only the aggression was on the part of France, but that it was avowedly made, with a view to excite revolt in that country. But I do not believe that we shall have any such war of words: for I am convinced that France must, to avoid a war, do something more than make professions and explanations. I say nothing about the navigation of the Scheldt, and the projected invasion of Holland. I shall not either make any remarks on the unanimity in the British Parliament; which your good sense, and knowledge of that people, had certainly anticipated.

Enclosed is the copy of a letter, received from Mr. de La Motte, (or rather an extract therefrom) with a copy of my answer, of the 27th of December.

Accept, I pray you, sir, the compliments of this season, and believe me truly yours,

GOUV. MORRIS.

P. S. The French armies are at length permitted to go into winter quarters. That under Dumouriez amounted, by the last returns, to thirty-five thousand effectives, after the junction of Valance and Miranda.

THOMAS JEFFERSON, Esq. *Secretary of State.*

[Enclosures in No. 15.]

HAVRE, *December 25, 1792.*

SIR:

A vessel arrived here, from New Orleans, under the name of l'Esperance, under a Spanish flag, and under the command of Captain M'Faden, a citizen of the United States, and an inhabitant of Philadelphia, who calls himself owner of the vessel. Can he now take the American flag? His voyage from the Mississippi finished here. The captain, who has no further employ in the Spanish possessions, wishes again to take his natural flag, and to go to New York. I think that he has nothing to fear from the agents of the Spanish Government, because he has satisfied all the charges to which that flag subjected him. He is provided with a regular *American register*; by which the said Captain M'Faden appears to be sole proprietor of the vessel, which is called therein l'Euphrasie. This letter is dated at Philadelphia, January 2, 1792, and signed Alexander Hamilton, John Graff, and Fred. Phile. I am so well convinced of the authenticity of this title, that I should of myself permit the captain to hoist the American colors, were you not at so short a distance; which enables me to have your approbation on the subject. The captain has, on board of his vessel, the name of Euphrasie painted on canvass; which he assures me he was permitted in America to nail upon the stern of his vessel, when circumstances required. All this excludes the idea of any fraud. The reason why I am so particular in this matter is, that I conceive the Americans will be very watchful and careful of their flag at the present moment; in which it would be convenient to more than one nation to borrow it, if it were possible. I therefore look for your answer, sir, in order to permit Captain M'Faden to hoist American colors, under the name of Euphrasie; and I request your orders on the subject without delay, to the end that the captain may make himself known publicly as an American, to take in a cargo for New York.

De La MOTTE.

PARIS, *December 27, 1792.*

SIR:

I have received yours of the twenty-fifth instant. From what you say, it appears evidently that there has been a fraud in the voyage of Captain Faden, since he arrives as a Spaniard, and sailed as an American, which last character he means now again to put on. I do not at the same time see what you can do to prevent him, were you so minded. If there be a breach of the navigation law, it must be answered in America, and therefore, I should suppose it best to send by some other opportunity an account of the transaction to the Secretary of State. In the mean time, it seems to me proper to let him hoist the American colors, because the preventing him may do a serious injury to one who cannot, before trial and conviction, be presumed guilty of an infraction of the laws.

GOUVERNEUR MORRIS.

MONS. DE LA MOTTE.

No. 16.

PARIS, *January 6, 1793.*

DEAR SIR:

Mr. Short, who is so kind as to take charge of my letters as far as Bordeaux, will go, he says, this day. I therefore take the latest opportunity to write, and to inform you that the appearances have not at all changed since mine of the first. Dumouriez has been some days in Paris. He stays at home under pretence of illness, but in fact to receive and consider the propositions of the different parties. It would seem that he is not reconciled to Pache, the Minister of War. Pache is very strong in Paris, and that circumstance renders him formidable both to his colleagues and to the Convention. I am told that the majority of the latter body expect soon to be supported by a considerable number of volunteers from the departments. I am also told that it cannot be long before the bursting of the storm which has been so long brewing. This last intelligence is from one of those, who, though a promoter of the last revolution, is now marked as one of the victims. He says he will die hard, but laments the feebleness of temper which he experiences among those who, like him, are doomed to destruction. On the other hand, a person of cool discerning temper and understanding, who is in the confidence of those who direct the jacobins, told me, when I last saw him, that *they* are determined to rule or perish.

You will easily suppose that this provision of horrors is far from pleasant. I have, I assure you, been not a little tempted to spend a few days with some of my friends in the country, during the festive season, which would render such an excursion natural; but the critical state of things with Great Britain might take a turn which it would be important for you to know, and therefore it is right that I stay here.

I am, sir, with esteem and respect, your obedient servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq.

No. 17.

PARIS, *January 17, 1793.*

DEAR SIR:

I have already had the honor to inform you that the statue of General Washington, by Houdon, is finished, and to ask to what place it is to be sent. I have since been applied to by the statuary, in regard to the last payment for that object. He tells me that "he hopes the State of Virginia will do as other foreigners, pay him the difference of exchange, a thing the more easy to them, as in fact it can only cost them the sum stipulated—the sum which they would have paid two years ago, and which eight years ago would have been, specially secured against depreciation, could the emission of assignats have been then foreseen." I have said to him, that I am by no means competent to decide on the subject, but would forward to the State his application. I hope you will pardon me, sir, for troubling you with it; but as you agreed with Mr. Houdon in the first instance, it is (as well for that as for other reasons) most proper that I should address myself to you.

I am, with esteem and respect, dear sir, your obedient servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq.

No. 18.

PARIS, *January 25, 1793.*

DEAR SIR:

My last (No. 17) was of the 17th instant. The late King of this country has been publicly executed. He died in a manner becoming his dignity.

Mounting the scaffold, he expressed anew his forgiveness of those who persecuted him, and a prayer that his deluded people might be benefited by his death. On the scaffold he attempted to speak, but the commanding officer, Santerre, ordered the drums to be beat. The King made two unavailing efforts, but with the same bad success. The executioners threw him down, and were in such haste as to let fall the axe before his neck was properly placed, so that he was mangled. It would be needless to give you an affecting narrative of particulars; I proceed to what is more important, having but a few minutes to write by the present good opportunity.

The greatest care was taken to prevent an affluence of people. This proves a conviction, that the majority was not favorable to that severe measure. In effect, the great mass of the Parisian citizens mourned the fate of their unhappy Prince. I have seen grief, such as for the untimely death of a beloved parent. Every thing wears an appearance of solemnity, which is awfully distressing. I have been told by a gentleman from the spot, that putting the King to death would be a signal for disbanding the army in Flanders. I do not believe this, but incline to think it will have some effect on that army, already perishing by want, and mouldering fast away. The people of that country, if the French army retreats, will, I am persuaded, take a severe vengeance for the injuries they have felt and the insults they have been exposed to. Both are great. The war against France is become popular in Austria, and

is becoming so in Germany. If my judgment be good, the testament of Louis the Sixteenth will be more powerful against the present rulers of this country than an army of a hundred thousand men. You will learn the effect it has in England. I believe that the English will be wound up to a pitch of enthusiastic horror against France, which their cool and steady temper seems to be scarcely susceptible of.

I enclose you the translation of a letter from Sweden, which I have received from Denmark. You will see thereby that the jacobin principles are propagated with zeal in every quarter. Whether the Regent of Sweden intends to make himself King is a moot point. All the world knows that the young Prince is not legitimate, although born under circumstances which render it, *legally speaking*, impossible to question his legitimacy.

I consider a war between Britain and France as inevitable. The continental Powers opposed to France are making great and prompt efforts, while on this side I as yet see but little done to oppose them. There is a treaty on foot (I believe) between England and Austria, whose object is the dismemberment of France. I have not proof, but some very leading circumstances. Britain will, I think, suspend her blow till she can strike very hard, unless, indeed, they should think it advisable to seize the moment of indignation against late events for a declaration of war. This is not, I think, improbable, because it may be coupled with those general declarations against all Kings, under the name of tyrants, which contain a determination to destroy them, and the threat that, if the ministers of England presume to declare war, an appeal shall be made to the people at the head of an invading army. Of course a design may be exhibited of entering into the heart of Great Britain, to overturn the constitution, destroy the rights of property, and finally to dethrone and murder the King, all which are things the English will neither approve of nor submit to.

Yours of the 7th of November is just received. I will reply to it by the first good opportunity.

With sincere esteem, I am, my dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. *Secretary of State.*

GOUVERNEUR MORRIS.

Translation of a letter from Stockholm, enclosed in the foregoing.

DECEMBER 28, 1793.

You'll remember, from my preceding letter, how the liberty of the press, regranted the Swedish nation by the Duke Regent, has, within some months, been abused by some authors and printers; long, perhaps too long, this has been overlooked. The mischief was now rose to too great height, and Government was necessitated at last to adopt some serious means against this evil. Of late, a Mr. Thorild has been confined; he had published a pamphlet, which with a mad (entirely in the style of jacobinismus) dedication, he had addressed to the Duke. Every printer was at the same time summoned by the College of Channery, and they were informed that they should be in future responsible for every such production, which warning was likewise yesterday published to the inhabitants in every church of this city. A process has been made against Mr. Thorild by the court tribunal, but the public shown participation of the populace by his arrestment, of his late, and at the same time, committed excesses on the officers of the court, which, in consequence of a public proclamation of the court of regency, was subjected to punishment; several excesses committed in the play houses, where even was threatened with putting on of red caps, and the too much proved existence of several revolution clubs in this city and provincial towns, convince, alas! that the French subversion phrensy has already taken too deep root in Sweden. During these proceedings appeared a few days ago, in the name of the Duke himself, a remarkable admonition to every inhabitant of Sweden, in which his Royal Highness declares that he had, with the greatest displeasure, observed that several evil minded co-citizens did not fear to blame his accepted regency, by aspersed false reports and ungrounded judgments, and even to paint his views in a very black manner. He believes, therefore, that he can't oppose the malignant intentions of his enemies in a better manner, than by publicly and sincerely showing the Swedish subjects the sincerity of his intentions, and the rules hitherto followed, and in future intended to follow. He declares, therefore, that his unalterable resolution consists of, to take such care of the valuable person of the young King and of his education, as are corresponding with the affection of an uncle and guardian; to keep unviolated the laws of the Swedish constitution, and to defend them against any encroachment; to secure the privileges of every State, every individual, without regard to person; to procure justice; to put in a powerful state the means of defence of the kingdom; to pay the utmost attention to the finances, for relieving them from their scattered condition; to check the corrupting luxury, by example and serious means; every thing, continues his Royal Highness, for, after the elapse of four years, to have the satisfaction to deliver up to the new King, the Kingdom in a state of amendment. But his wishes at the same time are, that the inhabitants of Sweden might confide in the steps of Government, not to be led astray by the unpeaceful attempt, but to continue in their hitherto shown fidelity and submission to the laws. His Royal Highness's sentiments, tending very much to clemency, yet he was at the same time convinced of the duties incumbent on him, and his station, to prosecute every one most rigorously, who, contrary to this declaration and promise, might be guilty of endangering the public peace and safety, and the necessary steps and orders had been taken and given for preventing such.

At the same time, the garrison of this city received orders to be on proper guard, the patrols and guards were doubled, and, it is said, two country regiments have been called to augment the garrison. The inhabitants have been directed to attend to signal guns, fired on offering occasions, and, on the seventh being fired, to lock their gates and shops. These steps trouble equally as much as the declaration of his Royal Highness astonishes.

If all this be the consequences of a letter you, perhaps, are acquainted of, wrote by a Dean Widen, or a discovery made by Government, is yet a mystery. The general suspicion falls on a numerous club of followers of Gustavus III. who, it is reported, are supported from abroad, and their leader, the unruly brewer, Mr. Westerman. Every thing is quiet yet, and it is to be hoped that the above steps may be sufficient to continue this fortunate situation longer.

No. 19.

PARIS, February 13, 1793.

DEAR SIR:

My last (No. 18) was of the 25th of January; since it was written, I have had every reason to believe that the execution of Louis XVI. has produced on foreign nations the effect which I had imagined. The war with England exists, and it is now proper, perhaps, to consider its consequences, to which effect we must examine the objects likely to be pursued by England: for, in this country, notwithstanding the gasconades, a defensive war is prescribed by necessity. Many suppose that the French colonies will be attacked; but this I do not believe. It is, indeed, far from improbable that a British garrison may be thrown into Martinique, but, as to St. Domingo, it would require more men than can be spared to defend it, and as much money as it is worth. Besides which, there are higher considerations to be attended to.

The mode now talked of, is to pay off the debt in a species of paper money, which shall be receivable for the sales of confiscated property, and which shall bear no interest. When once the whole of the debt shall be fairly afloat, the single word depreciation will settle all accounts. You will say, perhaps, that this measure is unjust, but to this I answer, that, in popular Governments, strongly convulsed, it is a sufficient answer to all arguments, that the measure proposed is for the public good. Supposing, then, the debt of France thus liquidated, she presents a rich surface, covered with above twenty millions of people, who love war better than labor. Be the form of Government what it may, administration will find war abroad necessary to preserve peace at home. The neighbors of France must, therefore, consider her as a great Power, essentially belligerent, and they must measure themselves by the scale of her force. In this view of the object, to take her islands is to possess but the paring of her nails, and, therefore, more serious efforts must be made. Strange as it may seem, the present war is, on the part of France, a

war of empire, and, if she defends herself, she commands the world. I am persuaded that her enemies consider this as the real state of things, and will, therefore, bend their efforts towards a reduction of her power; and this may be compassed in two ways—either by obliging her to assume a new burthen of debt, to defray the expense they are at on her account, or else by a dismemberment. The latter appears the more certain mode. In this case it will, I presume, be attempted to make the Saone her northern boundary, as far as the Ardennes, and then along the Ardennes to the Vosges mountains to Mount Jura, and along Mount Jura to the Alps. This will throw French Flanders, Artois, and a part of Picardy, into the circle of Austrian Flanders, which may be erected into an independent State, and the country lying east of the Vosges and Mount Jura may be a compensation to the Elector Palatine for the cession of Bavaria. On such a project, if it exists, the first question is as to the means of execution, and these are well prepared, if the enemy knows how to make use of them. Alsace is attached to the German empire, and to the cause of religion. The only thing which pleases them in the revolution is the abolition of the tithes, and they are as much disgusted by the banishment of their priests. I speak here of the Roman Catholics only. The sentiments of this people cannot be unknown to the enemy. As to French Flanders and Artois, the cause of religion is with them the first care, but as yet they have not had a fair opportunity to show themselves, because they are awed by the numerous garrisons spread through their country. I think, as I mentioned in my last, that there exists a treaty respecting Flanders, between England and Austria, but I cannot find out the exact purport. Prussia is, I think, to find her account in Poland.

As to the conduct of the war, I believe it to be, on the part of the enemy, as follows: First, the maritime Powers will try to cut off all supplies of provisions, and take France by famine, that is to say, excite revolt among the people by that strong lever. Give us again our bread and our chains, might perhaps be the language of Paris. I think I can perceive some seeds already sown to produce that fruit. It is not improbable that our vessels bringing provisions to France may be captured and taken into England, the cargoes paid for by the Government. Secondly, Britain may, perhaps, land a body of troops in Normandy, with intention to penetrate to Rouen, and cause the royal standard to be erected by the French emigrants. If a large body of the people flock to it, they might come on towards the capital, if not, they may move to the left, along the coast, to Abbeville, and thence form a junction with the army acting in Flanders; for this descent, if it take place, is but a secondary operation; the main stress will be in Flanders, for there the troops of Britain, Holland, Hanover, Austria, and Prussia, can be fed from the ocean at a very cheap rate, and the more their operations be confined to the seacoast, the more will it be difficult for France to oppose them, because the provisions must, in such a case, be carried to an extreme corner of the country. Thirdly, an attack of great energy will be made on the side of Mayence, in the view to destroy totally the army under Custine, and penetrate into Lower Alsace, but the real attack of that ci-devant province will, I think, be on the side of Upper Alsace, for which purpose, nothing will be left undone to bring the Swiss into action, as thereby the side of war will extend all along from the German Ocean to the Mediterranean Sea. Fourthly, the efforts on the side of Savoy will probably be confined to the recovery of that country, and such diversion as may occupy a part of the French army for their own defence. Fourthly, on the side of Provence and Languedoc, there will be only a predatory war, or war of alarm, such as may increase the want of bread, by multiplying the consumers; for I do not believe in a serious attempt on either Toulon or Marseilles. Under this chapter, as an incidental consideration, are the intrigues with the Turk to engage the Barbary Powers. I think a British squadron in the Mediterranean will do more towards this than a dozen ambassadors. Lastly, on the side of Spain, there will be, I believe, nothing more than diversion. How great that may be will depend on contingencies not within the compass of human foresight. A revolution at court, which should dismiss the Queen and her paramour, might give some energy to the administration, which, at present, is extremely feeble.

Having thus ran through the probabilities on the side of the adversary, I come now to what appear to be the views of France. You will have seen that the effective army for 1793 is fixed at something more than five hundred thousand men. These they will be able to get together. The recruiting service goes on well, and although many of the last year's men return with design not to reengage, their places will be supplied; so that, by the beginning of June, that immense army, barring accidents, will be completed. The main object, at present, is to overrun Holland—a thing which might have been effected six weeks ago, but, at present, I believe it is not to be done. If the Prussian and Hanoverian troops advance rapidly, it will hardly be attempted. It is, however, expected that Maestricht may fall as suddenly as Mayence, and perhaps by similar means. If this should happen it would greatly impede the confederates, and of course they will exert themselves to prevent that misfortune. Never were the moments more precious than they are to both parties in that quarter: for there the first blow will be more than half the battle. Should the enemy become speedily superior in the field, there is nothing to stop him till he comes to Valenciennes, and, at every step, he would gather new force; besides, he need not embarrass himself with convoys, because he would soon receive abundance from the side of the sea. As to the colonies, I believe that France will not attempt to defend them, and their whole commerce falls naturally into the lap of America, unless the British prevent it, and I think they will find it more convenient to neglect that small object, to pursue the great ones which open themselves to view in this quarter.

What I have just said leads me very naturally to your letter of the 7th of November. You had previously instructed me to endeavor to transfer the negotiation for a new treaty to America; and if the revolution of the tenth of August had not taken place, but, instead thereof, the needful power and confidence had been restored to the crown, I should, perhaps, have obtained what you wished, as a mark of favor and confidence. *Tempora mutantur, et nos mutamur in illis*. A change of circumstances rendered it necessary to change entirely my conduct, so as to produce in one way what was impracticable in another.

As I saw clearly, or at least thought I saw, that France and England would at length get by the ears, it seemed best to let them alone until they should be nearly pitted. When I found this to be the case, I asked an interview with the Minister of Foreign Affairs, and mentioned to him my wish that an exception should be made in the decree against emigrants in favor of those who were in the United States. I told him truly, that I wished the alliance between the two nations to be strictly preserved. I told him, with great frankness, that, notwithstanding appearances, and the flattering accounts transmitted by some of his agents, Britain was, in my opinion, hostile, and an attempt at alliance with her idle. He assured me that he was of the same opinion. I then observed to him that, in such case, there could be no doubt but Mr. Hammond would exert himself to inculcate the opinion that our treaty having been made with the King was void by the Revolution. He said that such an opinion was absurd. I told him (premising, in this place, that the whole conversation was unofficial and unauthorized on my part, from circumstances he was well acquainted with) that my private sentiments were similar to his, but I thought it would be well to evince a degree of good will to America, which might prevent disagreeable impressions, and had therefore taken the liberty to suggest the exception in favor of emigrants, &c. Here I left it, and changed the conversation. Now, I knew well that some of the leaders here who are in the diplomatic committee, hate me cordially, though it would puzzle them to say why; and I was determined rather to turn that disposition to account than to change it, because I see some advantages to result from it. Thus I contributed, indirectly, to the slight put on me by sending out M. Genet without mentioning to me a syllable either of his mission or his errand, both of which, nevertheless, I was early and sufficiently informed of. The pompousness of this embassy could not but excite the attention of England, and my continuance at Paris, notwithstanding the many reasons which might have induced me to leave it, would also, I thought, excite in some degree their jealousy, and I have good reason to believe that this effect was produced. From all this I conjectured that both parties might be brought to bid at your auction. At any rate, the thing you wished for is done, and you can treat in America if you please. Whether you will or not is another affair. Perhaps you will see that all the advantages desired do already exist; that the acts of the Constitutional Assembly have, in some measure, set us free from our engagements, and that, increasing daily in power, we may make quite as good a bargain some time hence as now.

It remains to add a few words in reply to what regards me, personally, in your letter. I am very happy, indeed, to find that my conduct, as far as it was known, is approved of. This is the summit of my wish: for I candidly acknowledge that the good opinion of the wise and virtuous is what I prize beyond all earthly possessions. I have lately debated much within myself what to do. The path of life in Paris is no longer strewn with roses, as you

may well imagine; indeed, it is extremely painful. I have already given my reasons for staying here; but now the scene is changed, and I had thoughts of making a tour to the different consulates. There are, however, some pretty solid objections to that plan, for the present. The next thing which suggested itself was, to hire a country house for the summer season, in the neighborhood. At length, that my leaving the city might give no offence to any body, I have bought a country house in an out of the way place, where it is not likely that any armies will pass or repass, even should the enemy penetrate. If I lose the money paid for it I will put up with the loss. The act, in itself, shows a disposition friendly to France; and as it is between twenty and thirty miles from Paris, I shall be at hand should business require my presence. Mr. Livingston, my secretary, will continue in town, unless driven out of it by war or famine. In this way I hope to avoid those accidents which are almost inseparable from the present state of society and government, and which, should they light on the head of a public minister, might involve consequences of a disagreeable nature. It is more proper, also, I conceive, to make arrangements of this kind in a moment of tranquillity than when confusion is awakened into mischief. In all this my judgment may err, but I can truly say that the interest of the United States is my sole object. Time alone can tell whether the conduct be as right as I know the intention to be.

Before I close this letter I must pray your indulgence for referring to the enclosed copy of what I wrote on the twenty-seventh of last month, to the bankers of the United States in Amsterdam. I make no comment thereon, only as I had no right to give the order in question, I consider it as of course, that, if disapproved of, I must replace the money which may be advanced on it. This is one of the cases in which not to act is taking a part, and in which it is vain to balance.

I am, with sincere respect, dear sir, your obedient servant,

GOUVERNEUR MORRIS.

[Enclosed in the foregoing despatch.]

PARIS, 27th January, 1793.

GENTLEMEN:

I learn from the friends of Monsieur de Lafayette, (who is now prisoner at Magdeburg) that, although kept in close confinement, no provision is made for his comfortable subsistence. I own that I do not believe this assertion; but, should it be true, I think no moment is to be lost in administering relief. You will, therefore, be pleased to write to your correspondents at Magdeburg on the subject, and desire them to supply the sums needful for him. You can extend your credit to the sum of ten thousand florins, which you will please to charge as paid by my order, in your accounts with the United States. Observe, also, that it is not in my contemplation to furnish the means of escape, for I cannot enter into intrigues of that sort, directly nor indirectly, because it is not becoming the dignity of the United States to act in an underhand manner; but they would bear with great concern that a person who has been eminently useful to them should be in want of those necessities which it is in their power to bestow.

MESSRS. W. & J. WILINK, N. & J. VAN STAPHORST & HUBBARD.

No. 20.

PARIS, 13th February, 1793.

DEAR SIR:

I send, enclosed herewith, a letter which I have received from a Monsieur Duchesne, with the copy of my answer. I know not whether any use can be made of such offers, but think it right to forward them, in order that Government may decide thereon.

I am, with esteem and respect, your obedient servant,

THOMAS JEFFERSON, Esq. *Secretary of State.*

GOUVERNEUR MORRIS.

[Enclosures referred to in the foregoing.]

BLOIS, 6th February, 1793.

SIR:

During the time Canada and Louisiana belonged to France, persons of the religious order had dispersed themselves among the different savage nations of those immense countries, for the purpose of carrying there instruction, arts of the first necessity, such as cultivation, taking care of cattle, &c.; and the civilization which resulted from it, had diminished the perpetual wars between tribe and tribe, and extinguished those funeral piles erected among them for the destruction of their respective prisoners. This design, this work, so honorable to man, was called *mission*.

Since Canada has belonged to England, and a part of Louisiana to Anglo-America, these missions have ceased, because the Protestant religion not admitting the religious orders, the ministers of that persuasion were not in number proportioned to the parishes, to perform parochial duty, and consequently there did not remain supernumeraries sufficient to send abroad for the purpose of instruction and civilization.

Hence, it results that the different savage nations with whom instruction had been begun are exposed to fall back to their primitive barbarity; and that this barbarity will become still so much the more dangerous, as, by communication with the different European establishments, they have procured themselves fire-arms, and acquired the habit of using them.

Unfortunately, this is the only art they have learned: for, notwithstanding the labors of the ancient missionaries, they have continued to occupy themselves only in the chase and in war, in little or no cultivation, and not at all in building, carpenter work, and other arts of civilization, which the missionaries were instructed to carry among them, and the labor of which they could not induce them to undertake but by frequent examples, patience, and more especially from their number, and the want of time necessary for the purpose.

Humanity and even the tranquillity and prosperity of the United States solicit the re-establishment of those missions. I say the tranquillity, for, in fact, it is not yet two years since, on the frontiers of the united colonies, some nations of those savages spread death, conflagration, devastation, and terror. Nothing, therefore, would be so important as to re-establish among them those missions which, in time, becoming more numerous, would not fail to change those savages into men; to transform into industrious, happy, peaceable, courageous, and useful fellow-citizens, enemies hitherto ferocious. Would not this be making conquests, and increasing, in a sublime manner, the population, power, and prosperity, of the United States?

The missionaries who may be sent to make these conquests should imitate their predecessors, who had known how to conciliate, in a manner almost incredible, the confidence and attachment of the savages in their care. Like their predecessors, they should employ all their zeal in attending to their neophytes in sickness, and during their wounds; like their predecessors, they should form husbandmen, smiths, masons, carpenters, weavers, potters, in a word, procuring to them the succor of these arts, explaining to them their use and utility, creating in them the desire of putting them in practice, explaining to them their miserable and barbarous life, and rendering it to them pleasant and happy; thus conducting them, by degrees, to instruction and civilization.

In order to execute this enterprise, the United States want, as I have already said, subjects who possess the theory and practice of those missions. On the other hand, the Bishop of Baltimore has not a sufficient number of ecclesiastics to send among the savages; but the present circumstances furnish a supply and full means, which is so much the more important, and of so much the more consequence to be speedily embraced, as a course of ages would not produce the same opportunity. There are thousands of ecclesiastics, of every age, who have left France, and taken refuge, some in Switzerland, Italy, and Germany, others in Holland, England, and Spain. Nothing, therefore, would be so easy as now to offer an asylum and employment, in the United States, to those of these ecclesiastics whose age and dispositions should lead to profit of the opportunity; and there might be found thousands who would accept, with as much eagerness as zeal, and who would embark with joy in those vessels which the Anglo-American Government should send for them.

In 1791 and 1792, some French ecclesiastics, upon the invitation of the Bishop of Baltimore, went over, some to establish, near Baltimore, public schools on humane principles of philosophy and theology, intended to form ecclesiastics as well for Catholic parochial duty in the interior of the United States, as missionaries to carry by degrees instruction and civilization among the savages. The other ecclesiastics who left France had for their object to supply missions which were vacant, such among others as those of the French Canadians, and Catholics of the Illinois, established towards the entrance of the Illinois into the Mississippi; and another mission which was also vacant, and of which the neophytes are established towards the confluence of the Ouabache with the Ohio. These missionaries ought now to be at their respective posts, but you will conceive, sir, how feeble these beginnings are, and how much time would be necessary for this seminary of Baltimore to furnish subjects sufficient for the parishes in the interior, and for missions to the savages; whereas, by profiting now of the expatriated French priests, the Government would be able to multiply the colleges in the United States by establishing them in the principal cities, which would equally increase the subjects necessary to promote civilization among the savages. This would perhaps accelerate, at most, in two hundred years, that so important civilization.

From these considerations, I had the honor to write at the end of the last year to the Bishop of Baltimore, and to propose to him my views; and I thought that you would not disapprove, sir, my having that of presenting my plan to you also, inasmuch as it discovers nothing unworthy of a friend to humanity, nothing disadvantageous to the United States.

In order to bring about in some degree the grand work of civilizing the savages, I think, sir, that it would be necessary, in the first place, to establish a colony near where the Mississippi opens into the sea. The following are my reasons:

Independent of the surplus of aliment which this position would furnish by fishing in the sea, and by salting them, it offers to those who come from Europe, even in the neighborhood of their debarkation, fertile and uncultured lands, proper for all articles of our culture, even for those of our southern provinces, immense meadows for the increase of cattle, a mild and wholesome climate.

Another consideration induces me to prefer this position to any other. You know, sir, that, about the beginning of the present century, some French Canadians went among the savages called Illinois; that they were allied together by marriages; that these people, united, went to establish themselves at the confluence of the Illinois and the Mississippi; that about the same time other French Canadians had gone, by way of the Mississippi, to the savage nation of the Arkansas, whose daughters they had also married; that by this means the two nations lived in the greatest union; that they formed but one people.

This colony of the Arkansas are settled towards the eastern border of the Mississippi, at about one hundred and thirty leagues from the opening of that river into the sea, and near eighty leagues from the French Canadian missions established near the mouth of the Ohio.

From this establishment, in going up the Mississippi, is about one hundred leagues to the post or fixed mission on the mouth of the Illinois on that river, and this distance, of one hundred leagues from the mouth of the Ohio to that of the Illinois, is interspersed with different establishments, posts, or missions, such as the village of Kaskaskias, that of Du Rocher, that of St. Philip, and that of Kahokia. During the last war, several Canadian Frenchmen and Catholics of the Illinois, who inhabited these villages, had gone over to the territory of Spain. But the Bishop of Baltimore thought, in 1791, that the population daily increased by the return of those fugitives.

Besides those missions, there is also another, called Post Vincennes, or St. Vincent, situated near the junction of the Ouabache with the Ohio, at about fifty leagues from Kaskaskias. It is for the purpose of performing principally the parochial duty of these missions, as I have already said, that some French priests have gone over, upon the invitation of the Bishop of Baltimore.

That these establishments, thus situated in the midst of the earth, may prosper; that they may have vent for their produce, and be able to procure those productions they may stand in need of; in a word, for all commercial and other connexions whatsoever, it is necessary that they should have communication with the sea. On a supposition that all the borders of the Ohio were civilized, they would be able to have but one very difficult passage by that river, because, after having gone up to a certain distance they must debark, and be subject to long carrying places, in order to gain the nearest part of the river, upon which they must embark again, to arrive at the sea. The Mississippi is then the only natural and commodious way by which these establishments can have communication with the sea, which is absolutely necessary to them, and this is one of the reasons why I wish an establishment of a colony near the mouth of that river. This establishment would serve as an entrepot for every thing coming by sea for the support of the colonies above, as well as for all that might come from them for exportation.

On the other hand, this new colony, near the mouth of the Mississippi, will not fail to increase by the affluence of foreigners, and particularly Frenchmen, excited by the mildness of the Government and climate; the fertility of the lands, the abundance of every thing, especially, as I am going to observe, if this new colony were formed for the most part of ancient compatriots.

With respect to the commencement of this new colony, to be formed particularly of Frenchmen, nothing appears more easy: about forty years ago, some French, established in Acadia, were transported into the canton of Baltimore; these Frenchmen have considerably increased. With the protection of Government it would, therefore, be an easy matter for the Bishop of Baltimore, as I have had the honor of observing to him, to engage certain young men, of whom one half or thereabouts should be married, to go and found this new colony near the mouth of the Mississippi. It would also be easy for this prelate to engage, through the missionaries of the establishments, of which I have spoken above—to engage, I say, an hundred young French Canadians, as many Catholics of the Illinois, fifty Frenchmen established with the Arkansas, and as many Arkansas, to descend the Mississippi, and fix themselves in the new colony. It is still necessary to observe, that the said detachments must consist of only about one half married men. I shall hereafter assign the reason.

I shall not intrude upon your time, sir, by entering into a detail of the means to be observed in the establishment of this new colony; in its safety; for its salubrity, by placing it in an elevated situation, and at a distance from marshy ground; the precautions to be taken for obtaining grain, and seed for sowing; for the embarkation of provisions sufficient till after the clearing and obtaining of crops, &c. It is not for me to speak of these things to a minister of a State in which, almost every year, new colonies are established. I shall only mention that it is necessary that the French expatriated ecclesiastics, to whom the Anglo-American Government may facilitate a passage, should be informed each to embark with a servant, or associate husbandman or artisan, [they would not fail in this] furnished with the principal instruments of their respective occupations.

These ecclesiastics should be divided nearly equal: one half should go to Maryland, to be employed by the Bishop of Baltimore in the service of the parishes, of the colleges, seminaries, and missions. The other half should be destined for the new colony; the latter, being arrived at the new colony, should be separated with their associates or domestics, to wit: one third for the new colony, one-third to the nation of Arkansas, and the remaining third to Post St. Vincennes, or St. Vincent, situated towards the junction of the Ouabache and Ohio, at fifty leagues from the French Canadian establishment and the Illinois Catholics, near the opening of the Illinois into the Mississippi.

The ecclesiastics distributed in these three posts should each have therein his particular destination. Some should be employed in the parochial duty of the religion of the colony. Others should be sent without, to instruct and civilize the neighboring savages by progressive steps. They should be accompanied by some Canadian French, and Acadians, Illinois, and some Arkansas, who would serve as an escort and interpreters with the different savages: precaution should be had to be informed whether among those different savages there may not be prisoners of war. They should be ransomed, and after taking care of them, they should be conducted to their respective nations.

The third should be occupied in founding, in each of the three posts, first, schools, then colleges and seminaries, in order to form, of the indigenous among themselves, subjects proper to make a similar establishment among the savages, who should have begun to be informed, and preparing to themselves, by that means, a chain of co-operators and of successors; in a word, to avoid the necessity of continually recurring to Europe.

As to the subsistence of all those ecclesiastics, there was not any one mission or establishment hitherto incapable of defraying the expense. Therefore, according to the plan of the colony near the mouth of the Mississippi, ecclesiastics should be sent among the neighboring savages, such as the Choctaws, the Alabamas. These ecclesiastics should be accompanied by some of the Illinois of the Arkansas, sent for this purpose, and those objects, into the colony: the analogy of the indigenat of the language, the customs, and the presents which should be made to these savages of the things known to be most agreeable to them, the effectual manners which the missionaries know so well how to employ, and which no savage nation, either of the north or south, has for any length of time been able to resist, because the most ferocious might oppose at first bad treatment to the first benefits, but they could no longer oppose them, if, as the missionaries did, those I am now speaking of returned to bad usage a continued attention and renewal of kindness: all this would not fail to operate its ordinary effect, that is to say, to attract the confidence and attachment of the savages, and they might profit of it by augmenting them more and more, and cementing an union by intermarrying the savage women with the unmarried Frenchmen, the Illinois, and the Arkansas. These new married persons would remain with the missionaries to the respective savage nations, some married men should be brought from the colony, that their wives and daughters might instruct the young women and daughters in the duties and occupations of their sex.

I have now stated the reasons why I wished that, among the Frenchmen, the Illinois, and the Arkansas, who should be sent to form the new colony near the mouth of the Mississippi, there should be nearly one half unmarried, because the example of every people, ancient and modern, proves that, to connect and unite them with each other, there is no means more infallible than reciprocal marriages.

Schools might also be established among the respective savage nations; selection should be made therein of those who manifested the greatest disposition and good will for the purpose, and they should be sent to the college of the colony for instruction in the higher orders of science, and afterwards return to their respective countries to form similar colleges, for the purpose of furnishing proper subjects for the like missions, or form, successively, similar establishments, by degrees, among the neighboring nations.

With regard to the post of Arkansas, it should have the same institutions, the same views, the same government and object, as the colony, as well within as without. From this post should be sent, in like manner, missionaries, among the Chickasaws, their neighbors, and among the other savages, upwards, to the mouth of the Ohio. The same measures should also be observed, as well as those with respect to the marriage of the Chickasaw women to French, Arkansas, and to Frenchified Arkansas, and of the daughters of Arkansas to Frenchmen, and to children of the Chickasaws.

As to Post Vincennes, or St. Vincent, situated towards the confluence of the Ouabache and the Ohio, there should also be formed schools and colleges, to bring up subjects for recruiting the missionaries of the other French establishments and Illinois, near the opening of the Illinois into the Mississippi, and to put those missionaries in a situation to create, in one of the establishments towards the confluence of the Illinois and the Mississippi, similar schools and colleges, for the instruction of subjects proper to propagate, by the same means, the missions to the northward, and among the savages inhabiting the eastern banks of the Mississippi.

From this same establishment of Vincennes, on the confluence of the Ouabache and the Ohio, missionaries should go up the Ohio to instruct and civilize, first, and more particularly, the savage nations on its southern borders, and, successively, among the savages on the different borders and rivers which take a southern direction; that is to say, on the frontier of the United States, and fall into the Ohio.

To secure success to their enterprise, the missionaries should take care to go in company with either French Canadians, Illinois Catholics, or savages whom they shall have already attached to them, and known to be friends of the nation they wish to visit. They should follow the same principles, the same views, the same measures, and form the same establishments of schools, and, afterwards, colleges, among the most numerous of those savage nations: and in proportion to the French ecclesiastics who shall successively arrive from Europe, those schools and colleges, heretofore established, will furnish new subjects from among the natives.

On the other hand, a part of the French ecclesiastics, who, as I have already mentioned, shall have arrived in Maryland, and of those who shall successively arrive there, should be sent by the Bishop of Baltimore, under the protection of the Government, to those of the savage nations nearest to the Ohio, and most accessible to Baltimore, in order to facilitate the communication by water.

This mission, which, like the others, should be regulated by the same principles, views, and motives, tending to the same objects, and by the same measures, should be accompanied by some French Acadians, or other well disposed citizens, one half of whom to be married, and the other half unmarried.

These married citizens should be placed among those savages, that they may learn, from their example, husbandry and the other necessary arts, by giving them a bent for them, while their wives teach the savage females the duties and labors of their sex; the other unmarried citizens should marry the daughters of these savages, and this method would not fail to secure in them a very lively attachment. The missionaries should create schools and colleges in this first establishment, for the purpose of furnishing co-operators and successors.

After having left a sufficient number of missionaries for the instruction of these savages, the other ecclesiastics should descend the Ohio, and go among the nearest savage neighbors; they should be accompanied by some of the savages they shall have instructed, in case the nation of the latter be in friendship with the former, and they should form, with this second nation, the same establishments as with the first, and so in succession, as the missionaries originally from Baltimore, and those who shall successively arrive from one savage nation to another, down the Ohio; and by entering the rivers leading thereto from the south, would not fail meeting with the other missionaries who, as I have already said, having left Vincennes, on the confluence of the Ouabache and Ohio, shall have gone up the Ohio, for the gradual civilization of the different savage nations inhabiting the southern borders of that river, and on those leading into it, so as that, by the proposed plan, and in the space of less than forty years, the commencement of instruction would be introduced among all the savages of the southern borders of the Ohio, and of the rivers flowing into it from the south, if not a complete civilization, at least such a foundation and commencement as would ensure it, and would shelter the northern colonies from all savage incursions.

They would also be sheltered from all incursions, on the west, by the missions I have already proposed for the civilization of the savages inhabiting the eastern borders of the Mississippi.

The different missions or posts, established as I have mentioned, in contiguity on this river, and on the Ohio, would procure therein a facility, tranquillity, and safety of navigation and communication, especially by the respective escorts which might be had, in case of need, from post to post.

With regard to this civilization of the savages of the eastern borders of the Mississippi, and at a short distance from the sea, it would be much more easy, and much more certain, as they appear more susceptible than the others. In fact, I observe in the Encyclopedia, printed at Neufchatel, in 1778, that the most numerous of these nations is that of Apalaches, or Apalachites; that they inhabit a country bounded on the north and west by the Alleghany or Apalachian mountains, on the south by Florida, and on the east by Georgia; that they are divided into several nations, to whom the English, the Spanish, and the French, have given different names, and peculiar to their languages; that these Apalaches, or Apalachites, extend themselves along the borders of the Mississippi, where they have villages called Aqualaque, Coca, and Capoha; that these people are well made, courageous, divested of the barbarity of the others, who burn their prisoners of war; in a word, that the generality of these Apalaches are remarkable for longevity.

I observe another dictionary, entitled a Geographical Dictionary of Vosgien, printed in 1790, speaks nearly in the same terms of these Apalaches, and goes even so far as to say, *that they have nearly all embraced the Christian faith*: this latter article surprises me.

You are in a situation of knowing and verifying the truth of it, and of informing me whether it be so; but admitting that it is not true *that these Apalaches have almost all embraced the Christian faith*, still it results, from these testimonies, that those people are more susceptible of instruction and civilization than the other savages, and that, by using the means I have hinted, the missionaries of the colony towards the mouth of the Mississippi would expect

rience the greatest success, which would be so much the more important, as those people, extending themselves from Georgia to the borders of the Mississippi, occupy a space of near two hundred leagues; and from the manner in which the *bearing* of this nation is placed, it would appear that the Choctaws, the Alabamas, and the Chickasaws, of whom I have spoken, form part of it; that, in fine, this same nation is as extensive, numerous, and as near the sea as the new colony, and, consequently, easy, in every sense, to approach, especially as they are civilized, would give so much the more force and advantage from the great number of subjects that it could furnish for the schools and colleges, to carry, with the greater facility, instruction among the other neighboring savages.

My plan for the civilization of those savages, and others, is therefore reduced to two things, extremely plain and easy. The first is the establishment, near the mouth of the Ohio, of a new colony, composed, first, as I have said, of French Canadians, Arkansas, and French Illinois. The second is to profit immediately of the present circumstances, by employing French expatriated priests, who would embark, with joy, to carry among the savages instruction and civilization, some towards the southern borders of the Ohio, and the others towards the eastern borders of the Mississippi—a civilization which, from the number of these missionaries, of those who should pass in succession after them, and from those who should also successively be formed in the places themselves, would accelerate, perhaps, in less than two centuries, as I have already said, a civilization of beings often ferocious, and transform them into men, making beings, hitherto miserable, happy; in a word, changing ferocious enemies into grateful fellow-citizens, who would secure the tranquillity of all the frontiers of the united colonies, their prosperity, and their glory.

These objects are so sublime, that I do not confine myself to the proposing of them; I offer, sir, as I have desired to do for a number of years, to co-operate in their execution, by embarking at my own expense, and defraying those of the passage of some missionaries, husbandmen, and workmen, and by giving them notice, and my attention to inform and collect French ecclesiastics, expatriated and dispersed in the different States of Europe, if the plan which I have had the honor to present to you, and to which local situations, of which I am ignorant, may make some alteration necessary in the detail, were agreed to by the council of the United States.

It may be objected to my plan, that, in order to people countries of deserts, we must not favor celibacy, by calling priests devoted to it, and who would also devote thereto the persons who might be destined for the priesthood. . . . I say, in the first place, that those missionaries in favor of celibacy, and their successors, would procure, by their missions, infinitely more marriages, but I shall make a second reply, still more satisfactory.

The *Dalmatie Vénitienne* is of the Greek rite of the Roman communion, which admits married subjects to the priesthood; and there is a seminary of married men in Rome; they are instructed in this Greek rite of the Roman communion, they are therein ordained priests, although married, and they are sent successively into Dalmatie Vénitienne, to do parochial duty, and supply the curacies as they become vacant by the decease of the curates married like themselves.

The United States might therefore act in this respect like the republic of Venice. This republic preserved in Dalmatia the Greek rite of the Roman communion. In consequence of the law for the free toleration of religion, the United States have already authorized the erection of a Catholic bishopric at Baltimore; they might also demand, or authorize for the missions, their neophytes, and the places which would be convenient for the erection of one or several Catholic bishoprics of the Greek rite of the Roman communion, which admits married men to the priesthood. I know a French expatriated bishop, who, if this arrangement were convenient to the Government, would give the means and facility to have it adopted at Rome. By this method, the objection against the celibacy of priests would be done away as well as the deficiency of population which it would occasion in the country in question.

Such, sir, is the tribute which, in presence of the Supreme Being, I pay to my equals. I request you to present it to the council of the United States if you think it worthy of their attention.

I am, with respect, sir, your most humble and most obedient servant,

DUCHESNE,

Ci-devant Commissary of the King, near the civil tribunal of Blois.

PARIS, February 12, 1793.

SIR: I have had the honor to receive your letter of the sixth, which I shall forward to the Secretary of State in America. It appears to me to contain very good views. There is, however, at the present moment, an obstacle to your project taken in its extent. Hitherto the Spaniards have contested our right to navigate the river Mississippi to the Gulf of Mexico; and although there is every reason to hope that the Spanish Council will shake off their prejudices in this respect, yet it cannot be looked upon as certain.

Monsieur DUCHESNE,

Ci-devant Commissaire du Roi, près le tribunal de Blois.

No. 21.

PARIS, March 7, 1793.

DEAR SIR:

Enclosed you have copies of what I had the honor to write on the 25th of January and 13th of February, also the copy of a letter of the 12th of February, from Mr. Pinckney, with my answer of the 18th. I send these last, to the end that due attention may be paid to such vessels as may be furnished with his passports, and which may, perhaps, prove to be British bottoms. I am so well persuaded that the United States will strictly observe the laws of nations, and rigidly adhere to their neutrality, that I am solicitous to prevent a practice which might expose us to suspicion, and finally involve us in war. On this chapter, it is proper also that I should communicate a fact which I have mentioned to Mr. Pinckney, and desired him to transmit. Monsieur Genet took out with him three hundred blank commissions, which he is to distribute to such as will fit out cruisers in our ports to prey on the British commerce. I am convinced that few of my countrymen will be so lost to all moral sense as to embark in a game so abominable, where the murder of their fellow-creatures enters as a leading chance. I am apprehensive, however, lest some profligates may be led to fix a blot on our national character, and deprive both themselves and their countrymen of the great and certain advantages to flow from honest industry on the present important occasion—an occasion which, duly attended to, and properly cultivated, will give to our navigation an increase too rapid almost for conjecture, and place us in the happy situation to be in two or three years the exclusive carriers of our immense productions. These considerations weigh much, but they are still but a feather in the balance with those of a much higher nature, which stand in connexion with the nature of our Government, and of course with the happiness of generations to come. I know of nothing so dangerous, and I might say fatal to morals, as the sudden acquisition of wealth by bad means. Industry is thereby discouraged, and honesty discountenanced. The vulgar are soon dazzled by the glare of prospering vice, and the young are seduced from the paths of virtue; and virtue once gone, freedom is but a name: for I do not believe it to be among possible contingencies that a corrupted people should be for one moment free. Excuse, I pray, my dear sir, these observations, which I cannot restrain; they flow from the conviction of my earliest reason, and are strengthened by the experience of twenty years.

In mine of the 13th of February, I mentioned to you that this country would procure the five hundred thousand men required, and at that time there was every reason to think so, because the recruiting service went on well, for all the new corps which had been ordered, but it now appears that this arose from little circumstances of dress and flattery, calculated to catch idlers, and that there is a real scarcity of men. The losses of the last campaign are sensible in the mass of population, so that, notwithstanding the numbers thrown out of employ by the stagnation of some manufactures, and the reduction of private fortunes, the want of common laborers is felt throughout the whole

country. Already they talk of draughting for the service—an experiment of very doubtful and dangerous complexion; it would, however, succeed just now, but, if delayed, it would not, I believe, go down, and at any rate would not produce in season the required force, especially if the enemy should have any considerable successes: for you must not imagine that the appearances in this country are all real, and you must take into your estimation that the Convention is falling into contempt, because the tribunes govern it imperiously. They try to save appearances, but the people cannot long be dupes. It is the old story of King Log, and how long it may be before Jupiter sends them a crane to destroy the frogs and froglings, is a matter of uncertainty. Already they begin to cry out for a dictator. An insurrection is also brewing, whose object, I am told, is to destroy the faction of the Gironde. I think I mentioned to you, in a former letter, that the death of the King would be but the forerunner of their destruction; and already they see the sword hanging over their heads. The majority of the Convention is clearly at the disposition of their enemies.

The consuls will forward to you, and you will see in the gazettes, the decree for opening all the ports of this nation to your vessels on equal terms with their own. You will be so kind as to observe that this was done on a report of the Committee of Safety. Now, you must know that the members of this committee, or at least the majority of them, are sworn foes to the members of the Diplomatic Committee. This is necessary to explain a little what is said in mine of the 13th, about that latter committee. I have received, indirectly, a kind of assurance from the former, (which disposes entirely of the Convention) that they will do any thing for the United States which I will point out, but, in fact, I know not any thing which we ought to ask; the decrees above mentioned contain, I believe, all that we want. The history of them is not material.

I had the honor to mention to you, also, that I did not believe the attempt against Holland would succeed, and also that time was extremely precious to both parties, especially in regard to Maestricht, in whose fate was involved, perhaps, that of the whole campaign. This town had, I am told, offered to capitulate, but terms of such rigor were insisted on as to induce a longer defence, and this delay has saved them. The siege is raised, and unless the French army should gain a victory, I do not see how they are to escape, provided the enemy exerts himself. Dumouriez had taken Breda, and was preparing to enter Holland, being ordered by the Minister of War, to whom he replied that he would go in, but the minister must find him his way out. This latter may be no very easy task. The enemy on the side of Maestricht are, I believe, superior in numbers; and certainly, if the French army, in that quarter, is beaten, the allies may cut off the retreat of Dumouriez; in which case, his fate must depend not only on the strength of his army, not over numerous, but also on the state of his magazines, which I believe to be bad. Should Valence be able to make good a *gentle* retreat, then he may be joined perhaps by Dumouriez at Louvain, and, together, they may cover Brussels. But all these things again depend on some moral contingencies; such, for instance, as the following questions: What will be the temper and spirit of those departments nearest to the scene of action? What will be the degree of hope or apprehension among the inhabitants of the Low Countries? As to them, you will see by the gazettes that they are fast expressing their adherence to the French republic *freely* pronounced. But, since it has been no small question among metaphysicians what it is that constitutes the freedom of the will, there is no small question, also, on this subject, among politicians, as to the case before us. Are men actuated by interest; are they instigated by desire; are they seduced by hopes; are they compelled by fear? Alexander, you know, cut the knot which he could not untie, and the French have imitated the example of that conqueror. Some striking examples of those who opposed the union with France induced all the rest to give both their *speedy* and their *free* consent. It is therefore a problem to be resolved, what degree of force must be produced by the allies to operate on the free will of this people in a counter sense. I think the solution of that problem is in Brussels. On the whole, my dear sir, the hour is big with important events. As soon as I learn any thing more, I will communicate it; in the mean time accept the assurances of that respect with which I have the honor to be,

Your obedient servant,

GOUV. MORRIS.

[Enclosures in the foregoing.]

MY DEAR SIR:

LONDON, February 12, 1793.

This serves to cover a copy of such passports as I give to American vessels bound out of the ports of this kingdom. The existing circumstances must justify my issuing them, as I conceive they should regularly be issued only from our ports. I have been able to procure but a very imperfect translation of the form for passports annexed to our treaty with France; you may be able to procure for me that which is proper. If you could obtain an order to be published by the French Government to their officers of the marine, privateers, &c. to observe the stipulations of the treaty, with respect to American vessels sailing from these ports, it would save our people considerably in insurance. I have no doubts myself of their keeping the treaty, but they are entertained at Lloyd's. You will, however, take such steps as you may judge suiting to the circumstances.

THOMAS PINCKNEY.

MR. MORRIS.

MY DEAR SIR:

PARIS, February 18, 1793.

I have received yours of the 12th, covering the form of a passport. I have been applied to for passports, but have refused to give them. I know enough of mercantile cupidity to be convinced that attempts of this sort are frequently made to cover, under a neutral dress, the property of enemies; and if I were to sit as judge, the passport you give would influence my mind in favor of the captors; and that, on the following simple principle: Real American vessels have their registers and other papers in proper order, consequently, do not need any documents which we can give, and which, in fact, we are not authorized to give. Of course the application for such unauthoritative document proves a consciousness that the rest is but ostensible and not real; perhaps forged. I have another reason: If we cover the property of enemies, we injure our own citizens, who no longer derive the expected advantage from their neutrality; and what is still worse, perhaps we justify, in some measure, the condemnation of those American vessels who may not possess the passports. You will observe that, by our navigation law, the owner is obliged to make oath to the property of the ship, which is clear and exact. I would not give a farthing for the oath of the master, because he deposes to a fact which, from the very nature of things, he cannot know. He is, therefore, to be considered as one who cares not what he swears. Secondly, he does not depose to an essential fact, which he might know, viz: that the ship was built in America; and therefore, I suspect that it is for ships not American that the oath is made. Lastly, I know not by what authority the consul administers such oaths. On the whole, my dear sir, I apprehend this is a commercial scheme, and that the apprehensions expressed at Lloyd's arise from their knowledge of what is concealed from you. I shall endeavor to prevent real American vessels from being confiscated; but if there be any room for suspicion, I shall be for reversing the maxim of criminal justice, and say, better two Americans be confiscated than one fraudulent escape.

GOUV. MORRIS.

THOMAS PINCKNEY, Esq.

No. 22.

DEAR SIR:

PARIS, 8th March, 1793.

In reading over my letter of yesterday, I find that I omitted to mention the war with Spain. Truth is, that it was a matter so much of course, and of so little importance, that it escaped my recollection. Our commissioners will doubtless turn it to account. Last evening I was informed that the French army in Flanders has been defeated, but as this is not an official account, I merely mention it as it is, viz: a letter sent express by an individual

at Brussels, on seeing sundry runaways arrive, and stores, &c. &c. coming in at sixes and sevens, with the report that the enemy were at the gates. On the other hand, you must take into account that the siege of Maestricht being raised only the 3d, one day's rest was necessary for the troops which had come on by forced marches. Now, as the action must have taken place at Tongres, about forty miles from Brussels, and the courier in question left that city in the night of the 5th, it would follow that the enemy must have marched from Maestricht in the night of the 4th, and attacked at break of day, otherwise the runaways would hardly have got in by the evening of the fifth. On the whole, there is but just time enough for such an affair to have happened, and that is all. If there is any confirmation I will mention it.

I am, respectfully, my dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 23.

DEAR SIR:

PARIS, 9th March, 1793.

The intelligence communicated in mine of yesterday is fully confirmed. The accounts given to the Convention are so lame and blind, that one is obliged to piece them out like a tattered writing where whole sentences are wanting. It would seem, then, that the enemy, though at what time is yet uncertain, made an attack on the army which had besieged, or rather bombarded Maestricht, and which was then at Tongres. The rout has, I believe, been complete, and the enemy, by pushing on to St. Tron, have cut off the retreat of those who were at Liege before the battle, or who fled to it afterwards, so that, in all human probability, the greater part of them have fallen, with all their artillery and stores. They had, indeed, one road open, viz: that along the banks of the Meuse up to Huy and Namur, but whether the enemy in Luxemburg have detached on that side seems as yet uncertain. Probably they have not. It would seem that such of the French army as escaped by the way of St. Tron, have been totally dissipated, for it is said that the enemy is in possession of Brussels, and of course he must have come on from eighty to an hundred miles in the space of four or five days. The French have sent off every thing they could save to Valenciennes, which is about sixty miles on this side of Brussels, and in which the broken remnants of their army will probably be collected. Going on the supposition that the allied army is at Brussels, it appears to me that Dumouriez is completely cut off, unless he be possessed of very considerable magazines, for he is, you know, in a horrible country. In front a navigable river, and in the rear a pitiless desert, until he gets back to the neighborhood of Antwerp, Malines, and Louvain. Now the enemy could be at Malines, as soon as at Brussels, these places being equi-distant from Louvain, through which they must, in either case, have past, and the distance from Malines to Antwerp is about one-third of what Dumouriez had to pass over, unless he began his march as soon as he received the news that the enemy were on their way to Maestricht. This intelligence did not, I presume, reach him till the night of the 3d, or morning of the 4th, and it is a question of moment whether he took instant measures for his retreat, which must, of necessity, be slow, through the very bad roads which he has to struggle with till he gets to the pavement, within about a league (if I remember right) of Antwerp. The intention of the enemy is, I am certain, to cut him off, and if that be done, God knows what will happen, for the frontier towns are almost without garrisons, the whole force having been called off to the expedition against Holland. The force in the Low Countries has been stated very highly by those who counted on success in that quarter, but I do not believe that the whole amounted to more than fifty, or at most sixty thousand, and should those events, which are now probable, take place, very few of that number will get back again to France. I understand that the militia are to be draughted immediately, and what may be the success of that measure God only knows. I have not sufficient data on which to fix an opinion, but should it be accompanied by delay, or encounter opposition, the safety of Paris is more in distance than in force.

Adieu, my dear sir. I am truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No 24.

DEAR SIR:

PARIS, March 13, 1793.

In mine (No. 23) of the 9th instant, I mentioned to you that the enemy was in possession of Brussels; and so it was then asserted by authority, but it seems that he confined himself to Tongres and Liege, leaving the French army in possession of St. Tron. At the same time, it appears that he was employed in pushing forward a column on his left to turn their right flank, and had that movement been completed the French army would, in all human probability, have been destroyed. To prevent the threatened danger, Miranda fell back to Louvain, keeping open thereby the two roads to Antwerp and Brussels. As the enemy will doubtless endeavor to cut him off from the latter, I do suppose that Dumouriez, relinquishing his expedition against the Netherlands, will form a junction with Miranda. In this case a battle must decide the fate of Flanders; and both parties will collect, for the purpose, all the force they can muster. I do not think the position taken at Louvain is tenable, because Brussels may be reached by the route of Namur, towards which the enemy will probably turn his attention, in the first instance. Great exertions are making here to reinforce Dumouriez, and still greater to bring about a new revolution, whose effect, if successful, would be, I think, the destruction of what is called here the faction of the Gironde, and which calls itself the republican party, qualifying its enemies by the term Anarchists. To avoid, if possible, the carnage of the 2d to the 8th of last September, a tribunal, called the Revolutionary Tribunal, is organized, with very large and wide powers. It is one of those instruments whose operations are incalculable, and on whose direction depends the fate of the country. Opinion seems to set very strongly against the Convention. They are supposed to be incapable of steering the State ship in the present rough weather, but it must blow yet a little harder before they are thrown overboard.

A propos, I believe I never mentioned to you that a constitution was reported; but the truth is, that it totally escaped me. A paper of that sort was read at the Convention, but I learnt the next morning that a council had been held on it over night, by which it was condemned; so I thought no more of it, neither have I heard it mentioned till yesterday, by one of my countrymen, which brought me to recollect that, in my correspondence, I had not noticed it.

I am, sir, with sincere esteem, your obedient servant,

GOUVR. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 25.

DEAR SIR:

PARIS, March 26, 1793.

The last letter which I had the honor to write was of the 13th instant, of which I enclose a copy, as well as of No. 21, 22, and 23, of the 7th, 8th, and 9th instant. I also enclose a copy of the letter from Dumouriez to the Convention, of the 12th instant, which not having been publicly read, he has caused to be printed in Flanders, and the enclosed is from Brussels. This letter, and the proclamations which accompanied it, form a singular contrast with the conduct pursued by that General on entering victoriously into the country, which I had the honor to communicate in mine (No. 14) of the 21st of December. It accords but badly, also, with a later transaction. He had opened a large loan, on his private credit and account, at Antwerp, but the capitalists having no great confidence in him, it went on slowly, and to stimulate their zeal, he threatened them with something very like military execution. Having mentioned here my letter of the 21st of December, I cannot avoid observing to you that the correspondence between Pache and Dumouriez, as published by the latter, shows that the orders given by Pache to reinforce Custine were far more extraordinary than I had conceived; seeing that he was directed to march in mid-winter across the pathless mountains of the Ardennes, in which he could have found neither food, forage, nor shelter from the storm. Similar orders to Beurnonville had pushed him (as I therein informed you) on

the road to Treves. No good opportunity offering, I did not then communicate the result of that expedition, which, by the by, was never made public here; but the fact is, that he lost one-half his army, and those which returned were as fit for the hospital as the field almost, so that the Austrian General Beaulieu pushed his advanced posts forward with impunity to the French frontier. There are in the enclosed letter of Dumouriez three things worthy of notice, 1st, the great diminution of the French armies in that quarter; secondly, the violence used to obtain an appearance of union with France; and thirdly, the temper and disposition of the Flemish nation. On the first of these points I refer (for the force which he commanded in entering the Low Countries) to the abovementioned correspondence with Pache, mutilated as it is; and from which you will find that the accounts I had given you of his numbers were exact. Between one hundred and one hundred and ten thousand Frenchmen broke into the Low Countries last autumn, and yet what I told you on the first day of the present year, viz: that the effectives under Miranda and Valence, when united, did not exceed thirty-five thousand, is strictly true. But there were sundry posts and garrisons spread through the country, and all along to the seacoast, making up about ten thousand more. And it is true that many have come out of the hospitals, and many recruits have been sent on; but some have gone into the hospitals, and straggling parties have constantly returned, so that forty-five thousand men was about the existent force previous to the efforts for the expedition to Holland; about all which, I shall say more presently, and only observe here that he states the army as being reduced by sickness, skirmishes, and desertion, to less than one half of their force. Such, says he, was our situation, when on the first of February you declared war against England and Holland. The 2nd point, viz: the manner of obtaining the *free* vote of the Belgic people for an union with France, I had mentioned to you in mine of the 7th instant, (No. 21) upon very full information from various quarters of that country. The account which Dumouriez gives is a curious piece for history. The conduct which may naturally be expected, from men so abused, I had mentioned to you on the 25th of January, and assigned, on the 13th of February, the reason why they had not already avenged the injuries they had received. But no sooner did the movements towards Holland lessen the garrisons distributed among them, than the smothered flame began to break out, and the French have already paid pretty severely for a conduct, of which the instances in modern times are rare.

In my last I mentioned to you that a battle appeared probable, and that it would decide the fate of the Low Countries. This battle took place definitively on the 18th, having been preceded by some warm skirmishes on the preceding days. As I mentioned on the 9th the whole force of the French as not being more than from fifty to sixty thousand men, it may not be amiss to give here some general state of the force now at the disposition of the republic. Speaking in round numbers, the force required was about five hundred thousand; to complete which, an apportionment was made on the first instant of near three hundred thousand, (viz: two hundred and ninety-six thousand five hundred and fifty-three) on the different departments, exclusively of the army of reserve, which we may suppose to consist of the paper surplus beyond five hundred thousand, whatever that may be. Thus it would seem that the existent force on the first instant (as borne on the returns) was about two hundred thousand. Note here that this force is divided, and to be divided, into eight different armies, viz: That of the North, commanded by Dumouriez, the Ardennes, by Valence, the Moselle, by Beurnonville, the Rhine, by Custine, the Alps, by Kellerman, Italy, by Biron, the Pyrenees, by Servan, and the seacoast by Labourdonnay. Deducting from the supposed existing force, for garrisons, sick, posts, and communications, and the numberless contingencies of service, eighty to ninety thousand, we have remaining a total of one hundred and ten thousand to one hundred and twenty thousand in the different armies under arms. So much for a general view. To give a more particular one coincident therewith. The army of Dumouriez may be stated at ninety thousand, that of Custine at fifty-four thousand, that of Biron at eighteen thousand, those of Valence and Beurnonville, each, seven thousand, those of Kellerman, Servan and Labourdonnay, each nine thousand; together two hundred and three thousand. But of these there are only the three first worth noting here, as the others are all in different posts and garrisons. And, by the way, that we may finish at once with Biron's army, (intended to be about fifty thousand strong, but avowedly defective the first instant about thirty-two thousand,) as it has been in a kind of small action for the last three months, and must keep up sundry posts in the country of Nice, and on the communications, the total operative force cannot exceed twelve thousand men. We shall come to Custine by and by, but at present we will return to the northern army. As this was to be exposed to the greatest efforts of the enemy, and as the Government counted on success in that quarter for the means to dictate its own terms of peace, the force of it was to be one hundred and forty thousand; but the avowed deficiency being fifty thousand, leaves the above number of ninety thousand. Deducting therefrom twenty-five thousand for the several garrisons, (of which there are at least a dozen) and for the sick, we have a remainder of sixty-five thousand, of which fifteen thousand were under Dumouriez, in Holland. The armies then of Miranda and Valence did not exceed fifty thousand, and the enemy give an account of above ten thousand of these in the affairs of the 28th February to the 4th of March, besides what may have gone off in different directions. The army, therefore, which Dumouriez commanded at Louvain (on the 15th instant) could not exceed forty thousand. His loss, between that and the 19th was at least twenty thousand. He cannot, therefore, on the 20th, have had more than twenty thousand left; probably about fifteen thousand. From the Dutch expedition, if ever they get back, not more than ten thousand can ever join him, because the losses in that quarter also have been considerable. When the want of discipline, and the desertion are considered, you will see that there remains but a very trifling force to be scattered through the frontier towns in addition to the very weak garrisons above mentioned. If this army be cut off it seems to me that the towns cannot be all defended, and if ever it should return, a very strict defensive is the utmost which can be expected.

It is proper, in this place, to say somewhat about the plans and movements of the enemy. From the best information I have been able to procure, it seems that the allies intended to open the campaign in the first fortnight of April, at which period the different armies were to be complete. The Austrians, under the Prince de Cobourg, including those on the Moselle, under the Prince de Hohenloe, were to be near ninety thousand strong, the British and Hanoverians were to be twenty thousand, the Prussians (with some troops of the Empire) about twenty to thirty thousand. The Dutch contingent depended on circumstances. The scattering bodies of emigrants also formed an eventual force. The whole might, perhaps, be carried to one hundred and fifty thousand, from which it might be well to deduct one-third for posts, garrisons, contingencies, maladies, and deficiencies. On the 1st of April, therefore, the Prince de Cobourg would have been at the head of at least one hundred thousand men, although not all united. He was obliged to commence his operations a month or six weeks sooner than had been agreed on, because the Prince of Hesse (commanding in Maestricht) informed him that he could not answer much longer for the defence of that place, a great part of his garrison being illy disposed, and the citizens unwilling to resist while their houses were crumbling about their ears. I have reason to believe that the information I received of an offer to surrender was unfounded. In this state of things a council of war was held, and it was resolved to undertake, at all hazards, the raising of the siege. This was done by the Prince de Cobourg, at the head of about twenty-five thousand men. The Prussians (under Prince Ferdinand of Brunswick) came up the Meuse on the side of Cleves and Wesel, with a body of ten to fifteen thousand, and drove the French from Roermond. The French lost in these affairs not less than twelve thousand men, killed, wounded, and taken, besides the dispersion of their troops in different directions. The stores taken at Liege were immense. Of artillery alone, above one hundred pieces of different caliber, as is said. The Austrians suffered very little, since it was rather a rout than a battle. The Prussians lost some men. These last marched (soon after) to Bois Le Duc, to effect a junction with the British troops. The Austrians prepared for action again as soon as they were recovered from their fatigue, and had made the needful dispositions. To this effect, orders seem to have been given to General Beaulieu to advance towards the Meuse from Luxemburg, and to the Prince de Hohenloe to replace the force of Beaulieu; but this line being long, and parallel to the French frontier, the movements must be made with caution; and the more so, as a month was to elapse before the corps of Beaulieu and Hohenloe were to be completed. The Prince de Cobourg seems to have sent off, however, a column of between eight and ten thousand men on the side of Namur, for the purpose of dislodging the French, opening the whole course of the Meuse up to the French frontier, forming a junction with the army of Beaulieu, and eventually cutting off the retreat of the French army by possessing a post in their rear between Mons and

Brussels, should they retire towards Valenciennes. Such was the state of things when Dumouriez joined the army which had fallen back to Louvain. He sent off, I presume, his orders immediately to evacuate Holland, so as to form a junction with those troops and make good his retreat; but shortly after, finding that the column of Austrians just mentioned was advancing rapidly on his right, sensible that his enemy would (if suffered quietly to collect his force) be soon superior in number, and that his whole army must (in consequence) be cut off, he determined, as a last resource, to fight them, because a victory would give him time to receive reinforcements, and secure the doubtful junction with the army in Holland. The army of the Prince de Cobourg must, at this time, have been inferior to Dumouriez', because, even supposing that he had collected from the Rhine men sufficient to occupy the posts in his rear, and to carry his army to a complete of near thirty thousand, yet the detachment on his left had reduced it to twenty thousand. He had pushed forward his advanced posts to Tirlemont, but the army of Dumouriez drove them back, and this latter General marched forward by his right so as to cut off the communication between the main body of the Austrians and the corps which had been detached on their left. If, under these circumstances, he had gained a victory, it would have been decisive. It was on the same field that the Marshal de Luxemburg beat King William, the 29th July 1693, and nearly in the same respective positions. The event, however, was reversed. The action was very warm, and although Dumouriez writes to one of his officers that the retreat was a knowing or skillful one, (*savante*) he appears to have been more indebted to the night than to his Generalship, or to the manoeuvres of his troops; for his left wing was cut to pieces and his right very severely handled. The great superiority of the enemy's cavalry would, in these circumstances, have wholly destroyed his army had the day light continued. Although we have no account of the enemy's loss, we may well suppose it to have been considerable, and of course much was to be done before they could attack the French, who had taken a strong post near Louvain, and the more so as, by persisting in his movement to the left, the Prince de Cobourg might hope to prevent Dumouriez from getting back to the frontier towns, and in the mean time his reinforcements were coming on. It was under these circumstances that Dumouriez prepared for his retreat. To that effect, after having collected his scattered forces at Cumpthigh he retired to Louvain and sent off his stores and artillery from Brussels. The sick were taken away (as I am told) by water on the 2d, when the commissioners from the National Assembly also left Brussels, and then some parties of the Austrians had, it is said, appeared in the neighborhood. It would seem, then, that the plan of Dumouriez, who is said to be on his retreat towards Mons, is to go to Tournai, in order to form there a junction with the troops from Holland, to whose protection, it would seem, that he has committed his sick and wounded, who may be forwarded to Ghent, and thence, by the canals, along through West Flanders to the French territory. In this way he will cover the retreat of the troops from Holland, by the Scheldt, and the reinforcements intended for his army will be thrown into Valenciennes, and he himself will take post, eventually, near Lisle. This plan supposes the evacuation of all Flanders, which, indeed, seems to be indispensable, for in three weeks from the present time the enemy will be in complete force. He may, as it were, immediately collect fifty thousand men, by bringing up the Prussian and British troops, and these again may be followed by the Dutch and Hanoverians. Now, on the supposition that Dumouriez should extricate himself in the course of ten days, he would not, on the whole frontier, from Valenciennes to Dunkirk, have more than fifty thousand men, and that, in the supposition that the recruits should have joined to the number of ten thousand, so as to replace deserters, and supply the deficiencies of sick and unfit for duty, which bear daily a greater proportion to the whole number, as losses in action, and by desertion, increase.

I expect that, in a very few days, the campaign will open on the side of the Rhine, and this circumstance will leave the Prince de Hohenloe more master of his motions, seeing that a column of troops, under the orders of the Duke of Brunswick, will be, of course, sent to occupy the passes along the Rhine, above Coblenz; and as the two armies of the Ardennes and the Moselle, (which, on the first of the month, did not exceed sixteen to twenty thousand men) cannot be increased, in any reasonable time, beyond what may be necessary for the garrisons on that frontier, and to prevent the enemy from entering by the Meuse, the left of the Prince de Cobourg's army may bend all its efforts that way, and I daily expect to hear of a stroke in that quarter. What may be the fate of Custine I know not. He has taken great pains to fortify himself, and to defend the banks of the Rhine from Switzerland to below Mayence; but these very precautions would seem to render the passage certain, because it is next to impossible that a line so long should be defended through all its extent. The King of Prussia seems determined to take Mayence, let it cost what it may. The inhabitants are universally in his favor, and should Custine (who is a brave but a blundering soldier) be taken with his army, the whole province of Alsace is lost. It may, indeed, fall in a different way, for I am well convinced that the Imperial troops will make a serious effort in the upper end of it; and here the conduct of Switzerland becomes important. People differ much on that subject, but I believe that England will have a very large body of Swiss in her pay, to act in conjunction with the Austrian troops, and that, having penetrated to Belfort, which is but about thirty miles from Basle, the ulterior movements will depend on the existing state of things between the armies at Mayence. In one contingency, an effort may be made to penetrate to Besançon, distant about fifty miles, and thence to Lyons, which is distant from Besançon, along the rivers Doux and Saône by Dole and Chalons, about one hundred and fifty miles, but by the common road seventy. I need not say that the possession of Lyons would oblige both Kellerman and Biron to retreat, and open the whole of that country to the troops of Savoy, whatever might have been the previous situation of those armies; for you know that on that quarter the difficulty of subsisting in the country is much greater than that of keeping the enemy *out* of it.

I had mentioned to you in mine, (No. 21) of the 7th instant, my idea as to the recruiting, if forced forward immediately. It has been tolerably successful. In some places very much so. In others it has met with serious opposition. Upper Brittany is in revolt, and both Nantz and Rennes are menaced, while a descent is apprehended at St. Malo. Does the insurrection proceed from a plan laid by the enemy, or from impulses of the moment? Both may have concurred; but I think that (like the campaign) it has happened sooner than was expected. It is, however, very serious; and should they take St. Malo, and receive a supply of arms, ammunition, and provisions, with a few troops and a little money from England, it is not possible to calculate the extent of the mischief; for Normandy is, I am persuaded, ready to revolt as soon as a fair opportunity offers, and it is in that quarter that I did suppose a descent would be made; and I am still of that opinion, and that the movements mentioned in mine of the thirteenth of last month will take place. In the midst of these troubles, with an expense which, last month, exceeded the receipts near two hundred millions of livres, (worth, at present prices, at least four millions sterling) the insurrection which I formerly mentioned as likely to take place against the Brissotines, is still in agitation, and will, in a few days, most probably take effect.

I enclose, herewith, a copy of my letter of the 24th instant, to Monsieur Le Brun, respecting captures of American vessels, which will sufficiently explain itself. I ought also to mention to you, which I omitted in its due season, that Monsieur Genet, before he went hence, called to take leave, and apologized for Monsieur Le Brun, on account of his constant business, for not calling on me to present Monsieur Genet, &c. &c. The truth is, that I attach very little importance to these matters, whether of compliment or inattention, and I believe that I estimate them at their true value.

With sincere esteem and respect, I am, my dear sir, your obedient servant,

GOUV. MORRIS.

[Enclosed in the foregoing despatch.]

Mr. Morris to M. Le Brun.

PARIS, March 24, 1793.

SIR:

I have received several complaints of violences committed by French privateers on American vessels. I have not communicated them to you, sir, hitherto, in the hope that they would not continue, and I have answered several letters on this subject, (addressed to me by the minister plenipotentiary at London) so as to dissipate the fears which the enemies of the French nation endeavored to inspire in my countrymen. But it appears to me of

much consequence to prevent at least similar violations of the law of nations and of the treaties. Already has been announced to me the capture of the ship *Aurora*, of Baltimore, by the privateer *Le Patriote*, of Marseilles; of the brig *Le Bacchus*, also of Baltimore, by a privateer from Cette; and of the ship *Laurence*, of Charleston, by the privateer *Le Sans Culotte*, of Honfleur. I avoid troubling you with the afflicting recital of the violences committed on these different occasions, and which were so much the less excusable, inasmuch as they took place after the prizes were taken possession of, and when no resistance was met with. But I earnestly request you to give the necessary orders in order, that, for the future, those illegal acts may be no longer committed, the serious consequences of which are incalculable. And I take the liberty of reminding you, in this respect, of the provisions of the fifteenth article of the treaty of amity and commerce between France and the United States of America, which was concluded at Paris the sixth of February, 1778. Your justice and wisdom, sir, are sure pledges to me that you will labor efficaciously to preserve the union between France and the United States—a union which, I hope, will forever subsist, and become more and more the bond of their reciprocal prosperity and of their common happiness.

I have the honor to be, &c.

No. 26.

DEAR SIR:

PARIS, April 4, 1793.

My last (No. 25) was of the 26th of March. Enclosed you have copies of Mr. Le Brun's letter to me of the 26th of March, mine to him of the 28th, and his to me of the 29th. I also enclose, under this cover, the Journal of the Debates and Decrees, Nos. 195, 196, 197, and 198. These will give you the present state of our news up to the last evening. You will perceive that all my conjectures respecting the army of Dumouriez are more than realized. From the letters of Custine, you will perceive that he has been totally defeated, for he found it necessary to fall back about forty miles, leaving a garrison in Mayence, which must fall of course; and he may hourly expect to hear of further misfortunes in that quarter. Perhaps the Prussian army may stop to besiege Mayence, but I think a part of their force will be sufficient for that purpose. The country, as I have mentioned in a former letter, is universally indisposed to France, and I can say (on good information) the same thing of Savoy. It is now very fine weather in this city, and if the season be proportionately advanced in other quarters, the campaign will soon be opened on every side. There will be a great want of bread before we have another harvest, unless peace should take place. If Lisle and Valenciennes should surrender at once, the campaign in that quarter will not be so much advanced as might be apprehended, because as yet the magazines are not brought up, and time must be allowed for that purpose. It seems, indeed, probable that the enemy have taken considerable magazines belonging to France, but even these are at some distance. I expect every hour to hear of an attempt upon Givet or Maubeuge, and it would seem (from the best information to be had) that neither of these places can be defended long. In short, on every side the horizon looks darkly. Whether Dumouriez will be able to lead his army against Paris seems as yet uncertain. Perhaps he may experience a similar fate to that of Lafayette; but he is in much better circumstances for a high game, and much abler to play it. At any rate, the enemy derive advantage from the squabble between him and the Convention. Here they are not yet fully apprised of their danger. Like those who die of a hectic, hope gleams to the last, and the latest breath is spent in expression of some splendid fancy. In the expiring struggles, however, let them happen when they may, we shall experience new horrors. Such, at least, is the probable chance.

The constant complaints, on account of the capture of American vessels, and the necessity of giving protection to such of our countrymen as are here, have prevented me hitherto from leaving Paris. At present the barriers are strictly guarded, and those who have applied lately for passports have been disappointed; but in a few days we shall know something more upon this subject. The ministry seem to be in a fair way towards an entire dissolution. In short, every thing here is in almost as much confusion as on the frontier.

With sincere esteem and respect, I am, my dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. *Secretary of State.*

GOUV. MORRIS.

[Enclosures in No. 26.]

The Minister of Foreign Affairs to Mr. Morris.

PARIS, March 26, 1793, second year of the republic.

SIR:

I have just sent to the Minister of the Marine, my colleague, the letter which you have done me the honor to write the 24th of this month. I have requested him to pay the most serious attention to the object of the complaints which you have made against the capture, by some privateers of the republic, of three American vessels brought into our ports. I have requested an immediate answer, and I am persuaded that it will be satisfactory.

Never doubt, sir, the dispositions of the republic to avoid, with scrupulous exactness, every thing which might affect the union and good harmony which subsist between her and the United States. Be also convinced of the sincere desire she has of cementing more and more the connexions of friendship and fraternity with her friends and allies, the United States.

I have the honor to be, with sincere attachment, sir, &c.

LE BRUN.

Mr. Morris to M. Le Brun.

PARIS, March 28, 1793.

SIR:

I received yesterday, and almost at the same moment, the letters which you did me the honor to write to me on the 26th and 27th, and the papers herein enclosed. You will there see, sir, that, in violation of the treaty between France and the United States of America, the French frigate *La Proserpine* has captured the American ship *Mercury*, commanded by Captain George Todd, who claims for damages, expenses, and interest, resulting from this capture, the sums of £701 14s. 6d. sterling, and £538 10s. French money. Captain Todd sailed from the port of Morlaix for the place of his destination; but before his departure he instructed Mr. John Diot to pursue his claim. I therefore request you, sir, to be so good as to give an order to the agents of the republic at Morlaix, to manage and bring this business to a conclusion with the said M. Diot, or that you will be so obliging as to point out to me how he should proceed to obtain the indemnification which the republic will certainly not fail to grant him.

The Minister for Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 29th March, 1793, 2d year of the republic.

SIR:

I have received the letter which you wrote to me yesterday, as well as the papers it enclosed. I immediately sent a copy of them to the Minister of Marine, and requested him to take the most speedy measures for procuring to Captain Todd the satisfaction which may be due to him, and to prevent in future the vessels of our good allies from being exposed to the attacks of our ships of war and privateers.

The unpleasant treatment that many of your fellow-citizens have just experienced proceeds, in part, from the difficulty of distinguishing an American from an English vessel, and from the probable connivance between several

individuals of the two nations to make masked expeditions. In order to preserve to the citizens of the United States all the advantages which result from their neutrality, it is the interest of the American Government to hinder this fraud, and I have every reason to believe that the laws which define, in the United States, the national flag, are clear, and precise. I know that these laws require not only that the vessel shall be American built, but that the captain and a great part of the crew shall be Americans.

I request you, sir, to communicate to me the last regulation, in this respect, made by Congress, that I may inform the officers of our ports of them, and, through them, the commanders of our vessels of war. This measure appears to me essential to do away all contest that might arise on this subject.

I have assured you, sir, by my last letter, of the sincere desire of the French republic not only carefully to avoid every thing that might affect the good harmony between the two nations, but to tighten more and more the fraternal connexions which unite them. You will have seen proofs of it in the different decrees which have been rendered by the National Convention in favor of the commerce of the United States.

I have the honor to be, sir, &c.

LE BRUN.

[NOTE. The Journals are not sent to the Senate, upon a supposition that they do not come within their desire.]

No. 27.

PARIS, April 5, 1793.

DEAR SIR:

I did myself the honor of writing to you (No. 26) yesterday. Colonel Touzard, who takes charge of my letters, having been detained a day longer, it furnishes the opportunity of sending this day's gazettes, and such intelligence as is now arrived. It appears that the army of Dumouriez is attached to him, and will go all the lengths which he desires. What is worse is, that the militia also adhere; so that he has all chances now in his favor; and, probably, as soon as the magazines are duly replenished, he will advance: for, under such circumstances, we are not to expect much resistance from the frontier towns. The affair of Custine has been very serious. The garrison of Mayence is shut up in that town, and if it capitulates the enemy derive from the magazines lodged in it the means needful for ulterior operations. Hence, I conclude such terms will be offered as will be accepted of. Custine's left flank is entirely open, and, in all human probability, the several passes in the Vosges mountains will be occupied by the column of Hessians, and, in that case, the retreat to France becomes impossible, and he must make the best of it in Alsace. Every hour is now big with important events, and how matters will go in this city the Lord knows.

I am, respectfully, my dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 28.

PARIS, 11th April, 1793.

DEAR SIR:

An opportunity presents itself, which I make use of, to transmit* copy of my letter of the 1st to Monsieur le Brun, with that of his answer, of the 8th, and of the decrees, which were therein enclosed, viz: of the 18th of February, and 26th of March. I have not sufficient confidence in the conveyance to give you any information beyond what you will derive from the newspapers, of which I shall send a packet.

Accounts from the northward are contradictory and uncertain. The enemy was, however, ready for action three days ago, and, therefore, I presume that we shall hear of him presently.

I am, with esteem and respect, dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 29.

PARIS, 19th April, 1793.

DEAR SIR:

Enclosed you have copies of mine, of the 4th, 5th, and 11th instants, (Nos. 26, 27, and 28) also, copies of my letters to Mr. Le Brun, of the 1st and 3d, with a copy of Captain White's memorial. You have, furthermore, copies of a letter from the Minister of the Marine to the Minister of Foreign Affairs, of the 7th instant, and of two letters of the 8th, from the latter to me; the one covering a circular from the former to the officers of his department in the different ports, and the other two decrees of the Convention, the purport of which I have already communicated.

Since mine of the 5th, I learn that the militia have, in general, quitted the standard of Dumouriez, but he has about twelve thousand of the regular troops, and there is reason to believe that others mean to join him. The terror excited by his defection begins to subside, or rather it is suspended, until some great blow shall be struck. There seems to be more of treason in this country than was imagined, and every day increases suspicion, which, whether well or ill founded, has always the effect of distracting the public councils. Most people wonder at the delay of the Prince de Cobourg; but, besides the necessity of collecting his magazines, artillery, &c. which is a very heavy affair, I have reason to believe that he waits until some other schemes are ready for execution, and, therefore, it may be yet four or five days before he commences the siege of Valenciennes. Condé is a needful preliminary, as, in that place, he must receive the various supplies which come up the Scheldt. It cannot hold out long.

You will observe that Dumouriez, and, after him, the Prince de Cobourg, declare themselves in favor of the late constitution, with such alterations as the nation may adopt; and the latter gives the most solemn assurances that he will not meddle with the internal affairs of France. This conduct is wise, and will doubtless gain them a considerable party in the country, if they act consistently with those declarations. It is said here (and those who say so to me tell me that they speak on good authority) that the Powers allied against France begin already to be disunited. That they will disagree (if very successful) there can be little doubt, because they are actuated by different interests and motives; but I think that, at present, those who assert the disunion rather speak from induction than from information. Custine has retired, you see, to Weissenburg, and there he has a bad position. The enemy will probably attempt to cut off his retreat, before they attack him in front. As yet, we do not learn that the Austrians have crossed the Rhine in Upper Alsace, and that will be, perhaps, a preliminary to the operations against him.

As far as I can judge the public mind, it seems that there is a general state of suspense. Success on either side will fix the opinions of a very great number, who will then act to show their sincerity. Here, they hang people for giving an opinion in favor of royalty, (that is, they cut off their heads) but yet I am told that such opinion is openly avowed and supported in the streets. I am told that there is a majority even of the Convention who think a king necessary, but, as they see the loss of their own lives in connexion with the re-establishment of the throne, it is not to be supposed that they would tell such thoughts, and, therefore, the information may well be suspected. Time will show that there are among them some false brethren; and, certainly, the most intelligent must be convinced that the republican virtues are not yet of Gallic growth. The Duke of Orleans is in the way of reaping the fruits

*See Mr. Morris's despatch, No. 29.

of his conduct, being, as you will see, sent a prisoner to Marseilles. The storm thickens all round us, but, as yet, one cannot certainly determine how it will burst. The attempts made to excite disturbances in Paris have hitherto proved ineffectual, but that stroke seems to be reserved for the moment when the deputies now on commission in the departments shall return. It is possible, merely possible, that all may go off smoothly, but the chances are greatly the other way.

I am, my dear sir, with esteem and respect, your obedient servant,

THOMAS JEFFERSON, Esq. *Secretary of State.*

GOUV. MORRIS.

P. S. I should have mentioned that I am told there is a plan in operation here to detach Great Britain from the Confederation, and make a separate peace with her, but I am persuaded that the attempt, in itself vain, must fail, from the parties said to be employed, if from no other cause.

[Enclosures in the foregoing despatch.]

Mr. Morris to M. Le Brun.

PARIS, 1st April, 1793.

SIR:

I have had the honor to receive your letter of the 29th March, and I have in consequence that of sending you, herein enclosed, the formula of the certificates of registry with which American vessels should be furnished. Our Government can grant such certificates only to vessels wholly belonging to American citizens. They must, also, have been built within the United States, or have belonged to American citizens from the 16th of March, 1789. The law of the United States requires, besides, that the captain should be an American citizen, and before the registering of the vessel, that one of the owners attest, under oath, to the truth of all the facts. In fine, the captains and owners are prohibited from giving, selling, or lending, the certificates of registry; and it is declared that, in case they are made use of for the purpose of putting a foreign vessel under an American flag, she shall be liable to confiscation. Such, sir, are the regulations made on the 1st September, 1789, and I am not informed whether, since that period, any change has taken place in them. I have read, indeed, in one of our gazettes, that, in the course of the month of January, a new law on this subject had been presented for the approbation of the President of the United States, but I am ignorant of its contents, not having yet received a copy of it. I am persuaded, however, that it does not essentially differ (as to the subject in question) from that of which I have just had the honor to speak to you. I shall, immediately, sir, communicate it to you, as it shall come to hand, for it is my inclination, as well as my duty, to prevent, as far as possible, foreigners, and especially the enemies of France, from enjoying the privileges of our neutrality.

I am well persuaded, sir, of the good dispositions of the French republic towards that of America, and I shall continue to give a faithful account of it: for I sincerely desire, more and more, to cement the connexions which unite the two countries. It is in consequence of that same desire that I request you, sir, to be so obliging as to me furnished with a copy of the decrees rendered by the Convention to which you do me the honor to refer me. Hitherto I have not had it in my power to speak of them, in my despatches, except in a general manner, having had no other communication of them than through the uncertain medium of the gazettes.

Monsieur LE BRUN, &c.

Mr. Morris to M. Le Brun.

PARIS, 3d April, 1793.

SIR:

I have the honor to present to you, herein enclosed, the copy of a memorial this moment presented to me by Captain Thomas White. It gives me pain, sir, to be obliged so often to trouble you with such disagreeable subjects. I know, that, in the warmth of revolutions, accidents will happen, much against the views of an enlightened administration, and I have the honor to annex to this letter, the copy of a proclamation which the Congress of the United States of America has thought proper to make, in circumstances, in some degree, resembling those in which the French republic are at present. I do not doubt, sir, but that you will put in execution, against violations of the treaty, the conventions therein stipulated, in regard to them, and particularly in the fifteenth article.

I have the honor to be, &c.

M. LE BRUN, &c.

To Mr. Morris, minister plenipotentiary from the United States of America to the republic of France, the memorial of Thomas White, Captain of the ship Lawrence.

Captain Thomas White sailed from Charleston, the 7th of February last, on board the ship *Lawrence*, which he commanded, for London, with a cargo of rice and indigo. The 21st of March, being in the latitude of Portland, he met with a French privateer, called the *Sans Culotte*, of Honfleur; the latter fired a cannon at him, and desired him to bring to, and endeavor to come alongside, which he could not effect. Captain White, persuaded of the existence of peace between France and the United States, came to, after hoisting his American flag. The privateer ordered him to hoist out his boat, and to come on board, which order was accompanied with the most hostile threats; however, Captain White obeyed immediately, and, to leave no room for suspicion of his good faith, he presented to the captain of the privateer his sea letters and clearance of the custom-house of Charleston. He seemed to be satisfied, and returned the papers; but he sent eight men on board the American vessel, and detained those who had gone on board of him. He presently sent others from on board of the American vessel, and, finally, there were left on board the ship *Lawrence*, only the Captain, one sailor, and cabin boy. They then changed the course of this ship, and the two vessels entered the Road of Havre de Grace the 23d of the same month.

On entering the port, Captain White went to his chamber for some linen, and effects, which he might stand in need of on shore. Then the French crew permitted themselves to treat him in the most unparalleled manner; they loaded him with injuries, cut him with a sabre, pillaged all his effects, and even his most secret papers.

The ship *Lawrence* was insured for London, and this vessel having been brought to Havre, the insurance is lost: the cargo was composed of rice and indigo; there is no doubt of its being much injured, since the vessel — before she could enter the basin; perhaps it may also have been pillaged. In a word, Captain White has been injured, struck with a sabre, and plundered of all his effects.

He supplicates, therefore, the minister of the United States to the republic of France to take his complaint into consideration, and to have justice done to him.

PARIS, 3d April, 1793, 2d year of the French republic.

THOMAS WHITE.

Copy of a letter from the Minister of Marine to the Minister for Foreign Affairs.

PARIS, 7th APRIL, 1793, 2d year of the republic.

I have received, my dear colleague, the copy which you addressed to me, of the second letter written to you by the minister plenipotentiary of the United States of America, concerning the capture of several American vessels, in contempt of the neutrality of the same States, and of the treaty of commerce subsisting between the two nations.

Immediately, on the first information which you had the goodness to transmit to me on this subject, I gave the most particular orders, for the purpose of conciliating to that friendly Power all the attention she has a right to expect from a nation jealous of discovering a religious observance of her treaties. I cannot doubt the punctual execution of those orders, and the minister plenipotentiary of the United States should be assured, in every case, of obtaining the most prompt and full satisfaction, provided the vessels of that nation conform themselves, with the same exactitude, to the laws relative to the transportation of warlike stores, and other objects, prohibited, in time of war, to be carried in neutral and ally vessels.

MONGE.

PARIS, 8th APRIL, 1793, 2d year of the republic.

SIR: I have received the new claims you have addressed to me concerning Captain Thomas White. I immediately informed the Minister of Marine of them, and requested him to take the necessary measures for having ample justice rendered to the captain.

I shall always receive, with pleasure, the communications you may think proper to make to me, for securing to the flag of the United States the protection which the law of nations, and the fraternal dispositions of the French republic, fully allow it.

That you may be able to judge more particularly of our intentions in this respect, I enclose, herein, the copy of a circular letter which the Minister of Marine has addressed to the civil *ordonnateurs* in the different ports of the republic. You will be so obliging as to make it known to the consuls of your nation.

I have the honor to be, &c.

LE BRUN.

Copy of a circular letter written by the Minister of Marine to the civil Ordonnateurs in the different ports of the Republic.

PARIS, March 30, 1793, second year of the republic.

CITIZEN:

Being informed that some French privateers have taken vessels belonging to the United States of America, I hasten to engage you to take the most speedy and efficacious measures to put a stop to this robbery, which essentially compromises French honor and loyalty. You must be sensible of how much importance it is to the republic to preserve the good intelligence subsisting between her and the United States, and to tighten, if possible, the bonds of a fraternal alliance with people, who, having conquered and obtained their liberty, value our principles, and respect our rights. To secure the execution of the measures you shall have taken on this subject, you will concert as well with the maritime districts as with all the constituted authorities, who will doubtless readily concur in this act of justice, and of the law of nations.

MONGE.

P. S. I notify you that the National Convention has decreed, on the 1st of March, in the present year, liberty for all cargoes of now prohibited articles, on board of neutral vessels, and has ordered that mention shall be made of it in the passports which shall be delivered to them, that they may be sheltered from all insult on the part of the French privateers.

SIR:

PARIS, April 8, 1793, second year of the republic.

I have received the letter which you have done me the honor to write me, on the 1st instant, as well as the formula of the certificates of registry enclosed in it. I shall send a copy of it to the Minister of Marine, requesting him to make it officially known in the different ports of the republic.

Besides this proof, duly attested, it were to be wished that the American vessels might be furnished with a passport agreeable to the model annexed to the treaty of commerce of 1778. I have instructed Citizen Genet, minister plenipotentiary of the republic at Philadelphia, to require of the Government of the United States a regulation for having all American vessels furnished with those passports, to prevent every difficulty that might arise in that respect.

I cannot at all doubt, sir, but that the dispositions you manifest, of tightening more and more the bonds which unite the two nations, are also those of your constituents. It is under this persuasion that the National Convention passed the two decrees, of which I herein enclose copies.

I have the honor to be, &c.

LE BRUN.

[TRANSLATION.]

Décret de la Convention Nationale du 18 Février, 1793, l'an 2 de la république, relatif aux denrées exportées ou importées par des vaisseaux Américains dans les colonies, ou en France.

Decree of the National Convention of the 18th of February, 1793, second year of the republic, relative to produce exported or imported by American vessels into the colonies of France.

La Convention Nationale, après avoir entendu le rapport de son Comité de Défense Générale, décrète ce qui suit:

The National Convention, after having heard the report of their Committee of National Defence, decrees as follows:

Article premier. Tous les ports des colonies Françaises sont ouverts aux vaisseaux des Etats Unis d'Amérique.

Article 1. All the ports of the French colonies are open to the vessels of the United States.

2. Toutes les denrées exportées ou importées par les vaisseaux Américains, ne payeront à leur sortie, ou à leur entrée, en France, que les mêmes droits perçus sur celle que portent les batimens Français.

2. All the produce exported or imported by American vessels shall pay, on going out or, or arriving in, the ports of France, only the same duties as if carried in French vessels.

3. Le conseil exécutif est autorisé à prendre toutes les mesures convenables pour que les Etats avec lesquels la république est en guerre, ne puissent profiter des avantages accordés à une puissance amie.

3. The executive council is authorized to take all convenient measures, in order that the States with whom the republic is at war do not profit of the advantages granted to a friendly Power.

4. Le conseil exécutif négotiera avec le Congrès des Etats Unis pour obtenir, en faveur des commerçans Français, une réduction de droits semblable à celle qui est accordée par la présente loi aux Américains, et pour resserrer ainsi les liens de bienveillance qui unissent les deux nations.

4. The executive council will negotiate with the Congress of the United States to obtain, in favor of the French merchants, a reduction of duties similar to that granted by the present law to the Americans, and thus tighten the bonds of benevolence which unite the two nations.

5. La Convention Nationale suspend l'exécution de la loi du 28 Aout, 1790, décrète que tous les batimens chargés de marchandises des grandes Indes pourront aller débarquer dans tous les ports de la république pendant tout le tems que durera la guerre, et que les vaisseaux qui n'apporteront que des denrées des isles de France et de Bourbon jouiront désormais de la même liberté.

5. The National Convention suspends the execution of the law of 28th August, 1790, decrees that all vessels laden with merchandises of the East Indies may debark in the ports of the republic during the continuance of the war, and that the vessels which bring only productions of the Isles of France and of Bourbon shall henceforward enjoy the same liberty.

[TRANSLATION.]

Decret qui exempte de tous droits les subsistances et autres objets d'approvisionnement dans les colonies, relativement aux Etats Unis du 26 Mars, 1793.

La Convention Nationale, voulant prévenir, par des dispositions précises, les difficultés qui pourroient s'élever relativement à l'exécution de son décret du 19 Février dernier, concernant les Etats Unis d'Amérique, accorder de nouvelles faveurs à cette nation alliée, et la traiter dans ses relations commerciales avec les colonies Françaises, de la même manière que les batimens de la république, décrète ce qui suit:

Article 1. A compter du jour de la publication du présent décret dans les colonies Françaises d'Amérique, les navires des Etats Unis du port de soixante tonneaux au moins, uniquement chargés de farines et subsistances, ainsi que des objets d'approvisionnement énoncés dans l'article 2, de l'arrêt du 30 Août, 1784, comme encore de lard, beurre, saumons salés, et chandelles, seront admis dans les ports des dites colonies, et exemption de tous droits. La même exemption aura lieu pour les batimens Français chargés des mêmes espèces, venant de l'étranger.

2. Les capitaines des batimens des Etats Unis qui, ayant portés dans les colonies Françaises d'Amérique les objets compris dans l'article cidessus, voudront faire leur retour dans le territoire des dits Etats, pourront charger dans les dites colonies, indépendamment des sirops, rhums, taffias, et des marchandises de France, une quantité de café équivalente au cinquième du tonnage de chaque navire, ainsi qu'une quantité de sucre équivalente au dixième du tonnage, en se conformant aux articles suivans.

3. Tout capitaine de navire Americain, qui voudra faire des retours dans les Etats Unis en café et sucre des colonies Françaises, devra justifier que son batiment y est entré aux deux tiers au moins de sa charge, suivant l'article premier à cet effet, il sera tenu de remettre, dans les 24 heures de son arrivée, au bureau des douanes du lieu du débarquement, un certificat des agens de la marine qui constate la jauge de son batiment, et le tonnage effectif de son chargement.

Les préposés des dites douanes s'assureront que l'exportation des sucres et cafés n'excédât pas les proportions fixées par l'article 2 du présent décret.

4. Les capitaines des batimens des Etats Unis d'Amérique ne payeront, à la sortie des isles, ainsi que de ceux de la république, qu'un droit de 5 livres par quintal d'indigo; 10 livres par milliers de coton; 5 livres par milliers de café; 5 livres par milliers de sucre, tête et terré, et cinquante sous par millier de sucre brut. Toutes autres marchandises seront exemptées des droits à la sortie des dites colonies.

5. Les sucres et cafés qui seront chargés, payeront dans les bureaux des douanes qui sont dans les colonies, ou seront établis, en sus des droits cidessus fixés, ceux imposés par la loi du 19 Mars, 1791, sur les sucres et cafés importés des dites colonies en France, et conformément à la même loi.

6. Les capitaines des batimens des Etats Unis qui voudront charger des marchandises dans les dites colonies pour les ports de France, fourniront au bureau des douanes du lieu du départ les soumissions exigées des armateurs des batimens Français, par l'article 2 de la loi du 10 Juillet, 1791, pour assurer le déchargement de ces marchandises dans les ports de la république.

7. Les batimens des nations avec lesquelles la république Française n'est point en guerre, pourront porter dans les colonies Françaises d'Amérique tous les objets désignés par le présent décret. Ils pourront aussi rapporter, dans les ports de la république seulement, toutes les denrées des dites colonies, aux conditions énoncées dans le dit décret ainsi que dans celui du 19 Février.

Decree, exempting from all duties the subsistances and other objects of supply in the colonies, relatively to the United States, pronounced in the sitting of the 26th March, 1793, second year of the French republic.

The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America, to grant new favors to this ally nation, and to treat it, in its commercial relations with the colonies of France, in the same manner as the vessels of the republic, decree as follows:

Article 1. From the day of the publication of the present decree in the French American colonies, the vessels of the United States, of the burthen of sixty tons at the least, laden only with meals and subsistances, as well as the objects of supply, announced in article second of the arret of 30th August, 1784, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of the said colonies, exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

Article 2. The captains of vessels of the United States, who, having brought into the French American colonies the objects comprised in the above article, wish to return to the territory of the said States, may lade in the said colonies, independent of sirops, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fiftieth of the tonnage of every vessel, as also a quantity of sugar equal to the one-tenth, on conforming to the following articles.

Article 3. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar of the French colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo according to article 1st. For this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom house of the place he may land at, a certificate of the marine agents, establishing the gauge of his vessel, and the effective tonnage of her cargo.

The heads of the said custom houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the 2d article of the present decree.

Article 4. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the republic, but a duty of five livres per quintal of indigo, ten livres per thousand weight of cotton, five livres per thousand weight of coffee, five livres per thousand weight of brown and clayed sugars, and fifty sols per thousand weight of raw sugar. Every other merchandise shall be exempt from duty on going out of the colonies.

Article 5. The sugars and coffee which shall be laden, shall pay, at the custom houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said colonies to France, and conformably to the same law.

Article 6. The captains of vessels of the United States who wish to lade merchandises of the said colonies for the ports of France, shall furnish the custom house at the place of departure with the bonds required of the masters of French vessels by the 2d article of the law of 10th July, 1791, to secure the unlading of these merchandises in the ports of the republic.

Article 7. The vessels of the nations with whom the French republic is not at war, may carry to the French American colonies all the objects designated by the present decree. They may also bring into the ports of the republic only, all the productions of the said colonies, on the conditions announced in the said decree, as well as that of the 19th February.

No. 30.

SAINPORT, (near Paris) 20th May, 1793.

DEAR SIR:

I have the honor to transmit, herewith, the copy of mine (No. 29) of the 19th of the last month. You will see by the gazettes the state of affairs, as given to the public; but much allowance must be made, as I have already had occasion to mention. It is, however, clear, that the greater part of those troops which adhered to Dumouriez have returned to their country, and many to their standards. It is evident, also, that the Prince de Cobourg's conduct in holding out against the old constitution has been disapproved of by his masters and their associates, since he has found it proper to recall that proclamation; but whether for what is there said as to the Government or as to the territory of France, may admit of doubt; perhaps there may be a little of both in the objections made against it. The delay to be noticed in the operations of the allied armies proves, in my opinion, two important facts: one that they mean to leave as little as possible to chance, and therefore wait the arrival of all their forces; and the other, that the original plans of the campaign are to be steadily pursued. Hence, I infer that the supposed disunion, mentioned in my last, does not exist in any essential degree. It seems that the Austrian artillery was

not come up until very lately, so as to open the trenches against Condé, which hitherto has been rather invested than besieged. It seems, also, that the Hanoverian troops have come on so slowly as to have given every advantage to the French armies in Holland, if the successes of the Prince de Cobourg, in Flanders, had not rendered the proposed invasion abortive. However, the period being now arrived about which it might reasonably be expected that the weather would permit of offensive operations, and the country afford resources to the cavalry of the armies, we shall soon know somewhat of the comparative strength of parties. On the northern frontier they have to besiege, not only Condé, but Valenciennes, Bouchain, and Cambrai, in order to open a road in the direct line of advance, besides which, it would seem that they want Douay and Arras, on the right, with Bavay and Maubeuge, on the left, to cover their flanks. Hence results the formation of seven sieges after Condé, in order to open the road fairly to Paris, while, on the seacoast, they would want only Dunkirk and Calais, after which they might march securely along the coast, taking possession of the ports and erecting slight works to cover their retreat, should retreat become necessary. I am persuaded, therefore, that the main efforts will be made still in that last direction, unless intelligences are established in the towns on the other route. I learn, but on slender authority, that the citizens of Valenciennes and the regular troops are not disposed to resist. The militia, or *volontaires*, are, however, well determined. I know that the Government are very apprehensive as to Normandy, and I still believe in a descent there, and consequent revolt. You will have seen that the insurgents on the southwest of the Loire have had, hitherto, very great success, although the gazettes have teemed with accounts of the victories obtained over them. That they have hitherto received no succor from abroad, confirms me in the opinion that the main blow is to be struck on the side of Normandy, unless, indeed, the enemies of France are absolutely blind. I learn that the army of Biron has suffered very severely in the defeats—all published as victories gained over the Piedmontese. However, as yet the French territory (notwithstanding the numerous foes) remains untouched, though on all sides greatly menaced.

Enclosed you have copies of my letters of the 28th of April and 14th instant, to Mr. Le Brun, the Minister of Foreign Affairs, with that of his answer of the 17th, and my reply of to-day. These pieces require no comment.

With sincere esteem and respect, &c.

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State, Philadelphia.*

[Enclosures in the foregoing despatch.]

SIR:

SAINFORT, (by Melun) 28th April, 1793.

Captain Alexander Frazer, commanding the American ship *Fame*, belonging to Mr. Thomas Dickinson, of Boston, has this moment complained to me, and supports the same by the enclosed papers. The following is a statement of it: The captain freighted his vessel to Mr. Thomas Johnson, a citizen of the United States of America, and consul of the United States, at London, to come to Dunkirk, there to take in, on account of the said Mr. Johnson, one hundred and eighty-two pipes of coniac brandy, and to carry them from Dunkirk to Altona. The cargo being completed, and Captain Frazer furnished with his papers, was about departing for his destination, when he was opposed, in consequence of a resolution taken by the Assembly of the Council General of the commune of Dunkirk, under the presidency of the mayor and municipal officers. This resolution is founded upon two considerations: first, it is supposed that the brandies in question might have been destined for England, but afterwards that they were destined for *Altona*; and admitting that the detention in this case would be an attack upon the property of the said Mr. Johnson, they declare that the scarcity of brandies in that place renders all supplies of this kind very valuable, and, in consequence, it was agreed "that those laden on board the ship *Fame*, Captain Frazer, by order and on account of Joshua Johnson, consul of the United States of America, residing at London, and destined for *Altona*, shall be discharged," &c.

I am so well convinced, sir, of your justice and exactitude in having the laws and treaties of the republic observed, that I confine myself to the simple relation of the facts which I have just had the honor of stating to you above.

MR. LE BRUN.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

SIR:

PARIS, 14th May, 1793.

I have this moment learned that the National Convention, in the sitting of the 9th, authorized the French vessels of war and privateers to arrest and conduct into the ports of the republic all neutral vessels which shall be found laden, in whole or in part, either with articles of food belonging to neutral Powers, and intended for an enemy's port, or with merchandises belonging to an enemy, which merchandises are declared lawful prize.

I am unacquainted with the reasons, sir, which have given rise to this decree, but I think I can foresee that, as to articles of food, the rules which the convention have now adopted will be followed with eagerness by her maritime enemies, and that, henceforward, commercial speculations will depend on the point of subsistence of the naval superiority between the belligerent Powers.

As to the disposition of the decree with regard to enemy merchandises on board of neutral vessels, one might go into a detail of observations were it in question to fix that matter by a treaty yet to be formed, but that object being already regulated in a definitive manner by the treaties of commerce between France and the United States of America, I confine myself to observe to you, sir, that, from the general terms of the decree, the dispositions of it might be extended to American vessels, and that that most certainly was not the views of the Convention.

It appears to me, therefore, of consequence, sir, to make a supplementary decree to that of the 9th, in order to limit the application of it in a manner agreeably to the justice and good faith of the French nation.

I have the honor to be, &c.

MR. LE BRUN.

GOUVERNEUR MORRIS.

PARIS, 17th May, 1793, 2d year of the Republic.

SIR:

I have received the letter which you have addressed to me, requiring, according to the terms of the treaty of commerce, that the vessels of the United States be exempted from the dispositions of the decree of the National Convention, which authorizes the vessels of war of the republic to seize, on board of neutral vessels, the articles of food destined to an enemy's port, and the merchandise belonging to an enemy.

In consequence of your reclamation, I wrote immediately to the Committee of Public Safety, in order to engage it to make a report thereon to the National Convention. The committee have approved the observations which I made to them on the subject, and they will, without delay, demand of the Convention an exception in favor of neutral vessels, which, in virtue of the particular stipulations contained in the treaties of commerce, will not be subject to the dispositions of the decree of the ninth.

I have also taken the necessary steps in order to obtain from the Provisory Executive Council a decision concerning the cargo of the American vessel *the Fame*, of which you have requested of me the restitution.

The dangerous situation in which the town of Dunkirk now is, has justified, in the eyes of the council, the precaution taken by the municipality of that place, to hinder the exportation of brandy. The decree, of which I herein enclose a copy, will enable you to appreciate the motives of the determination of the Executive Council, and to direct the steps which the captain of the ship *Fame* is authorized to take to obtain from the municipality of Dunkirk a just indemnification for the expenses of the delay he has experienced.

I have the honor to be, &c.

LE BRUN.

MR. MORRIS.

Extract from the Registers of the deliberations of the Provisionary Executive Council of the 16th May, 1793, 2d year of the republic.

On the report of the Minister for Foreign Affairs, touching the claim made by the minister plenipotentiary of the United States, relative to a vessel of his nation laden with brandy, and detained by the municipality of Dunkirk, from motives of precaution, seeing the probability of an immediate attack of that city by land and sea,

The Provisionary Executive Council, considering the immediate danger in which the city of Dunkirk is, and the necessity of not depriving it of any object of supply for the support of the troops, approves of the precaution taken by the administrators of that city.

Considering further the connexions of friendship subsisting between the French republic and the United States of America, and not wishing in any manner that the extraordinary case of the captain of the American ship *The Fame* should be prejudicial to the interests of his employers,

The Provisionary Executive Council charges the municipality of Dunkirk to have ascertained the expenses of lading and unlading the above mentioned brandies, as well as those of the delay the captain has met with, and to pay him their amount.

The Provisionary Executive Council, besides, charges the Minister for Foreign Affairs to send to the minister plenipotentiary of the United States, copy of the present arrêt, and to inform him of the imperious circumstances which have prevented the council from attending to his demand.

True copy conformable to the register 14th May.

The Secretary of the Provisionary Executive Council.

PH. GROUVELLE.

True copy.

LE BRUN.

SAINPORT, 20th May, 1793.

SIR:

I have this moment received the letter which you have done me the honor to write to me on the 17th, with the deliberation it enclosed of the Executive Council of the 14th.

It appears to me natural, sir, to secure, in a city threatened with a siege, the supplies which are necessary for it, and to suspend for that purpose the general commercial laws. I, at the same time, see with pleasure, that the council has determined to have rendered to the interested the indemnification which justice requires. Such are always the proceedings of a free people. I ought, however, to observe to you, sir, that the person who has made the bargain for the cargo of brandy on board of the *Fame*, is exposed first to the inconvenience of being liable for the amount until circumstances permit him to export them, and afterwards to the payment of the lost freight. Therefore, I venture to flatter myself that the council, in the course of the justice which presides over their deliberations, will have the goodness to expedite their orders for arranging the whole of this business with the correspondent of Mr. Johnson at Dunkirk, so as to do away all pretext for complaint against the French Government in those who might be disposed.

As I am fully persuaded, sir, that the representatives of the French nation will never be deficient either in the purity of its conventions, or in the loyalty of its character, I have this moment informed our Government that the decree of the 9th will, in a few days, undergo the changes which you have had the goodness to announce to me.

I have the honor to be, &c.

GOUV. MORRIS.

Mr. LE BRUN, &c.

No. 31.

SAINPORT, NEAR PARIS, 1st June, 1793.

DEAR SIR:

My last (No. 30) was of the 20th of May. I had the honor to transmit therein copies of my last correspondence with the Minister of Foreign Affairs. Herein I have the pleasure to send a copy of his letter to me of the 26th, covering copy of the decree of the 23d.

I shall not say any thing at present upon the state of public affairs, but refer to what I have formerly said, and to the developments contained in the gazettes.

With sincere esteem and respect, I have the honor to be, dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

GOUV. MORRIS.

[Enclosed in the foregoing despatch.]

PARIS, 26th May, 1793.

SIR:

Conformably to the dispositions which I have had the care of communicating to you in my letter of the 17th instant, I have the satisfaction now to transmit to you copy of a decree passed by the National Convention, which declares that the vessels of the United States are not comprehended in the decree of the 9th May. You will there find a new confirmation of the principles, from which the French people will never depart, with regard to their good friends and allies the United States of America. You will also be convinced, sir, that the confidence that you have placed in the loyalty of the republic, by informing your constituents of the dispositions which I have communicated to you, was well founded.

I have the honor to be, &c.

LE BRUN.

Mr. MORRIS, Minister Plenipotentiary of the United States.

[TRANSLATION.]

Décret de la Convention Nationale du 23 Mai, qui déclare que les batimens des Etats Unis ne sont pas compris dans les dispositions du décret du 9 Mai.

Decree of the National Convention of the 23d May, which declares that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May.

La Convention Nationale, après avoir entendu le rapport de son Comité de Salut Public, voulant maintenir l'union établie entre la république Française et les Etats Unis de l'Amerique, décrète que les batimens des Etats Unis ne sont pas compris dans les dispositions du décret du 9 Mai, conformément à l'article 16 du traité passé le 16 Fevrier, 1778.

Pour copie conforme,

LE BRUN.

The National Convention, after having heard the report of their Committee of Public Safety, wishing to maintain the union established between the French republic and the United States of America, decree that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May, conformably to the sixteenth article of the treaty concluded on the 16th February, 1778.

True copy.

LE BRUN.

No. 32.

SAINPORT, 12th June, 1793.

DEAR SIR:

This will accompany duplicates of Nos. 30 and 31. I have now the honor to transmit a copy of the decision made by the municipality of Dunkirk on the 3d instant, respecting the ship *Fame*, which I received last night in a letter from that place of the 7th, which informs me that the ship was then sailed. I have just now written to Mr. Le Brun (who by the by is *en état d'arrestation*) a letter of acknowledgment, copy whereof is enclosed. I did this the more readily because I shall have new complaints to make, in all human probability: for in the best regulated Governments it is difficult to prevent the violation of the rights of neutral Powers, and much more so, where, in the tempests of a revolution, Government resembles more a weathercock, marking from whence the hurricane arises, than a tower to resist its force. Whenever a good opportunity presents itself I shall take the liberty to hazard my opinion on the late events, for I cannot yet say *revolution*, because it is not quite determined whether that shall be the conventional appellation of what passed in the end of May.

I am, with esteem and respect, dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State*.

[Enclosed in the above despatch.]

Extract from the Registers of the deliberations of the municipality of Dunkirk, of the 3d of June, 1793, 2d year of the republic.

A letter having been presented by citizen Brown, from the Minister for Foreign Affairs, of the 30th of May last, to Captain Alexander Frazer, commanding the ship *Fame*, relative to the cargo of brandy embarked on board of him, and according to which he is authorized to pursue his voyage: considering that, after having conferred with citizen Carnot, his representative, it was agreed yesterday to take off the embargo laid on the said vessel, and after having had an interview with citizen Brown on the indemnity which the said captain might require, which indemnity has since been fixed at fifteen thousand livres, and desiring to hinder all further detention, it has been agreed immediately to make void the seizure of the said vessel and cargo; in consequence of which, the said captain is authorized to depart as soon as he shall think proper, we engaging to pay, or cause to be paid, to citizen Brown, the indemnification agreed on.

True copy conformable to the Register.

MAEYENS, *Registering Secretary*.

SAINPORT, 12th June, 1793.

SIR:

I have just learned, with satisfaction, that you have permitted the ship *Fame* to sail from Dunkirk, with her cargo of brandy, on granting to Captain Frazer an honorable indemnification for the delay occasioned him. I shall immediately render an account thereof to the ministers of the United States; and I venture to assure you, sir, that the open and loyal conduct of the French Government in regard to us, will calm the uneasiness which particular facts might have given rise to in the minds of my countrymen.

I have the honor to be, &c.

GOUV. MORRIS.

MONS. LE BRUN, *Minister for Foreign Affairs*.

No. 33.

SAINPORT, 25th June, 1793.

DEAR SIR:

This will, I expect, accompany my last, (No. 32) of the 12th instant, no opportunity having offered since it was written. I do myself the honor to enclose herein the copy of what I wrote on the 19th instant, to Mons. Le Brun, respecting an atrocious violation of our flag, and respecting a very extraordinary step taken by the Convention in the repeal, on motion of a member, of the decree by which our ships were exempted from the seizure to which those of others were exposed. I was informed that the object of the decree I complain of, was to effect the confiscation of a large cargo belonging to citizens of the State of South Carolina, and which has been, sometime since, acquitted at Havre, but an appeal made from the decision of the court, though grounded on the clearest principles. The captors then declared that they would obtain a decree for the confiscation, by means of their friends in the convention, and, sometime afterwards, that of the 9th of May appeared, in which a retrospective clause covered precisely the object they had in view. Such a coincidence of circumstances was somewhat remarkable; however, I made no allusion to it in my first application, which (as you will have seen) produced the desired effect, being the decree of the 23d of May. The interested parties, as soon as this decree was passed, went to work, (as I was afterwards informed) and by force of money, as my informant says, procured the decree of the 28th. Certain it is that the former was not sent on to be enregistered until after the latter had passed, and then both were immediately forwarded together. It did not become me to give ear to calumnious suggestions, nor yet could I be totally deaf to a matter of such general importance to the United States. You will perceive, in the close of my letter to M. Le Brun, some general observations, which may render the corrupted members, if such there be, a little more cautious. I shall also enclose, herewith, a copy of M. Le Brun's answer of the 21st instant, to mine of the 19th. I had directed Mr. Coffyn, the agent at Dunkirk, to cause a prosecution to be commenced against the murderer of our fellow-citizen.

In a letter, written long since, I mentioned to you, sir, that I was in quest of M. Merlino. I have since found him, and conversed with him. He is immensely rich, but seems to have been the father of his own fortune.

If I can judge from his countenance, the inquiry was on foot in the hope of negative answers, and the affirmative is of course not pleasing. Certain it is, that he showed no inclination to spare to the necessities of his nephews a part of his own abundance; but this is the less reprehensible, in that he treats himself no better than his own relations.

Your favor of the 20th of April reached me two days ago, and now I have those of the 8th of that month, and 12th and 15th of March. To the contents of the last mentioned letter, I shall pay all due attention, whenever opportunities can be found or made for the purpose. I am happy to find, by what you say in the beginning of yours, of the 12th of March, that your sentiments accord so entirely with those which I had the honor to express in mine of the 22d of August, and that the conduct which I had thought it proper to pursue is thereby justified. My correspondence with Mr. Short will have shown you, sir, that I have been very far from questioning the principles which you state; and I perfectly agree that there is little difficulty or embarrassment in the application of clear principles when the facts are clear. But, while events are doubtful, the feebleness of human foresight may, I hope, be pardoned for hesitating where things of vast moment depend on steps to be immediately taken. A man of no little eminence in the late revolutions, and who has since left France, urged me much to go away, shortly after the 10th of August. As I had not (and have not) any reason to question, either on my own account, or on that of my country, the sincerity of his advice, I could only examine the ground of his judgment, which has always been esteemed a good one. We differed in opinion, but this sentiment he expressed strongly: "In your case, said he, I would go to England or Holland, and from thence state the existing facts, and ask my court to decide at once on my conduct, without waiting for future events." As it was clear from hence that his reflections turned principally on my personal situation, I told him that my conduct would be influenced by considerations totally different, and, therefore, conceiving it most conducive to the interests of the United States, I should stay.

In the present moment, you will observe, sir, by the public papers, that a majority of the departments declare themselves against the authority of the present convention, after the arrestment of their fellow members, just as, in the month of June last, a similar majority declared their execration of the attempts on Louis the Sixteenth; but who will venture to tell us what August is to produce? No small part of France is in open war with the rest; and wherever the insurgents arrive, it appears that the whole country is friendly to them; so that, if one were to judge by what passes in that quarter, France would be nearly unanimous in the re-establishment of royalty, should they come in force to Paris. Then the established principle of administration would undoubtedly be, that all which has been done within the last year was an abominable usurpation, &c. &c. And without questioning our principles of Government, they might dissent from the application of them, by a subtle distinction between the voice of a nation, and what would then be called the voice of a faction. Under circumstances of this sort, I am particularly happy to have received your orders, which I shall implicitly obey. Accept, I pray you, my sincere thanks for having given them so opportunely.

I will apply to the minister for the orders you wish respecting payments to our citizens, and make no doubt that they will be transmitted. And, indeed, I should suppose that if, without such orders, the payments were made by the Treasury of the United States, the Government of this country (let whatever Government may be established) would allow the justice of a deduction to the amount from what we owe. It is possible that we may hereafter have occasion to insist on that principle; among other reasons, because of the plundering of our ships, of which complaints are daily made to me, and which the present Government of this country is too feeble to prevent. Doubtless there are many things of the sort which do not come to my knowledge: for, in some cases, the masters and crews being taken out of the American ships, and put on board of the privateers, are carried very far from where their vessels arrive, and put on shore where chance directs, or circumstances permit; and, as many of the privateers are taken by British cruisers, some of our citizens may find their way to England, and some to the British colonies and foreign possessions.

I am very happy to find that it has been in the will and in the power of the United States to make advances for the colony of St. Domingo, and also to send supplies of bread to this country. On the 27th of September, I mentioned to you the plan of speculation on drafts to have been made on the United States, could my concurrence have been procured. Events have shown that this speculation would have been a good one to the parties, who would have gained (and the French nation, of course, have lost) about fifty thousand pounds sterling, in less than eighty thousand. I was informed at that time that the disappointed parties would attempt to have me recalled, and some more tractable character sent, who would have the good sense to take care of his own interest. Well, sir, nine months have elapsed, and now, if I were capable of such things, I think it would be no difficult matter to have some of them hanged. Indeed, it is highly probable that they will experience a fate of that sort. It is a year ago, that a person, who mixed in tumults to see what was doing, told me of a sans culotte, who bellowing against poor M. de Lafayette, when Petion appeared, changed at once his note to *vive Petion*, and then turning round to one of his scurvy companions, "*Vois tu! c'est notre ami n'est ce pas? Eh bien, il passera comme les autres.*" And lo! the prophecy is fulfilled: and I this instant learn that Petion, confined to his room, as a traitor or conspirator, has fled on the 24th of June, 1793, from those whom he sent, on the 20th of June, 1792, to assault the King in the Tuileries. In short, you will find, in the list of those who were ordered by their brethren to be arrested, the names of those who have proclaimed themselves to be the prime movers of the revolution of the 10th of August, and fathers of the republic.

I am hurt and vexed at the delay of my letters. By what you say of the advices you had received on the 8th of April, mine, down to the 13th of February, ought to have reached you by that time; and, indeed, notwithstanding the length of winter passages, there was room enough for their arrival. But the mischief arises from the ports where vessels are put up, as to sail on one day named, and, some four or five weeks after, we learn that they are still detained. I have not yet received the plans of the federal town, which you was so kind as to send, which I am sorry for, because, if there is any part marked out for sale in Europe, I think, in the present critical moment, purchasers would be found. By the by, I think a plan might be formed for purchasing land and building houses there, by way of actions; but I shall not dwell thereon at present, and will write more fully about it when I receive the plans and letter accompanying them.

By the first very good conveyance which may offer, I will send out the dies you order; at present I have none such, and only time to write by the person who takes this with him, and who is to sail from Havre for New York. I would rather give them in charge to some one who is himself going over, for great neglects happen in the ports, as I know by frequent experience.

Mr. Pinckney has doubtless informed you, long since, that Mr. Droz declined going out to America. There was some misunderstanding on the subject between him and Mr. Short, which he entered into a long history of, and desired me to communicate it to you, for whom he expressed the utmost deference and respect. As I found it impossible to get him into the service of the United States, which was the main object, I thought it unnecessary to trouble you with a long chapter of little sorenesses, which were, I could clearly see, the effect of prudential caution in Mr. Short, on the irritable delicacy of the artist. I am sorry, however, for the thing, because the conversation I had with him, and the inquiries I made, lead me to believe that he would have been a very faithful, able, and useful officer.

The assurances you give in your letter of the 20th of April, that our fellow-citizens are disposed to preserve an exact neutrality, gives me sincere pleasure, as you will find from what I took the liberty to say on that subject in former letters. I fear that the frequent violations of our neutrality by the privateers fitted out in the French ports, may provoke a change of sentiment. I labor incessantly to keep things quiet in that regard, and I think it likely that some of my countrymen may think me too much attached to France, because I do not enter into the violence of their resentments, for which there is (as you will see) more ground than I choose to acknowledge to them. How long the war may last I know not; but this I know, that it is very much our interest not to be drawn into it. The new constitution, upon which, at present, I shall make no remarks, but send you a copy, may, if adopted with enthusiasm, be the means of lengthening out the struggle, in which case France, or rather the ruling party in France, might triumph over all opposition. Otherwise, it would seem, humanly speaking, that, if there be a perfect accord between the different Powers without, and the royalists within, this campaign must put an end to the whole affair. Yet who can answer for the contingencies of war and the fluctuations of opinion?

With perfect esteem and respect, I am, sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

[Enclosed in Mr. Morris's No. 33.]

SAINPORT, June 19, 1793.

SIR:

I have just received the copy of a declaration made by the captain and crew of the *Little Cherub*, an American vessel, which states that this vessel, having taken on board thirty French passengers, driven off by the Spanish Government, conducted them to Havre, whence he took his departure on the 3d current, furnished with a passport from the executive council, for Hamburg. That, on the evening of the 6th, then being near Dunkirk, he was taken by *le Vrai Patriote* and *l'ougre F. Argus*, privateer, belonging to the republic, and carried into the latter port; that the captain and crew have been very badly treated, although they had made no resistance; and that the Frenchmen being in full possession of the American vessel, one of them seized the mate by the collar, and, without any provocation whatever, blew his brains out. Such serious facts, sir, oblige me to lay a complaint of them before you, and very earnestly to request that strict inquiry may be made concerning them, and that, in case they shall be found as they have been represented to me, the murderer may be punished with death.

I was much astonished, sir, to learn some days ago, that the Convention had reported on the 28th of last month their decree of the 23d, and that consequently the dispositions of the decree of the 9th, acknowledged by that of the 23d to be contrary to the treaty, were again revived. It was impossible for me to believe it, had I

not received a copy of the decree. I observe therein that the Committee of Public Safety, in concert with that of the marine, were instructed to give in a definitive report on this business within three days. It becomes of consequence, sir, to fix the matter definitively, for the fate of a very rich cargo already depends upon it, and we must expect to see that species of dispute multiplied, in which cupidity on the one hand, and fear on the other, will give place to calumnious insinuations, which lead uninformed persons to think that the interest of individuals might influence the national decisions.

I have the honor to be, &c.

GOUV. MORRIS.

M. LE BRUN, *Minister for Foreign Affairs.*

PARIS, June 21, 1793.

Second year of the Republic.

SIR:

I hasten to reply to the letter which you did me the honor to write to me, the 19th of this month.

Infinitely wounded at the afflicting details that letter contained, I have conceived it my duty immediately to instruct the Committee of Public Safety, by the report of which I herein enclose a copy. You will there find the sincere expression of sentiments which I prove, and of the opinion of the Provisory Executive Council.

Be persuaded, sir, that, if the facts you have reported are true, the outrage committed on board the vessel called the *Little Cherub* shall not pass by with impunity, and that the government of the republic will take all the measures which shall depend upon it, in order to prevent the neutrality of the flag of our good friends and allies from being violated.

I have the honor to be, sir, &c.

Le BRUN.

UNITED STATES.

REPORT.

The Minister Plenipotentiary of the United States has just made very serious complaints against a violation of the law of nations, and of the treaties concluded with the free Americans.

The *Little Cherub*, an American vessel, having on board thirty French passengers, whom the Spanish Government had driven off, conducted them to Havre, whence she sailed the 3d current, furnished with a passport from the executive council, for Hamburg. In the evening of the 6th, being then near Dunkirk, she was taken by the privateer *le Vrai Patriote* and *le lougre l'Argus*, belonging to the republic, and carried into the latter port. The captain and crew have been very badly treated, although they made no resistance. The French being in full possession of the American vessel, one of them seized the mate, and, without provocation of any kind, blew his brains out. The minister plenipotentiary of the United States demands that inquiry should be made as to the facts and that the murderer be punished with death, and the vessel released conformably to the treaty.

If the facts above related are true, it is not only for the interest of the republic, but for its honor and justice, to avenge this atrocious violation of the laws, and to give to the Captain of the *Little Cherub* all the satisfaction due to him. This crime is so much the more punishable, as he had come to Havre to land there a great number of our brethren, driven away from Spain, and the captors have infringed, with regard to him, not only the laws of war, but those of hospitality and gratitude.

The minister of the United States complains, also, that the decree of the 23d of May, which declares that the vessels of the United States shall not be comprehended in the dispositions of that of the 9th of May, has been reported by the decree of the 28th of May, and that the definitive report, which, according to the terms of the decree, should have been made on this business three days after by the Committee of Public Safety and Marine, in concert, has not been presented. It results from this delay that several American vessels, and, among others, one richly laden, remains sequestered, to the great prejudice of the proprietors and merchants.

The Minister for Foreign Affairs conceives that it is his duty strongly to insist on a prompt decision concerning the complaints of the American minister. He observes that, independent of the fraternal connexions which unite the two nations, the republic has the most pressing interest to treat the free Americans with attention, and to take their vessels under its particular protection. The United States become more and more the granary of France and her colonies; they manifest the most favorable dispositions of succoring us; and the courage which they have discovered in acknowledging formally the French republic, in spite of the menaces and intrigues of England, prove that their friendship for us is above all political or interested considerations, which might have led them to follow the impulsion which England, Spain, and Holland, have in vain attempted to give them.

From these motives, it appears to be of moment that the murder committed on board of the *Little Cherub* should be severely punished; that the captain receive full indemnity, as well for the injury committed on board as for the delay he has met with; and that, agreeably to the 16th article of the treaty of commerce between France and the United States, the American vessels enjoy fully, and without any exception, the advantage resulting from their neutrality, as long as that neutrality assures the supplies of the republic and of her colonies.

No. 35.

SAINPORT, August 13, 1793.

DEAR SIR:

Enclosed herein you will find copies of my letters of the 27th and 28th of June, 4th, 21st, and 24th of July, and 6th of August, to the Minister of Foreign Affairs, with copies of his letters to me of the 3d, 19th, 29th, and 30th of July. From these, you will perceive that my application for an order to the Minister of France in America, to pay, out of the funds to be furnished by the United States, the drafts made on his predecessor from St. Domingo, produced the desired effect. Some subsequent circumstances have induced me to believe that, under that cover, an attempt will be made to pay the bills drawn on Europe in favor of French citizens. I have certified signatures which seemed to be calculated for that purpose, but as I presume that measures will be taken of a cautionary nature, I shall not pretend to suggest any.

You will perceive, sir, in this correspondence, one of the many violations of our flag in the case of the *Little Cherub*, which, being attended with circumstances of peculiar atrocity, called for more pointed animadversion. The conduct of the Government on the occasion was perfectly proper. The person who committed the murder has, however, been acquitted on the testimony of his companions, in direct contradiction to that of the American master and crew. The case of the ship is still depending, and I know not what will be the event. It now appears that part of the cargo on board of her was for account of Flemish merchants, and to be delivered at Ostend; but more of this presently. I must, however, take the liberty of recommending to the notice of Government Francis Coffyn, of Dunkirk, an old deputy of Mr. Barclay, while he was Consul General. On many occasions, and especially in the affair of the *Little Cherub*, he has behaved with much sense, spirit, and industry. The conduct of such business is by no means pleasant; neither is it without some personal danger: for, in the present situation of this country, the laws are but little respected; and it would seem as if pompous declarations of the rights of man were reiterated only to render the daily violation of them more shocking.

You will see, sir, in my letter of the 4th of July, a clause asking the liberty of an American citizen. In my application on that subject, I have been very cautious, fearing that I might be deceived by British seamen, and consequently that our countrymen might afterwards be without redress; as, in such case, the government here would throw all the complaints aside as being unfounded. Among others who have asked the protection of the United States are some Nantucket whalemens; and, at first, their requests were so artfully made that I was near being the dupe. I have, however, declined all interference in their favor, telling them that when they embarked under a foreign and rival flag, they forfeited, by their own act, the protection afforded by that of the United States, and must console themselves in their present situation by the privileges which they formerly enjoyed, and which tempted them

to engage in the British service. This is the general idea I have held out, but differently modified, according to the various circumstances which individuals have brought forward. These people are a sort of citizens of the world, and, wherever they went, were the most pernicious enemies to their native country, because every where they solicited either the exclusion of, or else heavy duties on, the produce of our fisheries. At present, those who were settled at Dunkirk have, I am told, engaged in privateering. Probably, if the war lasts, the whole hive may settle again within the territory of the United States; and the more they endure, in the mean time, the sooner will they adopt that salutary determination.

The decree respecting neutral bottoms, so far as it respects the vessels of the United States, has, you will see, been banded about in a shameful manner. I am told, from Havre, that it is by the force of money that the determinations which violate our rights have been obtained; and, on comparing dates, events, and circumstances, this idea seems to be but too well supported. I will make no comments on the facts, because my opinions are of no consequence. The true state of them will result from the enclosed pieces, and the United States will judge thereon.

I am, with sincere esteem, dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

[Enclosures in Mr. Morris's despatch, No. 35.]

Mr. Morris to M. Deforgues.

SAINPORT, June 27, 1793.

SIR:

The United States of America, faithful to their attachment for the French nation, in consequence of the demand to that effect made by M. Ternaut, went to the succor of St. Domingo upon the basis of the decree passed by the National Assembly: and the payment of four millions, which make the object of that decree, has been completed. In consequence of the same attachment, and another demand of M. Ternaut, arrangements have been taken to place to the disposition of that minister a sum of three millions, which was to be employed in purchasing provisions for France.

The Government of the United States, in communicating to me the measures which I have the honor of communicating to you, inform me that the administration of the colony of St. Domingo had purchased several cargoes sent to that island by American merchants; that they had seized others; and that, for the payment of the whole, they had furnished bills on the representative of the French nation at Philadelphia, which, from the want of funds, he has not been able to honor. No one doubts that France will finally acquit herself of a debt so sacred, but in such a case as the present, delays are very prejudicial to those who experience them. In consequence, sir, I have received orders to solicit of the French republic an instruction to their minister at Philadelphia, for the purpose of paying off those bills with a part of the funds which are to be paid to him by the Treasury of the United States.

M. DEFORGUES, &c.

Mr. Morris to M. Deforgues.

SAINPORT, June 28, 1793.

SIR:

I have this moment received your letter of yesterday, and it is very pleasing to me to be able to felicitate you on your nomination, at the same time that I thank you for the sentiments of friendship which you do me the honor to testify for the United States, as well on your own, as on the part of the French nation. The good dispositions of the United States are unequivocal, and my personal attachment to France is of long standing and very sincere. Therefore I experience a double pleasure on every occasion that presents, of giving a new force to the connexions which unite the two nations. I most ardently wish that nothing may injure the harmony existing between them.

Permit me, sir, to renew to you on this occasion my entreaties with respect to the decree of the convention of the 28th May. I learn with satisfaction of the daily arrival of wheat and flour sent to you from America, but I am not without uneasiness for those which ought to follow. Indeed, how can we hinder the enemies of France from adopting, with regard to us, the example that she has given them, and especially the English, who cannot be held by the faith of treaties (since we have none with them) from following any other impulse than that of their own interest? And how can we complain after the marked preference which we have given to France, and the decree of the 9th of May? I do not speak to you, sir, of the impression which that decree will naturally produce in America. I had rather that such considerations should present themselves to your own reflections, than be the effect of mine. But it is of consequence that the Convention decide definitively; because delay, by allowing the decree to exist, exposes us, without any profit, to all the inconveniences which must result from it. I ought, also, to observe to you, sir, that it will be very difficult, and, perhaps, impossible, to prevent your privateers from committing illegal and outrageous acts, as long as they are permitted to bring into your ports all the American vessels laden with articles of food for countries at war with France. I receive numerous complaints of them, and they frequently conduct to a French port that which was destined to another; hence result great inconveniences to both parties.

Captain Pease, of the brigantine *Patty*, belonging to merchants of New York, whence he sailed the 7th April, has just informed me that, after having escaped the inquisition of several English privateers, he was stopped by a French fleet on the 21st May, and afterwards forced to enter the port of Cherbourg, although his cargo of flour was addressed to the Mayor of St. Valery. The municipality of Cherbourg coerced him to discharge this cargo there, and his vessel having been run aground, is so materially damaged as not to be able to sail to Gottenburg, where he was to go from St. Valery. I hope, sir, that you will have the goodness to cause the necessary inquiries to be made in this matter, and that the amount of damages which are due may be granted to him. He is now soliciting it of the municipality of Cherbourg.

I have the honor to be, &c.

GOUV. MORRIS.

M. DEFORGUES.

SAINPORT, July 4, 1793.

SIR:

I have this moment received the letter which you have done me the honor to write to me on the 3d, with the copies of the decrees it enclosed. The reparation ordered by the representatives of the French nation is worthy of its justice, and consequently the United States will be perfectly satisfied with it. They will also see, sir, in that which exempts their vessels from the dispositions of the decree of the 9th of May, a new proof of French loyalty in fulfilling their engagements. I shall give them an account, at the same time, of the instructions which you have had the goodness to have forwarded to Citizen Genet. I was so confident of the measure's taking place, that I have already given assurances of it. I request you, sir, to accept the testimony of my acknowledgments for the promptitude with which you have expedited those affairs.

I have just learnt, sir, that a Thomas Toby, a citizen of the United States, and now in the hospital of Boulogne, seaman, is detained there as an Englishman, having been found on board of an English vessel which was cast away on the coast of France. This citizen entered as a passenger before the war, in order to go home by way of England, because the American vessel to which he belonged had been sold in Spain. I shall be much obliged to you, sir, if you will be pleased to give orders for his liberation.

I take the liberty, sir, of enclosing a letter from Messrs. Le Couteulx, of Rouen, and I request you to be so good as to have the order which they demand expedited.

I have the honor to be, &c.

GOUV. MORRIS.

To M. DEFORGUES, *Minister of Foreign Affairs.*

Mr. Morris to M. Deforgues.

SAINFORT, *July 21, 1793.*

SIR:

I receive with gratitude the new testimony of the amicable dispositions of the French republic towards the citizens of the United States of America, which you did me the honor to transmit to me on the 19th, and of which I shall render an account to my constituents. Permit me to request you, sir, on this occasion, to recollect the affair of the brigantine Patty, about which I had the honor to speak to you in my letter of 28th June. Since that period, one of the owners has come to Paris to solicit justice of the Minister of the Interior. He informed me that the municipality of Cherbourg had replied to his demand, that the conduct they had observed with regard to the brigantine had been dictated to them by that minister, and that therefore he must address himself to him for the damages and expenses which resulted therefrom.

I have the honor to be, &c.

GOUV. MORRIS.

MONS. DEFORGUES, *Minister for Foreign Affairs.*

Mr. Morris to M. Deforgues.

SAINFORT, *July 24, 1793.*

SIR:

I have just received a letter from Havre, dated the 20th, of which the following is an extract: "The decree of the 1st of this month concerning the Anglo-American vessels has been expedited to our tribunals and regularly registered. In consequence we presented ourselves yesterday to the tribunal of the district, in the well founded hope of therein obtaining the justice we have so long claimed, that is to say, the restitution of the ship Laurens and her cargo; but to our very great astonishment, and contrary to all the rules of justice, the tribunal has not yet been pleased to decide, and has postponed the judgment to the 31st of this month; and for this reason—because the attorney for the privateer stated that he expected a new decree affecting that of the 1st of July. He read in court a letter from one of the interested in the privateer, now at Paris, mentioning that the Marine Committee was about presenting a new report; that Laveau, deputy from Honfleur, "where the owners of the privateer which captured the ship Laurens reside, was the reporter; that La Croix, a deputy from l'Eure, had found the claim of the privateer to be just, and had promised to support it; that the Marine Committee were favorably disposed. The situation of Captain White is truly distressing. He has been detained four months; almost all his crew have left him; his vessel in a deplorable condition, having constantly four feet water in the hold. He cannot have her repaired, as the first judgment authorizing it is attached, and the privateer leaves this vessel in confusion. For these four months the captain has sought justice, and he has not yet been able to obtain it."

I think it my duty, sir, to inform you of these facts. I have no idea that the interests of the republic should be sacrificed to those of individuals; but it appears to me that the declaration of the attorney, and especially the letter which he read, are derogatory of the dignity of the national representation; and I fear, besides, lest the postponement of the decision, in consequence thereof, may injure the reputation of justice, which France has always imposed on herself the duty of preserving unimpaired. I am persuaded, above all, sir, that the interested in the privateer, in supporting the indirect means they have used, by the names of two deputies, enjoying the just title of so much renown, have had no authority from them, as they certainly could not have that of the Convention, to promise a decree which they have already twice declared to be contrary to the treaty, and consequently a violation of public faith.

I have the honor to be, &c.

GOUV. MORRIS.

M. Deforgues to Mr. Morris.

PARIS, *July 3, 1793,*
2d year of the republic.

SIR:

I have received the letter which you did me the honor of writing to me, the 27th of last month, informing me that several drafts, furnished by the administrators of St. Domingo, on the minister plenipotentiary of the republic with the United States, to pay for the supplies which they purchased of some American merchants, have not been paid off, and that you have received orders from your Government to solicit the payment of them.

It is a pity, sir, that, before the furnishing of those drafts, the administrators of St. Domingo had not concerted with the representative of the nation, at Philadelphia, in order to secure the means of having them honored there, and that the reimbursement you require should have met with so long a delay. I am about giving to citizen Genet the necessary instructions to enable him to answer this extraordinary expense. The government of the republic have already instructed that minister to testify to the President of the United States their acknowledgments for the efforts which have been made by your countrymen, to succor the colony of St. Domingo. They have confirmed the opinion, which we have always entertained, of their attachment to the French republic.

The National Convention, justly filled with indignation at the violences committed on board the American vessel, called the *Cherub*, has passed the decree of which I enclose a copy. I hope that the reparation ordered, by the representatives of the people, will appear to you satisfactory.

I also enclose a copy of a decree exempting the vessels of the United States from the dispositions of the decree of the 9th of May. I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their firm determination to maintain, to the utmost of their power, the treaties subsisting between the two republics.

The Minister for Foreign Affairs,

DEFORGUES.

MONS. MORRIS, &c.

[TRANSLATION.]

Copie du décret de la Convention Nationale, du premier Juillet, 1793, l'an 2 de la république Française, relatif au meurtre commis sur le navire Americain, the Little Cherub.

La Convention Nationale, après avoir entendu le rapport du Comité de Salut Public, décrète:

ART. 1. Le Ministre de la Justice est chargé de faire sur le champ les informations nécessaires sur le meurtre commis le 6 Juin, à Dunkerque, sur la personne du Lieutenant en second du navire Americain, the Little Cherub, et sur la conduite tenue par le capitaine et par l'équipage du corsaire le Vrai Patriote, et le lougre l'Argus, appartenant à la république, contre le capitaine et l'équipage du navire, the Little Cherub; et de faire parvenir incessamment les informations à la Convention Nationale.

ART. 2. Le navire Americain, the Little Cherub, sera relâché; et le Ministre de la Marine est chargé de faire statuer sur l'indemnité qui peut lui être due à cause du retard apporté à son départ, soit à cause du dégât fait sur son bord.

ART. 3. Le Ministre de la Marine est tenu de prendre des renseignements sur la famille du Lieutenant en second du navire Americain, the Little Cherub, pour être statué, ultérieurement, sur l'indemnité que la république doit lui accorder.

ART. 4. Le Ministre des Affaires Etrangères est chargé de faire notifier sur le champ ce décret au Ministre Plénipotentiaire des Etats Unis, et au Ministre de la république Française, envoyé en Amérique.

Certifié conforme à l'original.

DEFORGUES.

Copy of the decree of the National Convention, of the 1st of July, 1793, 2d year of the French republic, relative to the murder committed on board the Little Cherub, an American vessel.

The National Convention, after having heard the report of the Committee of Public Safety, decree:

ART. 1. The Minister of Justice is instructed to cause immediately to be instituted the necessary inquiries as to the murder committed the 6th of June, at Dunkirk, on the person of the mate of the Little Cherub, an American vessel, and as to the conduct held, by the captain and crew of the True Patriot, et le lougre l'Argus privateer, belonging to the republic, against the Captain and crew of the Little Cherub; and, without delay, to transmit the result to the National Convention.

ART. 2. The American vessel, the Little Cherub, shall be delivered up; and the Minister of Marine is instructed to have ascertained the indemnity which may be due to her, on account of the delay she has met with, and on account of spoil committed on board of her.

ART. 3. The Minister of Marine is held to make inquiry as to the family of the mate of the American vessel, the Little Cherub, in order to ascertain, finally, the indemnity which the republic ought to grant to it.

ART. 4. The Minister for Foreign Affairs is instructed immediately to notify this decree; to the Minister Plénipotentary of the United States, and to the Minister of the republic, sent to America.

Certified conformable to the original.

DEFORGUES.

[TRANSLATION.]

Copie du décret de la Convention Nationale du premier Juillet, 1793, l'an 2 de la république Française, qui excepte des dispositions du décret du 9 Mai, 1793, les bâtimens des Etats Unis d'Amérique.

La Convention Nationale, après avoir entendu le rapport du Comité de Salut Public, voulant maintenir l'union établie entre la république Française et les Etats Unis de l'Amérique, décrète que les bâtimens des Etats Unis ne sont pas compris dans les dispositions du décret du 9 Mai, conformément à l'article 16 du traité passé le 6 Février, 1778.

Certifié conforme à l'original.

DEFORGUES.

Copy of the decree of the National Convention of the first of July, 1793, 2d year of the French republic, which except, from the dispositions of the decree of the ninth of May, 1793, the vessels of the United States.

The National Convention, after having heard the report of the Committee of Public Safety, wishing to preserve the union established between the French republic and the United States of America, decrees that the vessels of the United States are not comprised in the dispositions of the decree of the ninth of May, conformably to the sixteenth article of the treaty, concluded the 6th of February, 1778.

Certified conformable to the original.

DEFORGUES.

PARIS, July 19, 1793,
2d year of the French republic.

Sir:

I hasten to transmit to you a copy of an extract from the registers of the deliberations of the provisory executive council of the 14th of this month. You will therein find the decision of the council, on the affair of Captain John Brice, of the ship *Juno*, of Philadelphia; and, at the same time, a new proof of the amicable dispositions of the French republic towards the citizens of the United States of America.

The Minister for Foreign Affairs,

DEFORGUES.

MR. MORRIS, &c.

Extract from the Registers of the deliberations of the Provisory Executive Council of the 14th of July 1793, 2d year of the Republic.

The Minister of Marine having informed that the ship *Juno*, of Philadelphia, who had been perceived the 17th May last, and chased by the Capricious frigate, commanded by citizen Savari, having refused to make herself known, had been brought into the road of the Island of Aix, for the purpose of proving her papers; that from the examination of the papers of Captain John Brice, commanding the said ship *Juno*, they have been found regular; and that the said captain claims indemnification for some utensils and articles of provision which he pretends have been taken from on board, in the course of conducting his vessel to the Island of Aix.

Upon this report, the council considering that Captain John Brice ought to reproach himself for having rendered himself suspected, by his refusal to make known his colors, and not being able, under this report, to form any claim as indemnity:

Desiring, however, to treat amicably a citizen belonging to an ally-nation of the republic of France,

Decree, that the Minister of Marine is authorized to have delivered to Captain John Brice, a sum equivalent to the value of the effects which he pretends are missing on board his vessel; according to the estimation and equitable verification which shall mutually be made thereof by the *Ordonnateur* of Nantes, authorized for that purpose by the minister.

It is further decreed, that the Minister of Foreign Affairs inform the minister of the United States of the present decision of the council.

Copied conformable to the register of the 15th July, 1793.

The President of the Provisory Executive Council,

DESTOURNELLES.

The Minister for Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America.

PARIS, July 29, 1793,

2d year of the French republic, one and indivisible.

SIR:

I have made the necessary inquiries, in consequence of the complaints which you made to me the 28th of June last, to find out the authors of the damage done to the brigantine Patty, Captain Pease. I have not received any answer to the letter which I wrote on the 4th of this month, to Cherbourg. But I observe from what you write to me, that this business is pursued directly with the Minister of the Interior, by one of the owners of that brigantine. I do not doubt that my colleague will render justice to the owner, if, as I presume is the case, his claim be well founded.

The Minister for Foreign Affairs,

DEFORGUES.

The Minister of Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America.

PARIS, July 30, 1793, 2d year of the republic, one and indivisible.

SIR:

I have informed my colleague, the Minister of Marine, of the details of your letter of the 24th of this month, concerning the American ship *Laurens*, Captain White. The Minister and I are immediately to concert together as to the means of terminating, as speedily as possible, this business, in which my predecessor had already interested himself. You ought not to doubt, sir, of my readiness to inform you of the definitive resolution which shall be taken on your demand for Captain White, and of the justice which will be rendered to him, if he has conformed himself to the laws on the transportation of warlike stores and other objects prohibited in time of war.

DEFORGUES.

No. 36.

SAINPORT, September 22, 1793.

DEAR SIR:

My last, (No. 35.) was of the 13th of last month. This will accompany triplicate of what I had the honor to write on the 7th of August; also some copies of letters to the ministers. By the by, I shall cease to send you copies of my various applications in particular cases: for they are so numerous, that they will cost you more in postage than they are worth. I suppose Mr. Pinckney has his hands full of similar business: for I learn now and then that the British privateers make as free with our vessels as the French have done.

I understand that it is still in contemplation to repeal the decree I complained of, and that, in the mean time, it has not been transmitted to the tribunals. We shall see. In effect, this decree can do very little harm, because the fleets of this country are confined by those of the enemy, and the privateers, by a decree of the Convention.

The exchange during the last month experienced great shocks, owing to the violent measures pursued by the Government to support it. On the whole they have kept it at about two and a half to three for one, but merchandises have risen rapidly in price, and must continue to rise, among other reasons which will easily suggest themselves to your mind, because the compression on the paper mass in one place must force it out in another. Even lands feel the effect, although the market has been, for two years at least, greatly overstocked with that article. The paralyzing of a part of the assignats had as I told you, an effect which could be but momentary. A further decree was, therefore, passed against them, whose effect also diminished in the first moments. To prevent agiotage, the *effets publics* were ordered to be recorded, and the India Company's property was seized: and as this was not sufficient, the *caisse d'escompte* was abolished. Still the immense weight raised by political gas, could not but bring down with it the supporting balloons, wherefore, at last, the bankers and brokers were laid hold of. I am told that, amid the menaces against those who may remit to foreign countries, agents of the Government offered some bills cheap, and that the purchasers were imprisoned as *gens suspects*.

However, experience shows that evils inherent in the nature of things cannot be prevented otherwise than by destroying the things themselves. By the law it is death to sell or buy specie, and yet specie is publicly bought and sold every day.

You have, I hope, received the new constitution, which you will see is suspended until the revolution shall be finished. You will have seen, also, that the party of the Gironde or Brissotins is quite down; as yet none of them have been executed. Probably, the first great misfortune will call them from their dungeons as expiatory victims. I am not possessed of the proofs which exist against them; and it is, you know, a maxim of our law, that every man is presumed to be innocent until his guilt is proved. If one may judge from the indefinite precautions taken, one would conclude that the very great majority in this country is become royalist. I think I have already mentioned my conviction, that there cannot long exist three parties. It is said that the Brissotins, as soon as their adversaries gained the upper hand, enlisted themselves (in secret) under the royal banner, but I think strong proof should be required before the fact is admitted.

I do not mention to you the military events, because you will learn them fully from the different gazettes, and also, because I do not think military events decide so much as is generally believed. If the success be nearly balanced, France is so far victorious. But her resources are wearing away very fast, and the period seems to approach when the state of finances will be of little moment, because the needful things will no longer exist, and of course they can neither be bought with money, nor seized by force, nor obtained through solicitation. Will the allied armies push on to Paris? What would be the effect of their appearance? Two important questions: to answer the first would be presumption, and to answer the second would look like madness.

I am, respectfully, sir, your obedient servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

No. 37.

PARIS, 10th October, 1793.

DEAR SIR:

Yours of the 16th, 22d, and 26th August, were delivered to me at my country house, on Saturday morning, the 5th instant. That of the 13th June, mentioned in yours of the 16th August, I have never received. I arrived in this city the afternoon of the 5th. I had an interview with the Minister of Foreign Affairs in the morning of the eighth. He promised me to recall Genet immediately. I came home and transmitted that which you had written for the purpose, with the note, of which a copy is enclosed. I am busied about obtaining a proper successor, and taking measures to prevent, for the future, what you have lately experienced. I expect to send every thing in good order by the return of your advice boat.

I am, with respect, and sincere esteem, my dear sir, your obedient servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esquire, *Secretary of State.*

Mr. Morris to Mr. Deforgues.

PARIS, 8th October, 1793.

SIR:

I have this moment received a despatch, which it appears to me important to send you, without loss of time. I therefore transmit it in original, requesting you to have it returned to me after you shall have communicated its contents. I am persuaded, sir, that you will find therein the multiplied proofs of a sincere attachment on the part of the United States, and of their determination religiously to fulfil their engagements towards the French nation. You will there, unfortunately, observe that the agent, whom you had charged with the maintaining of the good harmony between our two republics, has, at least, been very indiscreet, and that the most essential interests are (in his hands) seriously compromised. I regret much that the letter of the 13th of June, of which our Secretary of State speaks to me, has not yet come to hand, as I should sooner have been enabled to inform you of an evil so much the more dangerous, as distance prevents the application of a prompt remedy.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

Monsieur DEFORGUES, &c.

No. 38.

PARIS, 10th October, 1793.

DEAR SIR:

I have written a short letter, (No. 37) this day, in answer to your despatches. Herewith I do myself the honor to transmit the copy of what I had the honor to write on the 23d of last month. The exchange has been sustained as there mentioned. On the 8th of last month I desired Mr. Jones (with whom Mr. Fenwick had entrusted his consular affairs, during a voyage he made to England) to give you his opinion respecting the situation and temper of Bordeaux, with the reasons therefor. The gazettes will have shown you that apprehensions were entertained respecting the dispositions of people in that quarter. I believe that there is still cause to apprehend, more especially, as the insurrection in the Vendée is more menacing than ever.

The conduct of the Convention, respecting our treaty, will have formed an useful reinforcement to those who would preserve our constitution. My efforts to support the treaty have been constant and persevering, although, in my private judgment, the breach of it on the part of our allies, by releasing us from the obligations it has imposed, could not but be useful under the present circumstances.

I am very anxious that consuls and vice consuls should be appointed in all the ports. My countrymen are incessantly applying to me, from every quarter, about property taken from them. I am desired from abroad to claim such property. The courts chicane very much here, under the pretence that claimants do not produce proper authority from their owners, &c. I have decidedly refused to lend my name on such occasions; because I am certain that I should be thereupon represented as a party interested, and, of course, my representations against the iniquitous proceedings, which are but too frequent, would be disregarded. It happens, also, that I am called upon to name proper agents in the ports where there is no consul. In such cases I must take the recommendation of a banker, and incur the risk of placing a person interested in a capture as protector of the property taken.

The state of public affairs here involves me in another very disagreeable predicament. My fellow-citizens are aggrieved, and apply for redress, to which they are justly entitled, and which they are led to expect with the greater certainty, as every public act breathes warm attachment to the United States. On the other hand, it is frequently impossible to obtain redress; because the Government, omnipotent in some cases, is, in others, not merely feeble, but enslaved. I am forced to see that my demands must embarrass and frequently irritate them. The ministers, who ought to be accountable agents of public authority, are placed in such direct subordination to the Comité de Salut Public, that even the common routine must await their fiat, and they are unaccountable, and swayed by the terror of an insurrection, which may be excited at any moment, should they displease the leaders of this city. Consequently, while they see and lament the consequences of many acts, they are obliged to commit them.

A knowledge of this reduces me to the necessity of choosing between national and particular interests. In preferring the former, the latter become clamorous, and I am sure that I shall be represented as an idle and unprofitable servant. To this inevitable evil I must submit. But another has arisen out of it, which gives me concern. In assigning to complainants the reasons why their expectations must be disappointed, I have been obliged to state things, which, being repeated and misrepresented, have produced a disagreeable effect in the minds of those who are to decide on the applications I make.

This will appear more clearly from an example. On the 20th of August a deputation of four ship captains, chosen by their brethren of Bordeaux, called upon me with a representation of the injustice they experienced in being prevented from sailing with their cargoes, &c. Their suffering was occasioned by one of those decrees which, being commanded by the popular cry, in a time of violence, the Legislature, though it may perceive the impolicy, dares not repeal. The deputation, as is natural, had flattered themselves with immediate and ample redress. It was my duty to moderate their expectations, and to explain the difficulties. Interest is often blind and seldom just. My moderation was ill suited to their wishes, and my letter to the minister, of which a copy is enclosed, seemed to them rather an abandonment of their cause than the prosecution of the only redress which appeared to me attainable, and in the only way by which it might be effected. I had cautioned them particularly not to ask too much, because they would thereby run the risk of not obtaining what they asked, or, if they should obtain it, of seeing their hopes blasted in the bud, by a repeal of an indulgent decree.

What had passed respecting the article of our treaty, favorable to the navigation of neutral vessels, was an instance so clear of the influence which prevails in the Convention over the principles of policy, as well as of justice, that, while it guided my advice, it ought to have swayed their conduct. Enclosed you have a copy of their memorial to the Convention. I have not thought it worth while to inquire by whom it was written. The style shows it to be from a French hand. I learn that a favorable reception was secured by repeating such parts of my conversation, as might, at once, irritate the members of the Comité de Salut Public, and justify the personal application of American citizens while their minister was on the spot. A decree was obtained, and before it could be executed was repealed. Thus it has happened that they did mischief without any benefit to themselves; and only served an ambition so contemptible, that I shall draw over it the veil of oblivion. The important facts of this nature came to my knowledge in the close of the last month, and, therefore, in mine of the first instant to Mr. Deforgues, of which a copy is enclosed, I took occasion to meet the mischief without going out of my way to seek it. This was the situation of things when I received your important despatches. I need not comment upon it, because you will naturally place yourself in my situation, and feel its unpleasantness.

I will not now give you any thing in the style of news, deferring that until the moment when Captain Culver shall be about to depart. In the meantime I pray you to accept the assurances of that esteem and respect with which I have the honor to be, dear sir, your obedient servant,

GOUVERNEUR MORRIS.

[Enclosures in Mr. Morris's despatch, No. 38.]

Mr. Morris to M. Deforgues.

SAINPORT, 20th August, 1793.

SIR: Four persons who have been deputed by the captains of the American vessels, of which I have the honor to send you herein the list, have come here from Bordeaux. These captains represent to me that the owners of their respective vessels have sent them here in consequence of the decrees rendered by the National Convention in favor of American commerce, and in the confidence that they would be permitted freely to follow their business; that, reposing on the public faith pledged by the same decrees, they have brought to this country considerable cargoes of flour, and other articles of provision; that, considering the exchanges with foreigners, the said cargoes have been sold

at an enormous loss; that they have no other means of repairing that loss, but by taking, on their return, productions and French manufactures; that several of them have freighted their vessels to French merchants, to carry merchandise to the French colonies; that the exportation of all merchandises being prohibited, they are obliged to unload those which they have on board, and to go out in ballast; consequently to lose the considerable freights which have been stipulated.

I do not pretend, sir, to meddle in the interior business of the French republic, and I am persuaded that the Convention has had strong reasons for putting on their commerce the restrictions of which the American captains complain. It does not the less result that that prohibition will injure, in a serious degree, the parties interested, and annihilate the commerce between France and the United States, which began to assume an appearance of activity, and to promise us pleasing returns. It is, therefore, from a sincere desire of seeing more closely bound the friendly connexions between the two nations, that I request you, sir, to have the goodness to examine whether there be any means, either by an exception to the law, or by particular permissions, to allow to depart the vessels of the United States, with their cargoes, for the ports of the United States, or the colonies of France.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

The captains of vessels of the United States to the National Convention of France.

PARIS, 22d August, 1793, 2d year of the republic.

CITIZEN REPRESENTATIVES:

Always faithful to their treaties, the Americans, informed of your efforts to obtain liberty, have braved all danger to bring into your ports supplies of flour, rice, sugar, coffee, and tobacco.

After having fulfilled this first fraternal duty, we had imagined that there remained nothing more for us to do; circumstances had suspended your navigation; your brothers of the French colony, who are also ours, were in want of necessities, and saw their relations with you cut off. We went to their relief, we have supported between them and you those same relations, of which their misfortunes and your principles rendered the preservation more useful and more desirable.

This latter duty we would still wish to fulfil, and yet a decree, which, if applicable to us, would violate our treaties, and interdict our principles.

The lading and exportation of every species of merchandise is prohibited; those even of our vessels already laden wholly, or in part, have been stopped in your ports, and their proprietors see wasting, in inactivity, their property, that of their children, the product of several years' navigation and peril.

Citizen representatives, you will not declare enemies to you, a free people who love you; you will not, especially, give to Europe the revolting example of the violation of treaties, and the oblivion of oaths.

We, who know your political situation, do not come to demand of you the rigorous execution of the treaties of alliance and commerce which unite us to you.* We confine ourselves to ask, for the present, to carry provisions to your colonies; and we observe, that if our demand should be rejected, we shall be forced to cease bringing articles of subsistence to you, as we could exchange them only for the produce of your soil, and that exchange would be impossible to make.

HENRY JOHNSON, &c.

Deputies on the part of the commerce of the United States of America at Bordeaux.

The Minister Plenipotentiary of the United States of America to the Republic of France to M. Deforgues, Minister of Foreign Affairs.

SAINPORT, 1st October, 1793.

SIR:

I have the honor to send you, herewith, the copies of two judgments, rendered with regard to the American vessel the George. By the first, the tribunal, in conforming itself to the treaty of 1778, declared her unlawful prize. But, by the second, a part of the cargo is condemned, as hostile property; and the tribunal has founded its decision upon the decree of the 27th July. Captain Richard Stevens, of the American vessel the Hope, also complains very bitterly of a sentence rendered lately against a part of the cargo of this vessel, which is incontestably American property. This captain informs me, that the tribunal of St. Brien has founded its decision on the circumstance that, in the invoice, the owners of the vessel had added their commission to the price of the articles therein comprised. A thing in use among merchants, who, by this means, insuring the whole, they shelter from maritime danger the price of their labor, as they do that of their merchandises. I do not cite, sir, this sentence in the form of a complaint, first, because, I have not received an authentic copy of it, and above all, because I am persuaded that the superior tribunal, to whom an appeal must be made, will not fail to render justice.

I desire only to let you see, sir, how much discontent the execution of the decree of the 27th July must excite. Persuaded that the Convention wishes to maintain the closest connexions between our two republics, I have given to our ministry the most positive assurances of it; but they will be contradicted by the injured persons, who doubtless will accuse the minister with supineness who does not adopt the feelings of his fellow citizens, and my efforts will fail of their effect, as soon as it can be imagined that I do not render a faithful account of the dispositions of the French republic, from the want of intelligence or exactness. I request you, sir, to pardon an observation which regards the particular interests of France. The circumstances of the moment prevent the fitting out of privateers, consequently it would cost it nothing to cause the treaty to be observed with the greatest exactitude. Then the contrast which the Americans would make, between the conduct of France and that of its enemies, could not but be favorable; but, at present, on the contrary, every time we complain of the conduct of the English, they shut our mouths by this decree of 27th July. Nothing is more embarrassing for our minister at London, and nothing can be more injurious to the French Republic, in the opinion of the neutral Powers. I hope, sir, that you will observe, in the freedom of the observations I have just made to you, the amicable and fraternal dispositions which have dictated them. I am sure at least of conforming to the views of the United States, in following my own inclination to remove every thing that might change the good harmony which exists between two nations, allied as well by the force of sentiment as by that of treaties.

I have the honor to be, &c.

GOUV. MORRIS.

No. 39.

PARIS, 19th October, 1793.

DEAR SIR:

My last will accompany this, and I enclose herein the copies of letters from the Minister of Foreign Affairs of the 10th, 14th, and 17th instant, and copies of mine to him of the 11th, 12th, and 13th; also, one just written.

By his letter of the 10th, you will see the determination to act decisively. In a subsequent conversation he assured me that Genet should be *punished*. I replied that the United States had only ordered me to ask his recall,

*This clause has been put in (evidently) with a view to excuse that breach of the treaty which I complained of, and shows this piece to have been concerted with the members of the committee.

and I could go no further. The idea is to send over a commission of three or four persons, and to authorize that board to send him over a prisoner. I kept the advice boat here a week, in order to embark the commissioners on board of her. But although the instructions are all ready, there remains some little embarrassment about the appointment of one of the persons. This prevents them from being ready; and, as it appears to me very important that you should have early advice, I cannot, by any longer delay, risk the near approach of winter on the American coast.

It is probable that the successor of M. Genet may ask the interposition of our Government in the discussions likely to arise. I have given assurances to the extent of what our laws and constitution may authorize. You will be able to measure better than I can that extent, and, at any rate, this hint will be kept secret, for that is, as you will readily see, of the utmost importance.

In M. Deforgues' letter of the 14th, and the decree which accompanied it, you will see the reasons assigned for violating the treaty. You will see also that it was not from the difficulty of refuting them that I declined entering into the controversy. In effect he had acknowledged and lamented to me the impropriety of the decree, but, unable to prevail over a greater influence for the repeal of it, he is driven to the necessity of excusing a step which it is not possible to justify. There is no use in arguing with those who are already convinced; and where no good is to be expected, some evil may follow. I have, therefore, only stated the question on its true ground, and leave to you in America to insist on a rigid performance of the treaty, or slide back to the equal state of unfettered neutrality. Your orders will, of course, be given to me according to the determination which the President shall take, and until then I hold the matter open.

We have constantly the news of victory, but the public is incredulous. Lately, orders were expedited to attack on every quarter, and as this is a measure originating with the Government, those who pretend to judge of intelligence beforehand, say that it must be favorable. There is, at any rate, the resource of concealing it; and although it would, at first blush, appear next to impossible that, in a country flooded with gazettes, there should be no note of long and bloody battles, yet the severity of the decrees against those who discourage the exertions of the republic, and the greater severity with which all such decrees are executed, awe the boldest printers, and hush even the whispers of private information. You must not be surprised, therefore, to find in the Dutch and English gazettes the account of actions which are passed over in silence by those I send you.

It is unfortunate that you are thus disabled from comparing different accounts, and forced to judge from partial recital. The best remaining resource is, to contrast the ministerial and opposition prints. Among the persons best informed, it seems to be doubtful whether the allies will push on towards this city, or wear away the national resources by warring on the frontiers. The former would have consisted better with a determination to restore the monarchy, and the latter seems to indicate a projected dismemberment.

In the meantime, the expense of blood and treasure to this country is inconceivable. Already artisans and laborers of every kind are extremely rare. The price of mechanics is risen to twelve livres, that of common hands to five livres, and this, notwithstanding the regulation of subsistence, to something very near the ancient standard. Manufactures are becoming very dear, and the attempt to limit prices, though enforced by the dreadful guillotine, cannot but produce the reverse of what it is intended for.

The ensuing winter, unless some important changes take place, must be productive of scenes most melancholy and distressing. If the enemy possesses himself of strong holds along the northern frontier, he will undoubtedly ravage Picardy with his immense cavalry during the winter season, and thus destroy one great granary. The resources of Barbary, Sicily, and Italy, are already cut off from the south. The Vendée is in train to become a desert. The army of the republic lays it waste with fire and sword. I will not endeavor to paint the various wretchedness which has been described to me as existing in that quarter. If the war continues another year, the wishes of those who meditate the ruin of France will be so far accomplished, that many years of peace will not be able to restore her wealth and population. This will, I think, be a misfortune to the United States, and, in all possible events, the present turmoil of Europe will furnish terrible examples to the present age, and to a distant posterity.

I am, my dear sir, very truly, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

P. S. I have paid four hundred and forty livres for packing up the statue of General Washington. Is this to be charged to the United States, or will you receive it for me from the State of Virginia?

[Enclosures in Mr. Morris's No. 39.]

The Minister for Foreign Affairs to Mr. Morris, Minister, Plenipotentiary of the United States.

PARIS, October 10, 1793, 2d year of the French Republic.

SIR:

I have received the letter which you did me the honor to write to me on the 8th of this month, as also the papers it enclosed.

I shall give the council an account of the punishable (*punissable*) conduct of their agent in the United States, and I can assure you, beforehand, that they will regard the strange abuse of their confidence by this agent, as I do, with the liveliest indignation. The President of the United States has done justice to our sentiments in attributing the deviations of the citizen Genet to causes entirely foreign from his instructions, and we hope that the measures which are to be taken will more and more convince the head and the members of your Government that, so far from having authorized the proceedings and criminal manoeuvres (*les démarches et les manoeuvres criminelles*) of citizen Genet, our only aim has been to maintain, between the two nations, the most perfect harmony.

I shall profit, sir, of the departure of the *Aviso*, which brought you the despatches of Mr. Jefferson, and I request you to inform me of the day you have fixed for her departure.

I announce to you, sir, with much satisfaction, that I have obtained from the Committee of Public Safety an arrêt which suspends provisionally the sale of the cargo of the American ship *Hope*; this arrêt was sent last night by a courier extraordinary.

DEFORGUES.

Mr. Morris to M. Deforgues.

PARIS, October 11, 1793.

SIR:

I have this instant received the letter which you did me the honor to write to me yesterday. It is very essential to transmit to our administration, with all possible expedition, the assurance of the amicable intentions of the council of the French republic, in order that the Congress, who are to assemble on the first Monday in December, may be informed at the commencement of their session. I have, therefore, sir, fixed on the beginning of the ensuing week for the departure of the captain, who is now at Paris. But I shall still detain him here some days, that he may have the honor of receiving your orders. I shall have that of going to your house, sir, at an hour most agreeable to you to-morrow or Sunday, to concert with you as to the moment of his departure.

I have the honor to be, &c.

GOUV. MORRIS.

Monsieur DEFORGUES, &c.

The Minister Plenipotentiary of the United States of America to the Republic of France, to M. Deforgues, Minister of Foreign Affairs.

PARIS, October 12, 1793.

SIR:

I have the honor to send you, herein enclosed, the copy of a letter which has been addressed to me by citizen Postic, a lawyer, residing at Morlaix. It appears that, in the proceedings of which he has given an account, there are extraordinary irregularities, and I think it my duty to inform you of them, as on the justice of tribunals often depends the salvation, and always the prosperity, of a State.

I request you, at the same time, sir, to permit me to make two general observations on the whole of this business; one of which applies to the organization, and the other to the proceedings, of the commercial tribunals.

The referring of questions on sea prizes to these tribunals appears to me dangerous, since they involve the interpretation of the treaties, and the application of the law of nations—consequently, of peace and of war. Now, we may be permitted to entertain some doubt as to the knowledge of the judges, and we ought, besides, to fear lest they may be interested, as owners of privateers, in the questions which are submitted to them.

But, whatever may be the organization of the tribunals, it appears to me essential, sir, that, in their proceedings, they should receive all the claims which may be made to them; that they should even invite, without waiting for the authority of the persons interested, who are often at the distance of one thousand leagues. The jurisdiction of the tribunals, within whose cognizance are the questions of prize, is *in rem*. They take possession of the thing, and, by that means, render themselves responsible for it. Now, as the tribunal, which is the depository of the thing, ought not to dispossess themselves of it, without a formal authoritative act of the true proprietor, it is their duty not only to admit, but also to seek, proofs which may establish to whom the property truly belongs. This is a double duty towards the neutral proprietor and towards their own nation: for every Government which permits its citizens to fit out privateers, arms, with the destructive sword of war, hands which are interested to extend its ravages, and renders itself responsible for the abuses which result from so dangerous a delegation of sovereignty. For the purpose of repressing them, the Admiralty tribunals have been established throughout the different nations of Europe. In these tribunals, the Government furnishes the means of information by the facility with which it admits therein every species of claim. It preserves, by appeals, the right of deciding, in the last resort, on the contests which therein arise; and it gives the necessary time to enlighten its conscience on thorny questions, before the pronouncing of a sentence which might extend or prolong the horrors of war.

These, sir, are the reflections which experience has dictated to me. They daily make on me a more lively impression, on account of the claims addressed to me by my countrymen, of which I have communicated to you but a very small part. I always send to the tribunals the injured persons, by giving them the most positive assurances that they will there obtain complete and prompt justice.

I have the honor to be, &c.

GOUV. MORRIS.

The Minister Plenipotentiary of the United States of America to the Republic of France to M. Deforgues, Minister for Foreign Affairs.

PARIS, 13th October, 1793.

SIR:

From every quarter, my countrymen, who have brought merchandises into France, are bringing complaints against the decree fixing the price of those merchandises. They request permission to re-export them, or to sell them at the commercial prices. I know too well your equity, sir, not to be persuaded that that request will appear to you strictly just; I am, therefore, convinced that, if there should be reasons of policy which prevent you from yielding to their claim, you will find some means of conciliating the interest of the French republic with that of my fellow-citizens who have delivered themselves up to its good faith.

I have the honor to be, &c.

GOUV. MORRIS.

M. Deforgues to Mr. Morris.

PARIS, October 14, 1793, second year of the French republic.

SIR:

I have received the letters you addressed to me on the 12th and 13th of this month.

By the first you complain of the fraud committed by the captors of the ship Peggy, in carrying off the papers which proved the cargo to be American property. The lawyer who informs you of that crime, proposes to collect the necessary proofs. It is of moment that your correspondent at Morlaix produce the proofs, that the guilty persons may be punished according to the full rigor of the laws.

You observe, sir, that it is to be feared lest the judges should be interested, as owners, in the questions which should be submitted to them. To avoid this inconvenience, the laws give to the injured parties the resource of appeal; and in the last resort, that of a direct intervention of the administration, and of the legislative body.

The extreme rigor with which the English and the other belligerent Powers treat all the neutral vessels destined for France, has put the republic to the painful necessity of arresting, by way of reprisal, in such vessels, the provisions belonging to its enemies. This severe measure, clearly explained in the decree of the 9th of May, of which I enclose you a copy, is the result of the most imperious circumstances. It will continue only as long as our enemies employ against us means disapproved by the laws of humanity, and by those of war. In casting your eye on this law, you can hardly, sir, avoid the conviction that it was necessary and just; that the republic could no longer, without inattention to itself, preserve tolerable decency towards its implacable and ferocious enemies; and that the system of depriving them of foreign produce was also to dissipate its means of offence.

In comparing this law with the declarations made by the British Government, at Stockholm, Copenhagen, Florence, and probably at Philadelphia, you will observe an extreme difference between our manner of thinking and that of our enemies. You will see on the one hand, the firm determination of destroying several millions of victims, merely to satisfy a spirit of vengeance or of ambition; and on the other, the desire of repelling unjust aggressions by severe laws, and a regret at being reduced to that extremity.

Here, then, sir, in two words, is the situation in which the republic stands. Its enemies have openly usurped the right of seizing all the provisions which are destined to it, and even all the Frenchmen found on board of neutral vessels. But it seems that France, attacked on all sides, abandoned to its own strength, without allies, without foreign succor, should confine herself scrupulously to the maxims of the law of nations, so cruelly violated by her enemies. Hence it would result, that the neutrality of several Powers would be partial; that it would operate only in favor of our enemies, whose commerce would be peaceably carried on under the shelter of a borrowed flag, while ours could not, under any flag whatever.

The law of the 9th of May is conditional, whilst the declarations of the combined Powers are positive. It is in their power to put a period to the execution of this law, by permitting neutral vessels to communicate freely with France.

These observations, sir, which you are too just not to appreciate, apply to the greater part of the claims which you have addressed to me for some time. I have done, with respect to several of them, all that depended on me, in order to obtain, in favor of your countrymen, an exception of the general measures adopted with regard to neutral nations. I have used, among others, all the means with which your letters furnished me, to have restored the

ship Laurens; but I have met with insurmountable obstacles, in the established laws, and in the opinion of the commercial tribunal of Havre. The tribunal has neglected nothing to render justice to the owners of this vessel. It has consented, among other things, to have translated three hundred and sixty one letters, merely to prove, in the most authentic manner, the property of the cargo. The interested have, besides, avowed, themselves, that they had neglected an essential formality required by our laws.

You must be satisfied, sir, with the manner in which the request, presented by the American captains from Bordeaux, has been received. This fact, and several others of the same kind, which could not escape your attention, must have convinced you that, when the particular circumstances of the republic permitted the administration to favor your countrymen, it was eager to give to them testimonies of the desire which it always has had, of bringing nearer and nearer the citizens and the interests of the two countries.

We hope that the Government of the United States will attribute to their true cause the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty, in the course of the present war. It must be perceived how difficult it is to contain, within just limits, the indignation of our marines, and, in general, of all the French patriots, against a people who speak the same language, and having the same habits, as the free Americans. The difficulty of distinguishing our allies from our enemies has often been the cause of offences committed on board your vessels. All that the administration could do is to order indemnification to those who have suffered, and to punish the guilty. I enclose, herein, several copies of the navigation act, decreed by the representatives of the people. I request you to make the dispositions of them known to the Government of the United States. It will there find the basis of a system connecting more and more the interests of the two nations.

DEFORGUES.

P. S. I enclose herein, sir, an arrêt of the committee of public safety, which fulfils, in part, the object proposed in your letter of the 13th of this month. I shall have the honor of communicating to you the measures which shall be taken in the sequel.

Copie du Décret de la Convention Nationale du 9 Mai, 1793, l'an 2d de la république Française:

[TRANSLATION.]
Copy of the Decree of the National Convention, of the 9th May, 1793, second year of the republic of France.

La Convention Nationale, après avoir entendu le rapport de son comité de marine,

Considérant que le pavillon des puissances neutres n'est pas respecté par les ennemis de la France:

Que deux cargaisons de farines, arrivées à Falmouth sur des navires Anglo-Américains, et achetées avant la guerre, pour le service de la marine Française, ont été retenues en Angleterre par le Gouvernement, qui n'a voulu en payer la valeur qu'à un prix au dessous de celui auquel ces farines avoient été vendues;

Qu'un navire de Papembourg, nommé La Therisia, commandé par le Capitaine Hendrick Rob, chargé de divers effets appartenant à des Français, a été conduit à Douvres, le 2d Mars dernier, par un cutter Anglais;

Qu'un corsaire de la même nation a amené au même port de Douvres, le 18me du même mois, le navire Danois le Mercure, Christianlund, Capitaine Freuchen, expédié de Dunkerque le 17me, avec un chargement de blé pour Bordeaux;

Que le navire le John, Capitaine Shkeley, chargé d'environ six mille quintaux de blé d'Amerique, allant de Falmouth à St. Malo, a été arrêté par une frégate Anglaise, et conduit à Guernsey, où les agents du Gouvernement ont simplement promis de faire payer la valeur de la cargaison, parcequ'elle n'était pas pour compte Français;

Que 101 passagers Français, de différentes professions, embarqués à Cadix, par ordre du Ministre Espagnol, sur le navire Genoïs La Providence, Capitaine Ambroise Briasco, pour être amené à Bayonne, ont été indignement pillés par l'équipage d'un corsaire Anglais.

Que les divers rapports qui sont faits successivement par les villes maritimes de la république, annoncent que ces mêmes actes d'inhumanité et d'injustice se multiplient et se répètent impunément chaque jour sur toute l'étendue des mers;

Que dans une pareille circonstance tous les droits des gens étant violés, il n'est plus permis au peuple Français de remplir, vis-à-vis toutes les puissances neutres en général, le vœu qu'il a si souvent manifesté, et qu'il formera constamment pour la pleine et entière liberté du commerce et de la navigation, décrète ce qui suit:

ART. 1. Les bâtimens de guerre et corsaires Français peuvent arrêter et amener dans les ports de la république les navires neutres qui se trouvent chargés en tout ou en partie, soit de comestibles appartenant à des neutres, et destinés pour des ports ennemis, soit de marchandises appartenant aux ennemis.

ART. 2. Les marchandises appartenant aux ennemis seront déclarées de bonne prise, et confisquées au profit des preneurs; les comestibles appartenant à des neutres, et chargés pour des ports ennemis, seront payés sur le pied de leur valeur dans le lieu pour lequel ils étoient destinés.

ART. 3. Dans tous les cas, les navires neutres seront relâchés au moins où le déchargement des comestibles arrêtés, ou des marchandises saisies, aura été effectué. Le fret en sera payé, au taux qui aura été stipulé par les chargeurs. Une juste indemnité sera accordée, à raison de leur détention, par les tribunaux qui doivent connoître de la validité des prises.

The National Convention, after having heard the report of their marine committee,

Considering that the flag of the neutral powers is not respected by the enemies of France;

That two cargoes of flour, arrived at Falmouth in Anglo-American vessels, and purchased before the war, for the service of the marine of France, have been detained in England by the Government, who would not pay for them except at a price below that at which flour had been sold;

That a vessel from Papembourg, called The Therisia, commanded by Captain Hendrick Rob, laden with divers effects belonging to Frenchmen, has been conducted to Dover, the 2d March last, by an English cutter;

That a privateer of the same nation has carried into the same port of Dover, the 18th of the same month, the Danish ship Mercury, Christianlund, Captain Freuchen, expedited from Dunkirk, on the 17th, with a cargo of wheat for Bordeaux;

That the ship John, Captain Shkeley, laden with near six thousand quintals of American wheat, bound from Falmouth to St. Malo, has been taken by an English frigate, and conducted to Guernsey, where the agents of the Government have simply promised to pay the value of the cargo, because it was not on account of the French;

That one hundred and one French passengers, of different professions, embarked at Cadiz by order of the Spanish minister, in a Genoese ship, called the Providence, Captain Ambrose Briasco, bound to Bayonne, have been shamefully pillaged by the crew of an English privateer;

That the divers reports which are successively made by the maritime cities of the republic, announce that these same acts of inhumanity and injustice are daily multiplied and repeated, with impunity, throughout the seas;

That, under such circumstances, all the rights of nations being violated, the French people are no longer permitted to fulfil, towards the neutral Powers in general, the vows they have so often manifested, and which they will constantly make for the full and entire liberty of commerce and navigation, decree as follows:

ART. 1. The French ships of war and privateers may arrest and bring into the ports of the republic the neutral vessels which shall be laden, wholly or in part, either with articles of provision belonging to neutral nations, and destined for an enemy's port, or with merchandises belonging to an enemy.

ART. 2. The merchandises belonging to an enemy shall be declared good prize, and confiscated to the profit of the captors; the articles of provisions belonging to neutral nations, and laden for an enemy's port, shall be paid for according to their value in the place to which they were destined.

ART. 3. In all cases the neutral vessels shall be released, as soon as the unloading of the articles of provision arrested, or of the merchandises seized, shall have been effected. The freight thereof shall be paid at the rate which shall have been stipulated by the persons who shipped them. A just indemnification shall be allowed, in proportion to their detention, by the tribunals who are to have cognizance of the validity of the prizes.

ART. 4. Ces tribunaux seront tenus en outre de faire parvenir, trois jours après leur jugement, un double de l'inventaire des dits comestibles ou marchandises, au Ministre de la Marine, et un autre double au Ministre des Affaires Etrangères.

ART. 5. La présente loi, applicable à toutes les prises qui ont été faites depuis la déclaration de guerre, cessera d'avoir son effet dès que les puissances ennemies auront déclaré libres, et non saissables, quoique destinées pour les ports de la république, les comestibles qui seront propriétés neutres, et les marchandises chargées sur des navires neutres qui appartiendront au Gouvernement ou aux citoyens Français.

ART. 4. These tribunals shall be bound to transmit, three days after their decision, a copy of the inventory of the said articles of provision or merchandise, to the Minister of Marine, and another to the Minister for Foreign Affairs.

ART. 5. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect as soon as the enemy Powers shall have declared free, and not seizable, although destined for the ports of the republic, the articles of provision belonging to neutral nations, and the merchandises laden in neutral vessels, and belonging to the Government or citizens of France.

The Minister for Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America to the republic of France.

PARIS, October 17, 1793, second year of the republic.

I this moment received, sir, the annexed letter from the Minister of Marine. I hope that the measures taken by him will serve to discover the persons who have rendered themselves guilty of the excesses which you transmitted to me.

DEFORGUES.

Copy of a letter from the Minister of Marine to the Minister for Foreign Affairs, dated

25th of the first month of the second year of the republic.

I have received, my dear colleague, with the letter you wrote to me the 6th of this month, (27th September, old style) copies of those which have been addressed to you by the minister of the United States, in which he complains of, and demands satisfaction for, the piracies said to have been exercised by the frigate *la Médée*, on the American ship *Mary*, and upon that of *le Commerce*, by the *Tiger*, a privateer from St. Malo.

There has not, hitherto, come to my knowledge any complaint, nor has there existed in my office any paper, relative to those crimes, which are of a species so much the more serious, as they attack a nation with whom the republic wish to preserve the most intimate and friendly connexions.

I address, by this courier, to the *ordonnateurs* of Brest, Rochefort, and St. Malo, copies of the papers, respectively, concerning the frigate and the privateer accused. I enjoin them to take, each, within their jurisdiction, the most exact information. I shall instantly transmit you the evidences which I may receive, that you may be enabled to give to the minister of the United States the explications and satisfaction which he demands, with justice.

The Minister Plenipotentiary from the United States of America to the republic of France, to Monsieur Deforgues, Minister of Foreign Affairs.

PARIS, October 19, 1793.

SIR:

The attention which several pressing affairs required, made it impossible for me sooner to answer the letter which you did me the honor of writing to me on the 14th. I have examined, with respectful care, the decree of the 9th of May, emanating from the conduct of your enemies, and supported by some reasons to which you have given their greatest lustre. It is possible, sir, that the difference of our position leads us to see the same object in a different manner. But, although I cannot be of your opinion, I do not intend further to discuss the considerations which have produced the decision of the French Government. I confine myself to the rendering of a faithful account of it to the Government of the United States; and I am persuaded that, in considering them, liberal friendship will put in the balance the difficulties of a revolution, and of a war without example. I ought, however, to observe to you, sir, that the question does not appear to me to turn on the law of nations, but on an exception to that law, by the stipulations of a treaty. This treaty, in derogating from this law in favor of merchandises of your enemies found in our vessels, has derogated, in like manner, from it, to the prejudice of our merchandises found in the vessels of your enemies. We have seen at Philadelphia the public sale of a cargo, the property of one of our citizens, taken by a French privateer on board an English vessel; all opposition was of no avail, because, according to the constitution, our treaties are the supreme law of the land. You will agree, sir, that it is hard for my fellow-citizens not to have the advantage, either of the treaty, or of the law of nations; to lose their merchandises by the treaty, and not to be able to compensate themselves for it, under the protection of this same treaty, by the freight of enemy merchandises. In comparing the facts of the same epoch, you will be amazed on seeing what passed at Paris, and at Philadelphia. Your good sense will lead you to anticipate the claims of our merchants, and the insinuations of our enemies.

No. 40.

PARIS, October 20, 1793.

DEAR SIR:

I intend to despatch Captain Culver to-morrow morning, and shall give into his charge a box containing three dies of medals, and three boxes, containing each one pair of dies. Whether he will be able to take them to you is uncertain; for, owing to trifling circumstances, I have not yet got the passports for them; and he tells me that his vessel is in the basin at Havre, consequently must come out at the present full tides, or stay a long time, so that, if I have not the passport in the morning, I will take the chance of sending it after him.

It appears that the French army has forced the Prince de Cobourg to raise the siege of Maubeuge; but he has crossed the Sambre in good order, and perhaps we may soon hear of him again. Be that as it may, the French have experienced a complete defeat in Alsace. The lines on the Lauter have been forced, and they have lost every thing; a great part of the army is cut to pieces, and the rest we know not where. I have been told that a plot for delivering up Strasbourg has been discovered, and that a great majority of the inhabitants is concerned in it; also, that serious apprehensions are yet entertained for the fate of that city. The advanced period of the season is, however, favorable to the party which is on the defensive in that quarter. November generally brings foul weather there, so that the assailants must, I think, look out for winter quarters, instead of pushing into the country.

I am, respectfully, my dear sir, your obedient servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

[NOTE.—No. 34 was not communicated to the Senate.]

[To complete the view of the *French Revolution*, presented by Mr. Morris in the foregoing papers, the following letters are inserted in this compilation. Some, it will be perceived, were written by Mr. Morris, while acting as a diplomatic agent, anterior to his appointment as a Minister Plenipotentiary; others were received by his Government, subsequently to the preceding communication to the Senate.]

PARIS, *March 3d, 1789.*

DEAR SIR:

Herewith you have a copy of what I had the honor to write on the 23d of last month. Since that period, there are advices here, which announce the re-establishment of the King of Great Britain's health; but from a letter I have just now received from the Marquis de la Luzerne,* I am disposed to doubt the fact.

The other day I saw the Duc de Castries, who served in America, under the title of the Comte de Charlu. He desired to be remembered to you, and so did General Duplessis,† who has been promoted lately. Our friend, the Marquis de Lafayette, is now in Auvergne, attending his election. This country presents an astonishing spectacle to one who has collected his ideas from books and information half a dozen years old. Every thing is à l'Anglais, and a desire to imitate the English prevails alike in the cut of a coat, and the form of a constitution. Like the English, too, all are engaged in parliamenteering; and when we consider how novel this last business must be, I assure you their progress is far from contemptible.

Poor General Chastellux‡ is no more. I have seen his widow, an amiable woman, who is not the less lovely for the tears she sheds in his memory. A fine boy remains as the pledge of conjugal tenderness. I think it would give her great pleasure if you took the trouble to mingle in a short letter condolence for one event, and congratulations for the other. You would in that case oblige me by confiding the letter to my care. Excuse me, I pray, for dropping this hint, and do me the justice to believe that, with sincere esteem and respect, I am yours,

GOUV. MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

PARIS, *April 29th, 1789.*

DEAR SIR:

I had the pleasure to write to you a short letter on the 3d of last month. Monsieur de Lafayette is since returned from his political campaign in Auvergne, crowned with success. He had to contend with prejudices, and the interests of his order, and with the influence of the Queen and princes, (except the Duke of Orleans) but he was too able for his opponents. He played the orator with as much éclat as ever he acted the soldier, and is at this moment as much envied and hated as his heart could wish. He is also much beloved by the nation: for he stands forward as one of the principal champions for her rights.

The elections are finished throughout this kingdom, except in the capital, and it appears, from the instructions given to the representatives, (called here *les cahiers*) that certain points are universally demanded, which, when granted and secured, will render France perfectly free, as to the principles of the constitution: I say the *principles*, for one generation at least will be required to render the practice familiar. We have, I think, every reason to wish that the patriots may be successful. The generous wish that a free people must have to disseminate freedom, the grateful emotion which rejoices in the happiness of a benefactor, and a strong personal interest as well in the liberty as in the power of this country, all conspire to make us far from indifferent spectators.

I say, that we have an *interest* in the liberty of France. The leaders here are our friends. Many of them have imbibed their principles in America, and all have been fired by our example. Their opponents are by no means rejoiced at the success of our revolution, and many of them are disposed to form connexions of the strictest kind, with Great Britain. The commercial treaty emanated from such dispositions; and, according to the usual course of those events which are shaped by human wisdom, it will probably produce the exact reverse of what was intended by the projectors. The spirit of this nation is at present high, and M. Necker is very popular; but if he continues long in the administration, it will be somewhat wonderful. His enemies are numerous, able, and inveterate. His supporters are indifferent as to his fate, and will protect him no longer than while he can aid in establishing a constitution. But when once that great business is accomplished, he will be left to stand on his own ground. The court wish to get rid of him, and unless he shows himself very strong in the States General, they will gratify their wishes. His ability as a minister will be much contested in that assembly, but with what success time only can determine.

The materials for a revolution in this country are very indifferent. Every body agrees that there is an utter prostration of morals; but this general position can never convey to an American mind the degree of depravity. It is not by any figure of rhetoric, or force of language, that the idea can be communicated. A hundred anecdotes, and a hundred thousand examples, are required to show the extreme rottenness of every member. There are men and women who are greatly and eminently virtuous. I have the pleasure to number many in my own acquaintance; but they stand forward from a back ground deeply and darkly shaded. It is, however, from such crumbling matter that the great edifice of freedom is to be erected here. Perhaps, like the statuen of rock, which is spread under the whole surface of their country, it may harden when exposed to the air; but it seems quite as likely that it will fall, and crush the builders.

I own to you that I am not without such apprehensions, for there is one fatal principle which pervades all ranks—it is a perfect indifference to the violation of engagements. Inconstancy is so mingled in the blood, marrow, and very essence of this people, that, when a man of high rank and importance laughs to day at what he seriously asserted yesterday, it is considered as in the natural order of things. Consistency is a phenomenon. Judge, then, what would be the value of an association, should such a thing be proposed, and even adopted. The great mass of the common people have no religion but their priests, no law but their superiors, no morals but their interest. These are the creatures who, led by drunken curates, are now in the high road à la liberté, and the first use they make of it is to form insurrections every where, for the want of bread. We have had a little riot here yesterday, and the day before, and I am told that some men have been killed: but the affair was so distant from the quarter in which I reside, that I know nothing of the particulars.

GOUV. MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

PARIS, *July 1st, 1789.*

MY DEAR SIR:

I am too much occupied to find time for the use of a cipher, and in effect the Government here is so much occupied with its own affairs, that in transmitting to you a letter under an envelope there is no risk. This, however, I am pretty certain will go safe. The States General have now been a long time in session, and have done nothing. Hitherto they have been engaged in a dispute, whether they shall form one body or three. The commons, who are represented by a number equal to both the others, and who, besides, have at least one half the representatives of the clergy, insist on forming a single house. They have succeeded; but the nobles deeply feel their situation. The King, after siding with them, was frightened into an abandonment of them. He acts from terror only.

* At this time Ambassador in England from France.

† He served in the United States during the Revolution.

‡ Major General in Rochambeau's army, while in the United States, and author of an interesting book of travels in this country.

The soldiery in this city, particularly the French guards, declare they will not act against the people. They are now treated by the nobility, and parade about the streets drunk, huzzaing for the *Tiers*. Some of them have in consequence been confined, not by the force, but by the adroitness of authority. Last night this circumstance became known, and immediately a mob repaired to the prison. The soldiers on guard unfixed their bayonets and joined the assailants. A party of dragoons ordered on duty to disperse the rioters, thought it better to drink with them, and return back to their quarters. The soldiers, with others confined in the same prison, were then paraded in triumph to the Palais Royal, which is now the liberty pole of this city, and there they celebrated, as usual, their joy. Probably this evening some other prisons will be opened: for *liberté* is now the general cry, and authority is a name, not a real existence. The court are about to form a camp in the neighborhood of Paris, of twenty-five thousand men, under the command of the Marechal de Broglie. I do not know him personally, therefore cannot judge what may be expected from his talents; but all my information goes to the point, that he will never bring his army to act against the people. The *gardes du corps* are as warm adherents in general to the *Tiers*, as any body else, strange as that may seem; so that, in effect, the sword has slipped out of the Monarch's hands, without his perceiving a tittle of the matter.

All these things in a nation, not yet fitted by education and habit for the enjoyment of freedom, give me frequently suspicions, that they will greatly overshoot their mark, if indeed they have not already done it. Already some people talk of limiting the King's negative upon the laws. And as they have hitherto felt severely the authority exercised in the name of their princes, every limitation of that authority seems to them desirable. Never having felt the evils of too weak an Executive, the disorders to be apprehended from anarchy make as yet no impression. The provincial assemblies, or administrations, in other words the popular Executive of the provinces, which Turgot had imagined as a means of moderating the royal legislative of the court, is now insisted on as a counter security against the monarch, when they shall have established a *democratical legislative*; for you will observe, that the noble and clerical orders are henceforth to be *vox et pretereā nihil*. The King is to be limited to the exact sum needful for his personal expenses. The management of the public debt and revenues to provide for it will be taken entirely out of his hands, and the subsistence of the army is to depend on temporary grants. Hence it must follow, that his negative, in whatever form reserved, will be of little avail.

These are the outlines of the proposed constitution, by which at the same time *Lettres de Cachet* are to be abrogated, and the liberty of the press established. My opinion is, that the King, to get fairly out of the scrape in which he finds himself, would subscribe to any thing. And truly, from him, little is to be expected in any way. The Queen, hated, humbled, mortified, feels, and feigns, and intrigues, to save some shattered remnants of the royal authority; but to know that she favors a measure is the certain means to frustrate its success.

The Count d'Artois, alike hated, is equally busy, but has neither sense to counsel himself, nor to choose counsellors for himself, much less to counsel others. The nobles look up to him for support, and lean on what they know to be a broken reed, for want of some more solid dependence. In their anguish they curse Necker, who is in fact less the cause than the instrument of their sufferings. His popularity depends now more on the opposition he meets with from one party, than any serious regard of the other. It is the attempt to throw him down, which saves him from falling. He has no longer the preponderating weight in counsel, which a fortnight ago decided every thing. If they were not afraid of consequences, he would be dismissed; and on the same principle the King has refused to accept his resignation. If his abilities were equal to his genius, and he were as much supported by firmness as he is swayed by ambition, he would have had the exalted honor of giving a free constitution to above twenty millions of his fellow creatures; and would have reigned long in their hearts, and received the unanimous applause of posterity. But as it is, he must soon fall; whether his exit will be physical or moral, must depend on events which I cannot foresee. The best chance which royalty has, is, that popular excesses may alarm. At the rate at which things are now going, the King of France must soon be one of the most limited monarchs in Europe.

I am, &c.

GOUVERNEUR MORRIS.

To JOHN JAY, *Secretary for Foreign Affairs.*

DIEPPE, July 31st, 1789.

DEAR SIR:

I had the honor to write to you on the 29th of April last. I shall not trouble you with a recital of events, which Mr. Jefferson has, I know, communicated to the office of foreign affairs. But being now here, on my way to London, and finding a vessel bound directly to New York, I take the opportunity to send some tables, which contain the political, military, pecuniary, and commercial state of this country. I believe them to be tolerably authentic as far as they go.

I will also communicate a matter, which Mr. Jefferson was not yet informed of, and which I could not tell him, because I was forbidden to mention it to any person here. You know, I dare say, that the Count de Moustiers has his *congé*. His successor will be Colonel Ternant. At first, in the character of *chargé des affaires*, and, when M. de Moustiers is otherwise placed, it is highly probable that Ternant may be made minister; but that will depend on the situation of the court at the time, so that *there* I only state probability. As to the other, you may rely on it, because my intelligence I know to be good. The important trait in this appointment is, that he is named as a person who will be agreeable to us.

You may rely, also, on what I am about to mention, but which I pray you not to disclose. It is known to very few in this country, and may, perhaps, as it ought, be buried in oblivion. The King has actually formed the design of going off to Spain. Whether the measures set on foot to dissuade him will have, as I hope, the desired effect, time only can discover. His fears govern him absolutely, and they have, of late, been most strongly excited. He is a well meaning man, but extremely weak; and probably these circumstances will, in every event, secure him from personal injury. An able man would not have fallen into his situation, but, I think, that no ability can now extricate him. He must float along the current of events, being absolutely and entirely a cipher. If, however, he should fly, it would not be easy to predict the consequences, for this country is at present as near to anarchy, as society can approach without dissolution. There are some able men in the National Assembly, yet the best heads among them would not be injured by experience, and, unfortunately, there are great numbers who, with much imagination, have little knowledge, judgment, or reflection. You may consider the revolution as complete, that is to say, the authority of the King and of the nobility is completely subdued; yet I tremble for the constitution. They have all that romantic spirit, and all those romantic ideas of government, which, happily for America, we were cured of before it was too late. They are advancing rapidly. But I must check myself, or my reflections will occupy too much space, both for you and for me.

One of the last persons I saw in Paris was M. de Lafayette. He had promised to trust me with a letter for you, but he must be excused, for he is as busy as a man can be. Not long since, speaking to him on his own subject, I told him some hints I had given, tending to make him governor of the Isle of France, which, you know, includes Paris. He declared that the command of the military in that city only was the utmost of his wishes; that he was satiated with power. He had his sovereign, during the late procession to Paris, completely within his authority. He had marched him where he pleased, measured out the degree of applause he should receive, as he pleased, and, if he pleased, could have detained him prisoner. All this is strictly true. He commanded, on that day, at least eighty thousand men, who, during the King's progress through them, to the Hotel de Ville, shouted *vive la Nation*; and, only on his return, cried *vive le Roi*.

I do not know whether you will be informed of the critical situation in which things were placed, just before the last ministry were turned out and the old one restored. My authority is very good, but yet I will not vouch for the truth. It was resolved to reduce Paris by famine; to take two hundred of the States General prisoners; to dis-

solve that assembly; and to govern in the old fashioned way. All this, you will say, was madness, and, therefore, improbable. But was it not equally mad to drive away Necker, and change the ministry at the time, and in the manner, which were chosen for that purpose? The men, weak enough for the one, were certainly mad enough for the other. Two German regiments, which were to be employed, were regaled by the Queen in the Orangerie at Versailles. They received promises and largesses, and were prevailed on to shout *vive la Reine, vive le Comte d'Artois, vive la Duchesse de Polignac*. Afterwards their music played, for hours, under her Majesty's window. The Mareschal de Broglie endeavored, at the same time, to conciliate the artillery. But it was at length discovered, that, though the troops would shout and sing, yet they would not fight against their countrymen. All which might have been known long ago. At the moment when their intrigue was carrying on by the court, the *gardes du corps* and *gardes Françaises* combined to defend the members of the National Assembly. I pass over those facts, which you cannot but know, to mention, in one word, that the whole army of France have declared for liberty, and that one reason why his Majesty has not taken the steps above mentioned, is, that he does not know a single regiment that would obey him.

Adieu, my dear sir. I write this letter in much hurry, and after much fatigue. Excuse in it every thing inaccurate or inelegant, and pardon it, on the score of that sincere and affectionate respect, with which I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

General Washington to Gouverneur Morris.

NEW YORK, *October 13th, 1789.*

DEAR SIR:

In my first moments of leisure, I acknowledge the receipt of your several favors.

To thank you for the interesting communications contained in those letters, and for the pains you have taken to procure me a watch, is all, or nearly all, I shall attempt in this letter: for, I could only repeat things, were I to set about it, which, I have reason to believe, have been regularly communicated to you in detail, at the periods which gave birth to them. It may not, however, be displeasing to you to hear, in one word, that the National Government is organized, and, as far as *my* information goes, to the satisfaction of all parties; that opposition to it is either no more, or hides its head; that it is hoped and expected it will take strong root; and that the non-acceding States will very soon become members of the Union. No doubt is entertained of North Carolina; nor would there be any of Rhode Island, had not the majority of those people bid adieu, long since, to every principle of honor, common sense, and honesty. A material change, however, has taken place, it is said, at the late election of representatives, and confident assurances are given, from that circumstance, of better dispositions in their Legislature, at its next session, now about to be held.

The revolution which has been effected in France, is of so wonderful a nature, that the mind can hardly realize the fact. If it ends, as our last accounts to the first of August predict, that nation will be the most powerful and happy in Europe; but I fear, though it has gone triumphantly through the first paroxysm, it is not the last it has to encounter before matters are finally settled. In a word, the revolution is of too great a magnitude to be effected in so short a space, and with the loss of so little blood. The mortification of the King, the intrigues of the Queen, and the discontent of the princes and noblesse, will foment divisions, if possible, in the National Assembly, and they will unquestionably avail themselves of every *faux pas* in the formation of the constitution, if they do not give a more open, active opposition. In addition to these, the licentiousness of the people, on one hand, and sanguinary punishments on the other, will alarm the best disposed friends to the measure, and contribute, not a little, to the overthrow of their object. Great temperance, firmness, and foresight, are necessary in the movements of that body. To forbear running from one extreme to another is no easy matter, and, should this be the case, rocks and shoals, not visible at present, may wreck the vessel, and give a higher toned despotism than the one which existed before.

I am, dear sir, &c.

G. WASHINGTON.

PARIS, *January 22d, 1790.*

DEAR SIR:

Yesterday I went to dine with the Count de Montmorin, and expressed to him my wish that France might seize the present moment to establish a liberal system of commercial policy for her colonies. I observed, that her interest was deeply at stake, because America could always dispose of the islands, and would naturally wish to see them in possession of that Power under whose government they would be most advantageous to her. That nothing could tend so much to make the United States desirous of an alliance with Britain, as to exclude them from a free trade with the French colonies. That, if the metropolis wishes to preserve the affection of her distant subjects, and to derive from them the greatest commercial benefit, she ought to suffer them to draw their subsistence from that quarter where they can obtain it most cheaply. He assured me that he was fully of my opinion; said that our position rendered it proper to make in our favor an exception from their general system respecting other nations, and that he hoped, within a fortnight, something might be done. But he lamented, as he had done before, that they have no chief minister, and consequently no fixed plan nor principles. I shall see him again before I depart, and also Monsieur de la Luzerne, within whose department this matter regularly lies. He is an adherent to the exclusive system, which is unfortunate.

In the National Assembly, also, there is a considerable difficulty. Among the most violent of the violent party, are some representatives of cities on the western coasts of this kingdom, where the chief commerce is with the Islands; and those who wish for the closest union with America, do not wish to offend these gentlemen; and therefore are desirous of waving the matter at present. For my own, I am very desirous that the business should be put in train at least. If successful, so much the better; but at any rate, it will give an alarm on the other side of the channel. If either of these rival nations sets the example, the other will soon follow; and although it is not very clear, that the actings and doings of the *Assemblée Nationale* in general will long endure, yet whatever they grant to us in this particular business, those who come after them will be fearful of retracting. Under these impressions, for a long time past, I have been endeavoring to smooth the way towards our object, and I believe in the success.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

DEAR SIR:

PARIS, *January 22d, 1790.*

In another letter of this date, I have mentioned a part of yesterday's conversation with the Count de Montmorin. That part of it which I am now to communicate, is for yourself alone. As Monsieur de Lafayette had asked me, some days ago, who should be sent to replace the Comte de Moustiers, and upon my answering with great

indifference, that it might be whom he pleased, had asked my opinion of Colonel Ternant, I told the Count de Montmorin this circumstance; to which he replied, that he had communicated his intention to Monsieur de Lafayette this sometime since, in consequence of the intimacy which has long subsisted between them. I asked him if he would permit me to mention it to you. The idea gave him pleasure, and he told me that he should consider it as a very great kindness, and particularly if through the same channel he could learn whether that appointment would be agreeable to you. This, you know, a compliment which the most respectable courts on this side of the Atlantic usually pay to each other. It is not without use, and on the present occasion is not a mere compliment, because Monsieur de Montmorin is sincerely desirous of cultivating a good understanding with the United States.

It is not impossible that he may retreat from his present office; but he will, I think, in that case, be appointed governor to the children of France, and his opinions, while about the court, will have weight, for many reasons; amongst others, because they deserve it. In talking over the deplorable situation to which this kingdom is reduced, I told him that I saw no means of establishing peace at home, but by making war abroad. He replied that he thought with me in part, viz: that an offensive war might be useful, but that he thought a defensive war must prove ruinous. That this last seemed the more likely to happen, and that in either case the state of the finances was alarming. I observed, that ability in that department might restore it, even during a war; that nothing could revive credit without the re-establishment of executive authority; and that nothing could effect that re-establishment but a general sense of the necessity. Upon this he lamented the want of a chief minister, who might embrace the great whole of public business. He owns himself unequal to the task, and too indolent into the bargain.

Our friend Lafayette burns with desire to be at the head of an army in Flanders, and drive the Stadtholder into a ditch. He acts now a splendid but dangerous part. Unluckily he has given in to measures, as to the constitution, which he does not heartily approve, and he heartily approves many things which experience will demonstrate to be injurious. While all is in confusion here, the revolt of Austrian Flanders, and the troubles excited in Poland by the agency of Prussia, give every reason to suppose that the King of Sweden will be vigorously supported; so that provided the Turk has but a sufficient share of obstinacy to bear a little more beating, the scale, according to human probabilities, must turn against Austria and Prussia, who are the allies of France. Great Britain is, as yet, no otherwise engaged than as an eventual party; and, according to the best opinion which my judgment can form, upon the information I have been able to obtain, the Premier of that country can, to use the words of Mr. Addison, "rise in the whirlwind and direct the storm." A person, however, on whose knowledge I have some reliance, assures me that Mr. Pitt, engrossed by borough politics and ignorant of continental affairs, takes no part in them but what he is absolutely forced into, and I am inclined to believe that there is some truth in that assertion.

Accept, I pray, the assurances of that sincere esteem with which I am yours, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

PARIS, *January 24, 1790.*

DEAR SIR:

It gave me very sincere pleasure to learn from *you* the good tidings which you communicate respecting our new form of Government. I know that you are not liable to the dupery of false hopes and groundless expectations; and, therefore, I am confirmed in the opinion I have invariably entertained, that the new constitution is such a plain, calm, sensible appeal to the interest, feelings, and common sense of our countrymen, that it must, by its own intrinsic weight, bear down all opposition. I have, from time to time, received very great pleasure at the development of its principles by the Legislature, which, in my opinion, does them the greatest honor. They have far, very far, outgone my expectations, and even come up, not only to my hopes, but to my very wishes.

I have not unfrequently brought myself to share in the pleasure you must feel, in the consciousness of your own useful agency. Certainly it is the sublimest sentiment of the human heart, to know that we make others happy; and more especially those whom we love. You have too much good sense not to know, that no person but yourself could have obtained that full confidence needful to the due establishment of the executive authority, which certainly is the key-stone in the great arch of empire. I doubt, also, whether any other could so universally have called forth into action the talents and virtues of America. Let me add, what I have mentioned to you on other occasions, and which I would not have mentioned, did I not know it to be true: your knowledge of human character is a gift inestimable to our country on the present occasion. I hope in God, my dear sir, that you may long continue to preside, and that not only you, but all who succeed you, may be assisted by counsellors as able and as honest as those who now fill the different seats in Congress. The prospect of public felicity, which must be the result, swells my bosom with delight. Oh! my country, how happy! didst thou but know thine own blessedness.

Your sentiments on the revolution effecting here, I believe to be perfectly just, because they perfectly accord with my own, and that is, you know, the only standard which Heaven has given us by which to judge. The King is, in effect, a prisoner at Paris, and obeys entirely the National Assembly. This Assembly may be divided into three parts; one, called the *Aristocrats*, consists of the high clergy, the members of the law, (note, these are not the lawyers) and such of the nobility as think they ought to form a separate order. Another, which has no name, but which consists of all sorts of people, really friends to a good free government. The third is composed of what is called here the *Enragés*, that is, the madmen. These are the most numerous, and are of that class which, in America, is known by the name of pettifogging lawyers; together with a host of curates, and many of those persons who, in all revolutions, throng to the standard of change, because they are not well.

This last party is in close alliance with the populace here, and derives, from that circumstance, very great authority. They have already unhinged every thing, and, according to custom on such occasions, the torrent rushes on irresistible, until it shall have wasted itself. The Aristocrats are without a leader, and without any plan or counsels as yet, but ready to throw themselves into the arms of any one who shall offer. The middle party, who mean well, have, unfortunately, acquired their ideas of government from books, and are admirable fellows upon paper; but as it happens, somewhat unfortunately, that the men who live in the world are very different from those who dwell in the heads of philosophers, it is not to be wondered at, if the systems taken out of books are fit for nothing but to be put into books again.

Marmontel is the only man I have met with, among their literati, who seems truly to understand the subject; for the rest, they *discuss* nothing in their Assembly; one large half of the time is spent in hallooing and bawling. The manner of speaking to a question is as follows: Such as intend to hold forth, write their names on a tablet kept for that purpose, and are heard in the order that their names are written down, if the others will hear them, which very often they refuse to do, but keep up a continual uproar till the orator leaves the pulpit. Each man permitted to speak delivers the result of his lucubrations, so that the opposing parties fire off their cartridges, and it is a million to one if their missile arguments happen to meet. As to the arguments themselves, you will observe that it is a usual compliment of the Assembly to order them printed; therefore, there is as much attention paid, at least to make them sound well, and look well, as to convey instruction, or produce conviction.

But there is another ceremony which the arguments go through, and which does not fail to affect the form, at least, and perhaps the substance. They are read, before hand, in a small society of young men and women, and, generally, the fair friend of the speaker is one, or else the fair whom he means to make his friend, and the society very politely give their approbation, unless the lady who gives the tone to that circle chances to reprehend something; which is of course altered, if not amended. Do not suppose that I am playing the traveller. I have assisted at some of these readings, and will now give you an anecdote from one of them. It was at Madame de Staël's, the daughter of M. Necker; she is a woman of wonderful wit, and above vulgar prejudices of every kind. Her house is a kind of temple of Apollo, where the men of wit and fashion are collected twice a week at supper, and once at dinner, and sometimes more frequently. The Count de Clermont-Tonnerre, one of their greatest orators, read to us a

very pathetic oration, and the object was to show that no penalties are the legal compensations for injuries and crimes; the man who is hanged, having by that event paid his debt to the society, ought not to be held in dishonor; and, in like manner, he who has been condemned for seven years to be flogged in the galleys should, when he had served out his apprenticeship, be received again into good company, as if nothing had happened. You smile; but observe the extreme to which the matter was carried the other way. Dishonoring thousands for the guilt of one, has so shocked the public sentiment, as to render this extreme fashionable. The oration was very fine, very sentimental, very pathetic, and the style harmonious. Shouts of applause, and full approbation.

When this was pretty well over, I told him that his speech was extremely eloquent, but that his principles were not very solid. Universal surprise! A very few remarks changed the face of things; the position was universally condemned, and he left the room. I need not add that, as yet, it has never been delivered in the Assembly. And yet it was of the kind which produces a decree by acclamation; for sometimes an orator gets up in the midst of another deliberation, makes a fine discourse, and closes with a good snug resolution, which is carried with a huzza. Thus, in considering a plan for a national bank, proposed by M. Necker, one of them took it into his head to move that every member should give his silver buckles, which was agreed to at once, and the honorable mover laid his upon the table, after which the business went on again.

It is very difficult to guess whereabouts the flock will settle, when it flies so wild; but, as far as it is possible to guess at present, this (late) kingdom will be cast into a congeries of little democracies, laid out, not according to the rivers, mountains, &c. but with the square and compasses, according to latitude and longitude; and as the provinces had anciently different laws, called *coutumes*, and as the clippings and parings of several different provinces must fall together within some of the new divisions, I think such fermenting matter must give them a kind of political cholera. Their *Assemblée Nationale* will be something like the Old Congress, and the King will be called Executive Magistrate. As yet they have been busily engaged in pillaging the present occupant of his authority; how much they will leave him, will depend upon the chapter of accidents. I believe it will be very little; but, little or much, the perspective of such a King, and such an Assembly, brings to my mind a saying, which Shakspeare has put into the mouth of an old soldier, upon hearing that Lepidus, one of the famous triumvirate, was dead: "So, the poor third is up. World, thou hast but a pair of chops, and throw between them all the food thou may'st, they needs must grind each other."

At present the people are fully determined to support the Assembly; and, although there are some discontents, I do not believe that any thing very serious, as yet, exists in the style of opposition. Indeed, it would be wonderful if there should: for hitherto an extension of privileges, and a remission of taxes to the lower class, have marked every stage of their progress; besides, the love of novelty is a great sweetener in revolutions. But the time will come when this novelty will be over, and all its charms gone; in lieu of the taxes remitted, other taxes must be laid, for the public burthen must be borne. The elected administrators must, then, either indulge their electors, which will be ruinous to the *fisc*, or, in urging the collection of taxes, displace their constituents. In all probability there will be a little of both. Hence must arise bickerings and heartburnings among the different districts, and a great languor throughout the kingdom. As the revenue must fall short of calculation in point of time, if not in amount, (and that is the same thing where revenue is concerned) it will follow, that either the interest of the public debt will not be regularly paid, or that the various departments will be starved; probably a little of both. Hence will result a loss of public credit, and, therewith, much injury to commerce and manufactures, operating a further decrease of the means of revenue, and much debility as to the exterior operations of the kingdom.

At this moment the discontented spirits will find congenial matter in abundance to work upon; and, from that period, all the future is involved in the mist of conjecture. If the reigning prince were not the small beer character that he is, there can be but little doubt that, watching events, and making a tolerable use of them, he would regain his authority; but what will you have from a creature who, situated as he is, eats, and drinks, and sleeps well, and laughs, and is as merry a grig as lives? The idea that they will give him some money, which he can economize, and that he will have no trouble in governing, contents him entirely. Poor man! he little thinks how unstable is his situation. He is beloved, but it is not with the sort of love which a monarch should inspire; it is that kind of good natured pity which one feels for a led captive. There is, besides, no possibility of serving him: for, at the slightest show of opposition, he gives up every thing, and every person.

As to his ministers, the Count de Montmorin has more understanding than people in general imagine, and he means well, very well. But he means it feebly. He is a good easy kind of man, one who would make an excellent peace minister, in quiet times, but he wants the vigor of mind needful for great occasions. The Count de la Luzerne is an indolent, pleasant companion, a man of honor, and as obstinate as you please; but he has somewhat of the creed of General Gates, that the world does a great part of its own business without the aid of those who are at the head of affairs. The success of such men depends very much upon the run of the dice. The Count de St. Priest is the only man among them who has what they call *caractère*, which answers to our idea of firmness, joined to some activity. But a person who knows him pretty well, (which I do not) assures me, that he is mercenary and false hearted. If so, he cannot possess much good sense, whatever may be his share of genius or talents. Monsieur de Latour-Dupin, the Minister of War, whom I am also unacquainted with, is said to be no great things, in any respect. M. Necker was frightened by the *Enragés* into the acceptance of him, instead of the Marquis de Montesquieu, who has a considerable share of talents, and a great deal of method. Montesquieu is, of course, at present the enemy of M. Necker, having been his friend.

As to M. Necker, he is one of those people who has obtained a much greater reputation than he had any right to. His enemies say that, as a banker, he acquired his fortune by means which, to say the least, were indelicate, and they mention instances. But in this country every thing is so much exaggerated, that nothing is more useful than a little scepticism. M. Necker, in his public administration, has always been honest and disinterested; which proves well, I think, for his former private conduct; or else it proves that he has more vanity than cupidity. Be that as it may, an unspotted integrity as minister, and serving, at his own expense, in an office which others seek for the purpose of enriching themselves, have acquired for him very deservedly much confidence. Add to this, that his writings on finance teem with that sort of sensibility, which makes the fortune of modern romances, and which is exactly suited to this lively nation, who love to read but hate to think. Hence his reputation. He is a man of genius, and his wife is a woman of sense; but neither of them have talents, or rather the talents of a great minister. His education as a banker has taught him to make tight bargains, and put him upon his guard against projects. But though he understands man as a covetous creature, he does not understand mankind; a defect which is remediless. He is utterly ignorant of politics, by which I mean politics in the great sense, or that sublime science which embraces for its object the happiness of mankind. Consequently he neither knows what constitution to form, nor how to obtain the consent of others to such as he wishes. From the moment of convening the States General, he has been afloat upon the wide ocean of incidents.

But what is most extraordinary is, that M. Necker is a very poor financier. This, I know, will sound like heresy in the ears of most people, but it is true. The plans he has proposed are feeble and inept. Hitherto, he has been supported by borrowing from the *Caisse d'Escompte*, which, (being by means of what they call here an *arrêt de surseance* secured from all prosecutions) has lent him a sum in their paper exceeding the totality of their capital, by about four millions sterling. Last autumn he came forward to the *Assemblée* with a dreadful tale of woe, at the lag end of which was a tax upon every member of the community of a fourth of his revenue, and this he declared to be needful for saving the State. His enemies adopted it, (declaring, what is very true, that it is a wretched, impracticable expedient) in the hope that he and his scheme would fall together. This *Assemblée*, this patriotic band, took in the lump the minister's proposition, because of their confidence and the confidence of the people in him, as they said; but, in fact, because they would not risk the unpopularity of a tax.

The plan thus adopted, M. Necker, to escape the snare which he had nearly got taken in, altered his tax into what they call the *patriotic contribution*. By this, every man is to declare, if he pleases, at what he pleases to estimate his annual income, and to pay one-fourth of it in three years. You will easily suppose that this fund was unproduc-

tive; and, notwithstanding the imminent danger of the State, we are as yet without any aid from the *contribution patriotique*.

His next scheme was that of a national bank, or at least an extension of the *Caisse d'Escompte*. It has been variously modelled since, and many capital objections removed; but at last it is good for nothing, and so it will turn out. At present it is just beginning. By way of giving some base to the present operation, it is proposed and determined to sell about ten or twelve millions sterling of the crown and church lands, both of which are, by resolution of the *Assemblée*, declared to belong to the nation; but as it is clear that these lands will not sell well just now, they have appointed a treasurer to receive what they will sell for hereafter, and they issue a kind of order upon this treasurer, which is to be called an *assignat*, and is to be paid, (out of these sales) one, two, and three years hence. They expect that on these *assignats* they can borrow money to free the engagements of the *Caisse d'Escompte*, and they are, at the same time, to pay some of the more pressing debts with the same *assignats*.

Now this plan must fail as follows: First, there will be some doubt about the title to these lands, at least till the revolution is completed. Secondly, the representative of the land must always (for a reason which will presently appear) sell for less than a representative of money, and therefore, until public confidence is so far restored as that the five per cents are above par, these *assignats* bearing five per cent. must be below par. Money, therefore, cannot be raised upon them but at a considerable discount. Thirdly, the lands to be disposed of must sell a great deal below their value, for there is not money to buy them in this country; and the proof is, that they never obtained money on loan at the legal interest, but always upon a premium sufficient to draw it from the employments of commerce and manufactures; and as the revolution has greatly lessened the mass of money, the effect of the scarcity must be greater.

But further, there is a solecism in the plan, which escapes most of them, and which is, nevertheless, very palpable. The value of lands in Europe is, you know, estimated by the income. To dispose of public lands is to sell public revenue; and, therefore, taking the legal interest at five per cent. lands renting for 100 livres ought to sell for 2,000, but they expect that these lands will sell for 3,000, and that, thereby, not only public credit will be restored, but a great saving will be made, as the 3,000 will redeem an interest of 150. It is, however, an indisputable fact, that public credit being established, the stocks are worth more than land of equal income, and for three reasons: first, that there is no trouble whatever in the management; secondly, there is no danger of bad crops and taxes; and thirdly, they can be disposed of at a moment's warning, if the owner wants money, and be as readily repurchased when it suits his convenience. If, therefore, the public credit be restored, and there be a surplus sum of ten to twelve millions to be invested, and if such large sales (contrary to custom) should not, from the amount, affect the price, still the lands must go cheaper than the stocks, and consequently, the interest bought will be smaller than the revenue sold.

Having thus given you a very rude sketch of the men and the measures of this country, I see and feel that it is time to conclude. I sincerely wish I could say that there are able men at hand to take the helm, should the present pilots abandon the ship. But I have great apprehensions as to those who may succeed. The present set must wear out in the course of the year, and most of them would be glad to get fairly out of the scrape at present; but it is alike dangerous to stay or to go, and they must patiently wait the breath of the *Assemblée*, and follow as it blows. The new order of things cannot endure. I hope it may be mended, but fear it may be changed. All Europe, just now, is like a mine ready to explode; and if this winter does not produce peace, next summer will behold a wider extension of the war.

I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, *President of the United States*.

PARIS, November 22, 1790.

DEAR SIR:

The country I now inhabit, on which so many other countries depend, having sunk to absolute nothingness, has deranged the general state of things in every quarter; and what complicates the scene in no small degree, is the incertitude which prevails as to her future fate, because a new system, calculated on the palsied state of France, would be as effectually deranged by her recovery, as that was which leaned upon her greatness heretofore, and fell in her fall. The northern courts, removed at a greater distance from her influence, had provided for themselves by an alliance, which took place immediately after the peace between Sweden and Russia. I think I hinted in a former letter my expectation, that a new system would arise there. In effect, a treaty concluded between what may be called the Baltic Powers, will have considerable influence hereafter upon the general system. When you recollect that they are exclusively the magazine of naval stores in this hemisphere, your comprehensive mind will seize at once the consequences which may follow to America from combinations where such articles are indispensable. This same Baltic is also a granary for southern Europe. Hence a new source of important reflection. I think that occasions will ere long present themselves, in which America may be essentially concerned. But to come nearer to my present position, the Emperor, disengaged from the Turk, and likely to be soon repossessed of Flanders, will be there in the command of fifty thousand men, besides the resource which every sovereign derives from an unsuccessful revolt. The King of Prussia is no longer at the head of an effective Germanic league. The fear of Austria and her connexions has, for evident reasons, subsided, and the Baron Hertzberg, rather a pedant than politician, but illy fills that great void which was left by the death of Frederick. In fact, Prussia seems to be just that country in shape, extent, fertility, population, connexion, and relation, which one would have chosen to show what great genius can do with incompetent materials, and what a dream is human greatness.

The Emperor is in possession of proofs that the spirit of revolt through all his dominions was fostered by that court, and would have broken out in every quarter at the instant of a war. Hence the sudden pacification at Reichenback, of which the Prussian was the dupe, though he dictated terms. You will readily suppose that Leopold, neither as a man nor a statesman, can look on such conduct "in the calm light of mild philosophy." Hereditary claims to dominion, which his rival is possessed of, a long opposition of jarring interests, and the bitterness of that cup he has just been forced to drink, must lead him to seek, and to seize the moment of vengeance. Forgiveness is not a family feature in the house of Lorraine, neither is Italy the school of Christian meekness. On the other hand, the alliance between him and the late sovereign of this country, is rent to tatters. Not formally cancelled, it is effectually annulled. The French nation hate the Emperor, and detest a connexion, which seems nevertheless to be the wisest that could have been formed.

The great power of this monarchy has been for centuries an insurmountable barrier to imperial ambition. Leopold must therefore wish to see it injured, and even dismembered. Many of the German princes, who have rights within the boundaries of France, secured to them by numerous treaties, and guarantied by the Germanic corps, but lately violated by the National Assembly, wish the whole empire to insist on restitution, and in case of refusal to engage in a war, whose object would be the recovery of Alsace and Lorraine. Many of the discontented nobles and clergy of France are urgent with the chief of the empire to avenge the insults offered to his unfortunate sister. So fair a pretext, such plausible reasons, both public and private, joined to a great political interest, and personal territorial claims, might determine an enterprising prince. But he is cautious; trusting more to art than force. He sits on a throne which lately tottered, and is hardly yet confirmed. He has before him the example of a predecessor, whose incessant toils brought only an increase of laborious care; whose anxieties wore away the web of his existence; and whose mighty projects were but the "baseless fabric of a vision." The Germanic body itself is distracted between the duty of supporting its members and a dread of destroying the check upon its chief.

This unhappy country, bewildered in the pursuit of metaphysical whimsies, presents to our moral view a mighty ruin. Like the remnants of ancient magnificence, we admire the architecture of the temple, while we detest the false god to whom it was dedicated. Daws and ravens, and the birds of night, now build their nests in its niches.

The sovereign, humbled to the level of a beggar's pity, without resources, without authority, without a friend. The Assembly at once a master and a slave, new in power, wild in theory, raw in practice. It engrosses all functions, though incapable of exercising any, and has taken from this fierce, ferocious people, every restraint of religion and of respect. Sole executors of the law, and therefore supreme judges of its propriety, each district measures out its obedience by its wishes, and the great interests of the whole, split up into fractional morsels, depend on momentary impulse, and ignorant caprice. Such a state of things cannot last.

But how will it end? Here conjecture may wander through unbounded space. What sum of misery may be requisite to change popular will, calculation cannot determine. What circumstances may arise, in the order of Divine Providence, to give direction to that will, our sharpest vision cannot discover. What talents may be found to seize those circumstances, to influence that will, and, above all, to moderate the power which it must confer, we are equally ignorant of. One thing only seems to be tolerably ascertained, that the glorious opportunity is lost, and (for this time at least) the revolution has failed. In the consequences of it we may, however, find some foundation of future prosperity. Such are, 1. The abolition of those different rights and privileges, which kept the provinces asunder, occasioning thereby a variety of taxation, increasing the expenses of collection, impeding the useful communication of commerce, and destroying that unity in the system of distributive justice, which is one requisite to social happiness. 2. The abolition of feudal tyranny, by which the tenure of real property is simplified, the value reduced to money, rent is more clearly ascertained, and the estimation which depended upon idle vanity, or capricious taste, or sullen pride, is destroyed. 3. The extension of the circle of commerce to those vast possessions held by the clergy in mortmain, which, conferring great wealth as the wages of idleness, damped the ardor of enterprise, and impaired that ready industry, which increases the stock of national riches. 4. The destruction of a system of venal jurisprudence, which, arrogating a kind of legislative *veto*, had established the pride and privileges of the few on the misery and degradation of the general mass. 5. Above all, the promulgation and extension of those principles of liberty, which will, I hope, remain to cheer the heart, and cherish a nobleness of soul, when the metaphysical froth and vapor shall have been blown away. The awe of that spirit which has been thus raised, will, I trust, excite in those who may hereafter possess authority, a proper moderation in its exercise, and induce them to give to this people a real constitution of government, fitted to the natural, moral, social, and political state of their country.

How, and when, these events may be brought about, I know not. But I think, from the chaos of opinion, and the conflict of its jarring elements, a new order will at length arise, which, though in some degree the child of chance, may not be less productive of human happiness, than the forethought provisions of human speculation.

In the beginning of this year, I mentioned the conviction that, during the course of it, the then ministry would wear out. This has been literally verified, and M. de Montmorin is the only remaining shred of the old garment. As to the present temporary set, I shall say nothing just now, reserving to a better opportunity some sentiments on particular men. The object of this letter is, as you will observe, to communicate as nearly as I can that state of things, which may, in a greater or smaller degree, be forced upon your attention. I must add the conviction, that my letters present very different prospects from those which may reach you through other channels. You, who know mankind thoroughly, will be able to form a solid opinion; and, however that may vary from mine, I shall still rejoice if, even by the display of false ideas, I shall have cast any additional light upon those which are true.

I am, always, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, *President of the United States.*

PARIS, December 1, 1790.

DEAR SIR:

I had the honor to address you a letter on the 22d of last month, in the close of which I mentioned the intention of saying, at a future period, some few words of the people who are now on the stage. To begin, then, with our friend Lafayette, who has hitherto acted a splendid part. The King obeys, but detests him. He obeys because he fears. Whoever possesses the royal person, may do what he pleases with the royal character and authority. Hence it happens that the ministers are of Lafayette's appointment. A short description of their use was given the other day by Mirabeau: "We make ministers," said he, "as we used formerly to send servants to keep our boxes at the play house." I gave you the explanation of this jest while I was in London. Lafayette thinks that these his creatures will worship their creator; but he is mightily mistaken.

You know Duportail, the Minister of War. He is said to be violent in favor of the revolution. It is more than a year since I have seen him, excepting a short visit of congratulation the other day. My judgment, therefore, should have little weight; but I believe he is too much the friend of liberty to approve of the constitution. For the rest, he has, as you know, that command of himself, and that simplicity of exterior deportment, which carry a man as far as his abilities will reach. He may, perhaps, remember his creator in his ministerial youth, in order that his days may be long in the land of office; but I venture to predict that his duteous observance will not endure one half second beyond the moment of necessity. I believe I did not mention to you, about a year ago, the intention to appoint him; but at that time I endeavored to take his measure. The Minister of the Marine I know nothing about. They say he is a good kind of man, which is saying very little. The Keeper of the Seals, Monsieur Duport-Duterte, was a lawyer of eminence, thrown up into notice by the circumstances of the moment. He is said to possess both abilities and firmness. Monsieur Delessart, the Minister of Finances, is rather above than below mediocrity, and possesses that kind of civil assent which never compromises the possessor, though it seldom travels in company with greatness.

There is not a man among them fitted for the great tasks in which they are engaged, and greater tasks are perhaps impending. I have no proofs, but I have a well founded opinion, that the leaders of one party wish what those of the other fear, and both expect, viz. the interference of foreign Powers. One previous step would be to carry off, if possible, the King and Queen. The latter, at least: for there is every reason to apprehend for their safety, should violent measures be adopted while they are here.

For my own part I do not believe in any such interference, neither do I think that the opposers of the Assembly have sufficient energy of character to make a civil war. Their attempts, if any, will, I imagine, be feeble, and consequently ruinous to themselves. If, indeed, they had a considerable part of the army, commanded by the Prince of Conde, and the person of the King in his possession; and if they came forward to establish a proper constitution, adopting such good things as the Assembly have done, and rejecting the evil, then, indeed, there would be different grounds of expectation. But I consider this rather as the visionary hope of a few, than as the fixed plan of persons who can carry it into execution.

I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, *President of the United States.*

PARIS, March 9th, 1791.

DEAR SIR:

I am to acknowledge the receipt of yours of the 17th of December, which reached me several days ago, but no good opportunity then presented itself to convey a reply. The idea you formed of the British cabinet was, I am persuaded, perfectly just. This Government has lately taken some steps which cannot but be advantageous to their rivals, for I am persuaded that the late decree laying a heavy duty on oil, giving a great preference of duty on tobacco imported in French ships, and declaring that none but those built in France shall be reputed French bottoms, will excite much ill humor in America. Those who rule here seem to think that, because the old Government was

sometimes wrong, every thing contrary to what they did must be right; like Jack in the *Tale of the Tub*, who tore his coat to pieces in pulling off the fringe, points, and trimmings, that Peter had put on. Or, like the old Congress, in its young days, which rejected the offer of valuable contracts, and employed a host of commissaries and quartermasters, because Great Britain dealt with contractors.

In the debate on this subject, one of the Lameths gave it as his opinion that America was not in a situation to be either sought or feared for some time to come. This, which is not, however, the sentiment of the party, occasioned some hints in the close of the observations I sent to M. de Montmorin, and of which a copy has been transmitted to Mr. Jefferson. I hope that the Congress will not act precipitately in consequence of these decrees, for I believe that proper representations in a proper moment will produce a change; and really, in the present effervescence, very few acts of the Assembly can be considered as deliberate movements of national will.

There still continue to be three parties here. The *Enragés*, long since known by the name of *Jacobins*, have lost much in the public opinion, so that they are less powerful in the Assembly than they were; but their committees of correspondence, (called *Sociétés Patriotiques*) spread all over the kingdom, have given them a deep, strong hold of the people. On the other hand, the numerous reforms, some of them unnecessary, and all either harsh, precipitate, or extreme, have thrown into the aristocratic party a great number of discontented. The military, who, as such, look up to the sovereign, are somewhat less factions than they were, but they are rather a mob than an army, and must, I think, fall either to the aristocratic or jacobin side of the question.

The middle men are in a whimsical situation. In the Senate they follow the jacobin counsels, rather than appear connected with the other party. The same principle of shame-facedness operates on great occasions out of doors; but as the aristocrats have been forced down by a torrent of opinion from the heights of their absurd pretensions, and as the middle men begin to be alarmed at the extremities to which they have been hurried, these two parties might come together, if it were not for personal animosities among the leaders. This middle party would be the strongest, if the nation were virtuous; but, alas, this is not the case, and therefore I think it will only serve as a stepping stone for those who may find it convenient to change sides.

In the midst, however, of all these confusions, what with confiscating the church property, selling the domains, curtailing pensions, and destroying offices, but especially by that great liquidator of public debts, a *paper currency*, this nation is working its way to a new state of active energy, which will, I think, be displayed as soon as a vigorous Government shall establish itself. The intervening confusions will probably call forth men of talents to form such Government, and to exert its powers.

In a letter I had the honor to write on the 22d of November, I mentioned a treaty made between the Baltic Powers. I do not know whether I drew this idea from information or conjecture, but it was in my mind and still continues there. While in England, waiting at Whitehall for the Duke of Leeds, who was accidentally prevented from keeping his appointment, I had a long conversation with Mr. Burgess, who seemed desirous of convincing me that he was an efficient man in the office of foreign affairs. I asked him whether such treaty existed, insinuating that he must certainly be informed of every movement in that, as in every other quarter. He assured me positively that it did not; but that assurance did not alter my opinion. Indeed the object of my question was to discover whether they were at all upon terms with Sweden, and from what afterwards passed, I am persuaded that they are not. I must add, that my inquiries here have been answered in the same way, but yet I believe that such a treaty exists. He spoke a good deal of the convention with Spain, and I declared freely my opinion, which being favorable to the administration, drew from him in support of it a history of the negotiation. It ended (as he said) in this remarkable manner: The Count de Florida Blanca, upon hearing of the revolt of the French marine, told the British ambassador, "You insist on the terms to which I am now about to agree, not because they are just, but because I am compelled to it. If France would assist us I would never submit; but we are not able singly to cope with you, and therefore you must do as you please." You will judge, my dear sir, how long such a treaty is likely to last.

I am delighted with the account you give me of our public affairs. There can be no doubt that a publication of the census, and a clear state of our finances, will impress a sense of our importance on the statesmen of Europe. We are now getting forward in the right way, not by little skirmishing advantages of political manoeuvres, but in a solid column of well formed national strength. Like Father Mason's aristocratic screw, which you doubtless remember, at every turn we shall now gain and hold what we get. It is no evil that you should have a little of the old leaven. I have always considered an opposition in free governments as a kind of outward conscience, which prevents the administration from doing many things through inadvertence which they might repent of. By these means both men and measures are sifted, and the necessity of appearing well, as of being right, confirms and consolidates the good opinion of society. I expect, and am, indeed, certain, that this good opinion will live with you during life, and follow weeping to your grave. I know you will continue to deserve it, and I hope you may long live to vex your enemies by serving your country. I am, &c.

TO GEORGE WASHINGTON, *President of the United States.*

GOUVERNEUR MORRIS.

PARIS, May 37th, 1791.

DEAR SIR:

I have the honor to enclose a letter, and sundry papers relating to it, from Messieurs Shweizer, Jeannerst, & Co. I have referred these gentlemen to Mr. Short, telling them that it is most fitting in many respects that they should apply to him.

As it is possible, however, that this business may come before you, I think it a duty to convey some observations which occur to me, and which may not perhaps strike you, because matters of that sort have not, I believe, much occupied your attention. Previous thereto I beg leave, however, to give you a history of my acquaintance with it. In a letter to Colonel Hamilton, of the 31st of January, 1790, I mentioned what had passed between M. Necker and me respecting the debt due by the United States to France, and I hinted the means of turning to useful account a very precipitate step of the public agents in Holland. About this time I received your orders to communicate with the British ministers; and although I did by no means consider that in the light of an appointment to office, yet, from motives of delicacy, I determined to extricate myself from the affairs of the debt, as speedily as I could with propriety. Various applications were made to me from different quarters, to which I replied evasively; but on my arrival in this city last November, I informed the parties that I had reasons of a private nature, which deterred me from holding any share in their speculation. I conversed with Mr. Short on the same subject, and communicated to him confidentially my reasons for declining an interest, as well as my opinion respecting the use which might be derived from such negotiation.

A few days after, the President of the Committee of Finance, happening to meet me at the Count de Montmorin's, mentioned some proposals then before them, which to the best of my remembrance were extravagant. I declined giving an opinion without previously seeing and considering the terms, upon which he and M. de Montmorin agreed together, that, before any thing was concluded, the various propositions which might be made should be submitted to my examination. Here the thing dropped, and the enclosed papers show the reason why: for it appears from them that a bargain was made shortly after by the *Contrôleur Général* with a different company. Mr. Short mentioned this to me on his return hither in the end of March, telling me that the parties concerned were, as he was informed in Amsterdam, men of no credit nor capital. I of course agreed with him in opinion, that, if so, it was not worth while to listen to them.

A few days after one of them called on me, and after giving a history of the affair, begged me to make use of my good offices. I told him at once that it was ridiculous to ask a commission of five per cent. on changing the nature of our debt. That it was quite as convenient to owe France as to owe the subjects of France; and further, that before any treaty was offered, persons of credit and capital should appear. As soon as I made this last observation, he drew out the letter of the Comptroller General, and showing me the second clause of it, replied, that, after what was

there contained, no man had a right to question the solidity of the society. He then added, that, for my private satisfaction, he would prove that people of the first fortune were connected therein, and indeed he gave me such proof. I told him, upon this, that they must apply to Mr. Short, or to their own ministry, whose support would be much more efficacious than the sentiments of any private individual. I mentioned, nevertheless, to Mr. Short, the substance of this conversation. While he was in the country the enclosed letter was received. He returned to town yesterday, and called on me in the evening, when I communicated to him the purport of it.

I have ever been of opinion, that, as we are not in condition to pay our debt to France, a bargain by which the period can be prolonged, without loss to either party, is desirable. I say without loss, because the conduct of this nation has been so generous to us that it would be very ungrateful indeed to take advantage of those necessities which the succor afforded to America has occasioned. Such bargain must be either with the Government or with individuals. But, after the repeated delays on our part, to ask longer time would not look well. Indeed, no such treaty could be made without the consent of the Assembly, and their observations would not be pleasant. A bargain with individuals has the advantage of bringing in the aid of private interest to the support of our credit, and what is of very great consequence, it would leave us at liberty to make use of that credit for the arrangement of our domestic affairs. And on this head I must mention to you, my dear sir, that it has been my good fortune to prevent some publications, which would have been particularly injurious to us. Their object was to complain of the United States for speculating in their own effects with the funds of France; urging that, while we owed heavy instalments, already due here, all the loans we obtain in Holland ought to be applied to the discharge of them, and therefore that the speculations in our domestic debt were a double violation of good faith, &c. &c.

The present state of things here has occasioned so great a fall in the exchange, that money borrowed in Holland is remitted with great gain, consequently loans made there just now, answer well, and it is evident that the parties, who are endeavoring to contract, count on a considerable profit from that circumstance. Much, however, is to be said on this part of the subject.

First, it is questionable whether our reputation may not be a little affected: for you will recollect that about one-third of our debt to France arose from a loan made on our account in Holland of five millions of florins, for which the King paid us here ten millions of livres, without any deduction for charges of any sort. The nation is now obliged to pay this five millions in Holland, and for us to borrow that amount there, and then squeeze them into an exchange, which distresses both their commerce and finances, looks hard. There was a good deal of murmuring about it when the last operation of one million five hundred thousand guilders took place, and I should not be at all surprised if some *patriot*, by way of showing his zeal, should make a violent attack in the Assembly when the next payment is made. There are many of these patriots, who, if they can inculpate ministers and distress those of different sentiments, do not care a jot for consequences.

But supposing this not to happen, it is not possible for a nation to make the advantage which individuals do in such things, because they must employ individuals, each of whom will be too apt to look a little to his own advantage. There is a difference also between the gain made upon parts, and that which would arise on the whole: for even if we could borrow all at once so large a sum, there can be no doubt that the remittance of it might well greatly alter the exchange. But it is not possible to borrow it speedily, and the present unnatural state of things will, in all probability, be changed. In fact the leading characters are very seriously alarmed at it. If their paper currency should be either redeemed, or annihilated, or abolished to-morrow, the exchange would immediately turn in favor of France, and then we should lose on remittances.

So much for this affair in its little details; but there is a great view of it, which forcibly strikes my mind. If we were at liberty to turn all our efforts towards our domestic debt, we should, by raising its value, prevent speculations which are very injurious to the country, if not to the Government. Millions have already been bought at a low price, and afterwards negotiated in Europe. Neither is that all: for, if we can borrow at five per cent. and buy up our six per cent. debt at par, we gain at once by that operation one fifth of the interest, or twenty per cent. which, besides all the other good consequences, is much more than ever we shall get by any management of our debts on this side of the water.

I have given you, my dear sir, these hints in abridgment, because my time will not admit of dilating them; attribute them, I pray you, to the true cause, and believe me always very sincerely yours,

GOVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

General Washington to Gouverneur Morris.

PHILADELPHIA, July 28th, 1791.

DEAR SIR:

The communications in your several letters, relative to the state of affairs in Europe, are very gratefully received; and I should be glad if it were in my power to reply to them more in detail than I am able to do. But my public duties, which are at all times sufficiently numerous, being now much accumulated by an absence of more than three months from the seat of Government, make the present a very busy moment for me.

The change of systems, which have so long prevailed in Europe, will, undoubtedly, affect us in a degree proportioned to our political or commercial connexions with the several nations of it. But I trust we shall never so far lose sight of our own interest and happiness as to become, unnecessarily, a party in their political disputes. Our local situation enables us to maintain that state, with respect to them, which otherwise could not, perhaps, be preserved by human wisdom. The present moment seems pregnant with great events; but, as you observe, it is beyond the ken of mortal foresight to determine what will be the result of those changes, which are either making, or contemplated, in the general system of Europe. Although as fellow men we sincerely lament the disorders, oppressions, and uncertainty, which frequently attend national events, and which our European brethren must feel, yet we cannot but hope that it will terminate very much in favor of the rights of man; and that a change there, will be favorable to this country, I have no doubt: for under the former system we were seen either in the distresses of war, or viewed after the peace in a most unfavorable light through the medium of our distracted state. In neither point could we appear of much consequence among nations. And should affairs continue in Europe in the same state they were when these impressions respecting us were received, it would not be an easy matter to remove the prejudices imbibed against us. A change of system will open a new view of things, and we shall then burst upon them, as it were, with redoubled advantages.

Should we, under the present state of affairs, form connexions, other than we now have, with any European Powers, much must be considered in effecting them, on the score of our increasing importance as a nation; and at the same time, should a treaty be formed with a nation, whose circumstances may not at this moment be very bright, much delicacy would be necessary in order to show that no undue advantages were taken on that account: for unless treaties are mutually beneficial to the parties, it is vain to hope for a continuance of them beyond the moment when the one, which conceives itself overreached, is in a situation to break off the connexion. And I believe it is among nations as with individuals, that the party taking advantage of the distresses of another will lose infinitely more in the opinion of mankind, and in subsequent events, than it will gain by the stroke of the moment.

In my late tour through the Southern States, I experienced great satisfaction in seeing the good effects of the General Government in that part of the Union. The people at large have felt the security which it gives, and the equal justice which it administers to them. The farmer, the merchant, and the mechanic, have seen their several interests attended to, and from thence they unite in placing a confidence in their representatives, as well as in those in whose hands the execution of the laws is placed. Industry has there taken place of idleness, and economy of dissipation. Two or three years of good crops, and a ready market for the produce of their lands, have put every one in good humor; and in some instances they even impute to the Government what is due only to the goodness of Providence.

The establishment of public credit is an immense point gained in our national concerns. This, I believe, exceeds the expectation of the most sanguine among us. And a late instance, unparalleled in this country, has been given of the confidence reposed in our measures, by the rapidity with which the subscriptions to the Bank of the United States were filled. In two hours after the books were opened by the commissioners, the whole number of shares was taken up, and four thousand more applied for than were allowed by the institution; besides a number of subscriptions which were coming on. This circumstance was not only pleasing, as it related to the confidence in Government, but as it exhibited an unexpected proof of the resources of our citizens.

In one of my letters to you, the account of the number of inhabitants, which would probably be found in the United States on enumeration, was too large. The estimate was then founded on the ideas held out by the gentlemen in Congress of the population of the several States, each of whom, (as was very natural) looking through a magnifier, would speak of the greatest extent to which there was any probability of their numbers reaching. Returns of the census have already been made from several of the States, and a tolerably just estimate has been now formed in others; by which it appears that we shall hardly reach four millions; but this you are to take along with it, that the *real* number will greatly exceed the *official* return; because, from religious scruples, some would not give in their lists, from an apprehension that it was intended as the foundation of a tax; others concealed or diminished theirs; and, from the indolence of the mass, and want of activity in many of the deputy enumerators, numbers are omitted. The authenticated number will, however, be far greater, I believe, than has ever been allowed in Europe; and will have no small influence in enabling them to form a more just opinion of our present growing importance, than has yet been entertained there.

This letter goes with one from the Secretary of State, to which I must refer you for what respects your public transactions, and I shall only add to it the repeated assurances of regard and affection, with which I am, dear sir, Your obedient and obliged,

G. WASHINGTON.

PARIS, September 30th, 1791.

DEAR SIR:

Mr. Short has delivered to me, within these few days, your favor of the 28th of July. I cannot express to you what I felt on reading it. The view which it gives of our prosperity as a nation swelled my bosom with emotions which none can know but those who have experienced them. The wonderful change which has been effected in our affairs by the operation of the General Government, has exceeded the predictions of its warmest friends. How great a source of joy is this to those who have been at all instrumental in its formation and establishment; those especially to whom Providence in its bounty has imparted a sincere affection for their fellow men. Yes, my dear sir, man is not merely a selfish, nor a material being, and I attest your heart to witness the truth from the conviction of its own feelings.

The King has at length, as you will have seen, accepted the new constitution, and been in consequence liberated from his arrest. It is a general and almost universal conviction that this constitution is *inexecutable*. The makers, to a man, condemn it. Judge what must be the opinion of others. Mr. Short will doubtless forward all the public documents respecting it, and, therefore, I shall not trouble you with any of them. His Majesty is to go, in about an hour hence, to close the session of the National Assembly, and then they leave the field to their successors. His present business is to make himself popular; indeed his life and crown depend upon it: for the constitution is such, that he must soon be more or less than he is at present, and fortunately he begins to think so; but unfortunately his advisers have neither the sense nor the spirit which the occasion calls for.

The new Assembly, as far as can at present be determined, is deeply imbued with republican, or rather democratical principles. The southern part of this kingdom is in the same disposition. The northern is ecclesiastical in its temper. The eastern is attached to Germany, and would gladly be re-united to the empire. Normandy is aristocratical, and so is part of Brittany. The interior part of the kingdom is monarchical. This map is (you may rely on it) just, for it is the result of great and expensive investigations made by Government, and I think you will be able, by the help of it, and of the few observations which precede it, fully to understand many things which would not otherwise, perhaps, be so easily unriddled. You doubtless recollect that the now expiring Assembly was convened to arrange the finances, and you will, perhaps, be surprised to learn that, after consuming church property to the amount of one hundred millions sterling, they leave this department much worse than they found it. Such, however, is the fact, and the chance now is, in my opinion, rather for than against a bankruptcy.

The aristocrats, who are gone and going in great numbers to join the refugee princes, believe sincerely in a coalition of the Powers of Europe to reinstate their sovereign in his ancient authorities; but I believe they are very much mistaken. Nothing of consequence can be attempted this year, and many things may happen, before the month of June next, were the several potentates in earnest. I am led to imagine that their views are very different from those which are now assigned to them, and it is very far from impossible that the attempt, if any, will, so far as France is concerned, be confined to a dismemberment.

The weak side of this kingdom, as matters now stand, is Flanders; but were the provinces of Alsace, Lorraine, French Flanders, and Artois, rent away, the capital would be constantly exposed to the visits from an enemy. These provinces were, you know, acquired at an immense expense of blood and treasure, and, if Louis XIV. could have succeeded in making the Rhine his boundary, from Switzerland to the ocean, he would have obtained the advantages almost of an insular position. Indeed, it is difficult to abstain from the wish that the countries included within that boundary were united under a free efficient Government, since it would in all human probability be the means of dispensing the blessings of freedom, in no distant period, to all Europe. But on this subject it is now permitted to a rational being to form rather wishes than hopes, much less expectations.

I will enclose herein a note, just now received, of the latest intelligence from Coblenz. It is written by the Prince de Condé his confidential friend here, and is accompanied by the request that all French gentlemen, capable of actual service, will immediately repair to the standard of royalty beyond the Rhine, or rather on the banks of that river. To the troops mentioned in this note are added, by the counter-revolutionists here, fifteen thousand Hessians and sixteen thousand French refugees, so that, exclusively of what the Emperor may bring forward, they muster an army, *on paper*, of one hundred thousand men. The Emperor has about five thousand men in the Low Countries. But all these appearances, and the proposed Congress of Ambassadors at Aix la Chapelle, do not in the least change my opinion, that nothing serious will be attempted this year.

M. de Montmorin has resigned, and the Count de Moustier is named as his successor, but whether he will accept seems to be very doubtful. He is now at Berlin, and as he is an intimate of M. de Calonne, who is one main-spring of the counter-revolution, he is, I presume, in the secret of what may be really in agitation. This is on one side; and on the other an office, the power and authority of which are just nothing at all; for you will observe that, by the new constitution, every treaty and convention whatever must be submitted to the investigation of the Assembly, to be by them accepted or rejected.

You will have seen, I suppose, ere this arrives, what has been done here respecting the colonies. It is supposed that they will be perfectly satisfied, because their internal legislation is left to themselves; but I much doubt this: for their commerce, which involves their existence, is left entirely at the mercy of the Assembly, which will not be over-attentive to their interests, when they fall into competition with those of the mother country.

I send you to Mr. Morris a bundle of pamphlets, written here by M. de Cornere, according to hints and observations which I furnished to him. Mr. Morris will give you one, and you will see that it was calculated to produce a liberal system of colonial government, beneficial to them and to us. In order to bring it about, it was proposed that commissioners should be sent out with full powers to treat with the colonial Assemblies, and, could that have been carried, this pamphlet would have been the groundwork of the instructions. The proposition was rejected; but, as it is more than probable that the colonies will have had a full taste of the sweets of free trade before the troubles are

composed, and as they will have learnt that fear can produce what reason could not, I do expect that, at length, this Government must come into some such measure, and thereby not only the stumbling block will be taken out of the way to a useful treaty between France and the United States, but, at the same time, and by the same means, the road will be laid open for solid connexion with Great Britain.

In all cases, we have the consolation, that, if the Powers of Europe, by their excluding principles, deprive of us the needful vent for our produce, which becomes daily more and more abundant, we shall, from the cheapness of living and of raw materials, which results from that circumstance, make great and rapid progress in useful manufactures. This alone is wanting to complete our independence. We shall then be, as it were, a world by ourselves, and, far from the jars and wars of Europe, their various revolutions will serve merely to instruct and amuse—like the roaring of a tempestuous sea, which, at a certain distance, becomes a pleasing sound.

Farewell, my dear sir; that you may be well and happy is the sincere wish of yours, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

PARIS, December 27, 1791.

DEAR SIR:

Your favor of the 12th of September reached me a few days ago. As to the state of things here, I would convey it to you as fully as propriety will admit; but I know not yet by what opportunity this letter will go, and the post office was never more abused under the most despotic ministers than it is at present, notwithstanding the decrees to the contrary. Every letter I receive bears evident marks of *patriotic* curiosity. This anxious spirit of pettifoggery villany proves the fear of those who make use of it; and truly they have reason to fear, for every day proves more clearly that their new constitution is good for nothing.

Those whom I had warned in season of the mischiefs they were preparing, endeavor, now that it is too late, to lay the blame on others by way of excusing themselves; but the truth is, that, instead of seeking the public good by doing what was right, each sought his own advantage by flattering the public opinion. They dare not now propose the amendments which they perceive and acknowledge to be indispensable. They have, besides, no confidence in each other, for every one feels a reason against it, and meets moreover with daily proofs that his copatriots are no better than himself.

The Assembly (as you know such bodies will naturally suppose) commits every day new follies, and if this unhappy country be not plunged anew into the horrors of despotism, it is not their fault. They have lately made a master stroke to that effect. They have resolved to attack their neighbors, unless they dissipate the assemblies of French emigrants who have taken refuge in their dominions. These neighbors are members of the German empire, and France threatens to carry into their country, not fire and sword, but *la liberté*. Now, as this last word does not, in the acceptance of German courts, mean so much *liberty as insurrection*, you will see that the *pretext* is given for hostilities without violating the law of nations.

Add to this, that three French armies of fifty thousand men each are ordered to assemble on the frontiers. One under your old acquaintance Rochambeau, in Flanders; one under our friend Lafayette, in Lorraine, so as to penetrate by the Moselle river into the electorate of Treves; and one under a Monsieur Luckner, in Alsace. This last I am told has but slender abilities; the other two you are acquainted with. Putting all other things out of the question, it is self-evident that the empire must bring force to oppose force thus ordered, and in consequence it is not to be doubted that fifty thousand Prussian and fifty thousand Austrian troops will make their appearance as speedily as circumstances can permit.

Now I am thoroughly convinced that, if this country were *united under a good Government*, and in peace with England, they could set the rest of Europe at defiance; but you have no idea, my dear sir, of a society so loosely organized. America, in the worst of times, was much better, because, at least the criminal law was executed, not to mention the mildness of our manners. My letters, predicting their present situation, may perhaps have appeared like the wanderings of exaggerated fancy; but, believe me, they are within the coldest limits of truth. Their army is undisciplined to a degree you can hardly conceive. Already great numbers desert to what they expect will become the enemy. Their *gardes nationales*, who have turned out as volunteers, are in many instances that corrupted scum of overgrown population, of which large cities purge themselves, and which, without constitution to support the fatigues, or courage to encounter the perils of war, have every vice and every disease which can render them the scourge of their friends and the scoff of their foes.

The finances are so deplorably bad, that the bankruptcy, which actually exists by the depreciation of the paper money, must soon be declared by stopping payment in some quarter or other, unless those effectual remedies be applied, which seem to be beyond the power of the Government, and beyond the talents of those who administer it. The discontent is general, but it does not break out, partly because the antipathy to the *aristocrats*, and the fear of their tyranny still operates, and partly because no safe opportunity offers. Every one is bewildered in his meditations as to the event, and like a fleet at anchor in a fog, no one will set sail for fear of running foul.

If they come to blows on the borders, a curious scene will, I think, present itself. The first success on either side will decide the opinions of a vast number, who have in fact no opinion, but only the *virtuous* determination to adhere to the strongest party; and you may rely on it, that, if the enemy be tolerably successful, a person who shall visit this country two years hence, will inquire with astonishment by what means a nation, which, in the year 1788, was devoted to its King, became, in 1790, unanimous in throwing off authority, and in 1792, as unanimous in submitting to it. The reasons are given to you in my letter of the 29th April, 1789, and my fears expressed in that letter seem now to be on the eve of reality. The King means well, and may, perhaps, by his moderation, finally succeed in saving his country. I hope much from this circumstance; but, alas, the moderation of one who has been so wounded, so insulted, seems to be but a slender dependence, and yet I verily believe it to be the best, and I had almost said the only dependence.

DECEMBER 31.

A courier arrived last night with despatches, which are to be communicated to the Assembly this morning. The Emperor informs the King that he has given orders to General Bender, who commands in the Low Countries, to protect the electorate of Treves with all his forces. I did not mention, as I ought to have done, that the courts of Berlin and Vienna have concluded a treaty for the *protection of the German Empire, and maintenance of its rights*. You will have seen that the Emperor, having adopted the determination of the Diet respecting the claims of those princes who have certain feudal rights preserved to them by the treaty of Westphalia in Alsace and Lorraine, reminded the King that the dominion of France over those provinces is conceded by that treaty.

The Dutch Government has proposed a treaty with the Emperor, as sovereign of the Low Countries, for mutual aid and protection, in case of insurrections, which offer is accepted.

All this is explained by the intrigues of France to excite revolt in Holland and Flanders; and the completion of such a treaty will place the Emperor at ease, should he operate against this country next spring.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

LONDON, February 4, 1793.

DEAR SIR:

I wrote to you on the 27th of December, but there were many things which I did not write, and some of them I will now communicate. At the close of the session of the first National Assembly, a coalition was brought about between the *jacobins* and the *quatre-vingt-neufs*. It is proper to explain these terms. The *jacobins*, so called from their meeting at a convent or church of that name, were then the *violent party*. The others, who took their name from a club instituted in the year 1789, were those who termed themselves *moderate men*, friends to order, &c. &c. The death of Mirabeau (who was beyond all controversy one of the most unprincipled scoundrels that ever lived) left a great chasm in the latter party. He was then sold to the court, and meant to bring back absolute authority.

The chiefs of the *jacobins* were violent, for two reasons: First, that the *quatre-vingt-neufs* would not join with them seriously and heartily; wherefore, not being able to make head alone, they were obliged to use the populace; and therefore to sacrifice to the populace: Secondly, that the objects of their desire were much greater, though more remote, than those of the other party; for these last have never sought, in the revolution, any thing else than to place themselves comfortably; whereas the *jacobins* did really, at first, desire to establish a free constitution, in the expectation that, sooner or later, they should be at the head of it.

The aristocrats, you will observe, were reduced to insignificance before the others divided. That, you know, is a thing of course. You will remember, that the first Assembly had decreed that their members could neither hold any office under the crown, nor yet be chosen to represent the people. These decrees were partly the fruit of opposition between the two parties, and partly the result of suspicions, which they had both excited amongst the well meaning members of the Assembly. The first decree was of jacobin parentage, to disappoint their enemies, who were upon the point of succeeding to office. The second decree was carried against the secret inclinations of both. But the consequence was, that each was seriously disappointed; and, as the constitution was clearly unable to support itself, they began to perceive that its ruin might involve their own; and, therefore, they formed a coalition, in which each determined to make use of the other for its own purposes.

But you will say, perhaps, that both together would be of little use; and this is true in a degree: for if the constitution had been a practicable thing, those alone who were in power under it could have any real authority. But that was not the case; and therefore the plan of the *allies* was to induce a belief, in the court, that they alone had sufficient popularity in the nation to preserve the monarchical authority against the republican party; and, on the other hand, to convince the Assembly that (having in their hands the royal authority) all favor, offices, and grants, must come through them. Thus they constituted themselves, if I may be allowed the expression, the government brokers of the nation.

I have mentioned the *republican* party. This naturally grew up out of the old jacobin sect: for, when the chiefs, finding that all was nearly ruined by the want of authority, had set themselves seriously to work to correct their own errors, many of their disciples, who believed what their apostles had preached, and many who saw in the establishment of order the loss of their consequence, determined to throw off all submission to crowned heads, as being unworthy of a free people. Add to this the number of "mooty beggars starving for a time of pell-mell havoc and confusion."

It was this coalition which prevented the King from accepting the constitution in a *manly* manner: pointing out its capital faults; marking the probable consequences; calling on them to re-consider it; and declaring that his submission to their decisions arose from his belief, that it was the only means to avoid the horrors of civil war. They saw that this conduct would render them responsible; and although it was the most likely means of obtaining a good constitution, at a future day, and would have bound the King down to the principles he should then advance, yet they opposed, because such a good constitution would be established, not only without, but even against them, and would of course deprive them of those objects which they were in pursuit of. The King contended strongly for that kind of acceptance which I have just mentioned, but he was borne down; being threatened with popular commotions, fatal to himself and his family, and with that civil war which he most wished to avoid, as the necessary result of such fatal commotions.

Shortly after his acceptance it became necessary to appoint another Minister of Foreign Affairs, Monsieur de Montmorin having insisted so strongly on retiring that the King could not longer, with any propriety, ask him to stay. The state of the ministry was then as follows: Monsieur Duport, the Keeper of the Seals, a creature of, and sworn adherent to, the Triumvirate; which Triumvirate is another Duport, Barnave, and Alexander Lameth, being the chiefs of the old jacobins. I say the *old jacobins*, for the present jacobins are the republican party. This Keeper of the Seals constantly communicated everything that passed in council to his coadjutors. The Minister of the Interior, Monsieur Delessart, was a wavering creature, one of those of whom Shakspeare says that they "renew, affirm, and turn their halcyon beaks with every gale and vary of their masters." He had been one of M. Necker's underlings; was brought forward by him, and had connected himself with the Triumvirate, M. Necker's enemies, as being the strongest party, but still kept up a good understanding with the others.

Duportail, the Minister of War, of whom I formerly spoke to you when he was appointed, and foretold the conduct he would pursue towards his creator, Monsieur de Lafayette, was also completely subservient to the Triumvirate. But at that time he was so much embroiled with the Assembly, that his speedy resignation seemed unavoidable. Monsieur Bertrand de Moleville had just been appointed to the Marine—an office which Monsieur de Bougainville had refused to accept. He was pushed to it by the *quatre-vingt-neufs*, whom he despised, and told the King that he would not be a member of a ministry, many of whom he knew to be unfaithful to him. Monsieur Bertrand was brought forward by the same influence; but he is really attached to the crown; wishes ardently to obtain a good constitution for his country; is an intelligent, sensible, and laborious man, formerly of the robe, and the particular friend of Monsieur de Montmorin.

I mentioned to you, formerly, that Monsieur de Choiseul had refused the office of Foreign Affairs. While it was in question who should be appointed to succeed Monsieur de Montmorin, the King, of his own head, named the Count de Moustier, and wrote him a letter on the subject, which de Moustier has since shown to me. He had the prudence to write from Berlin to decline accepting, until after he should be in Paris. When he arrived in that city, the King told him that he could not give him the office, because he was considered as an aristocrat. You will observe that the coalition had been at work to get rid of him, and here I must make a digression. The plan was, that, as soon as circumstances would admit, a minister at war should be appointed, faithful to the King, and then Bougainville take the Marine; Bertrand be appointed Keeper of the Seals; and Delessart either kept in, or turned out, as he should behave. This plan was not known to the coalition at all; but they well knew, that, if de Moustier got into place, it would be a step towards the destruction of their influence and authority. They therefore assured the King that they could not answer for consequences, threatened him with popular commotions, with opposition in the Assembly, and the like; so that at last he gave up his nomination, and explained the matter to de Moustier. A long interregnum ensued in that office, and as Monsieur de Montmorin absolutely refused to continue any longer, the *portefeuille* was given to Monsieur Delessart, and after some time the Count de Ségur was appointed.

He accepted, in the belief of two things, in both of which he was mistaken. One, that he had the confidence of the King and Queen; but he had never taken the right way to obtain either their confidence, or that of others: The second article of his creed was, that the Triumvirate (his patrons) commanded a majority in the Assembly. He was undeceived as to the latter point, immediately, and therefore threw up the office, and went out of town. Under these circumstances, Monsieur de Narbonne tried hard to obtain that place; and, as I have mentioned his name, and that of Monsieur de Choiseul, I will, in this place, mention that of the Abbé de Périgord, afterwards Bishop of Autun. These three are young men of high family, men of wit, and men of pleasure; the two former were men of fortune, but had spent it. They were intimates; all three had run the career of ambition together, to retrieve their affairs. On the score of morals neither of them is exemplary. The Bishop is particularly blamed on that head; for the varie-

ty and publicity of his amours, for gambling, and, above all, for stockjobbing, during the ministry of Monsieur de Calonne, with whom he was on the best terms; and, therefore, had opportunities which his enemies say he made no small use of. However, I do not believe in this, and I think that, except his gallantries, and mode of thinking, rather too liberal for a churchman, the charges are unduly aggravated.

It was by the Bishop's intrigues, *principally*, that Monsieur de Choiseul was formerly nominated to the office of Foreign Affairs, but he preferred staying at Constantinople till he could see which way things would settle, and to that effect he prevailed on the Vizier, or, rather, the *Reis Effendi*, to write that he thought it much for the interest of France that he should stay for three years longer in that city. In the beginning of the revolution, Narbonne, a great *anti-Neckerist*, was not a little opposed to it, and there was, afterwards, some coldness between him and the Bishop, partly on political accounts, and partly because he (in common with the rest of the world) believed the Bishop to be too well with his mistress. This coldness was, however, at length removed, by the interference of their common friend, and the Bishop labored hard to get his friend de Narbonne appointed to the office of Foreign Affairs; but the King would not agree to it. M. Delessart was, therefore, appointed, he being very glad to get rid of the department of the Interior, where he had every thing to apprehend from want of power, want of order, and want of bread. The next step was to bring Monsieur de Narbonne forward to fill the place of Monsieur Duportail, and to this M. Delessart gave his hearty assistance, by way of compensating for the disappointment in the other department. Finally, the Interior, or Home Department, was filled by a Monsieur Cahier de Gerville, of whom I know very little; nor is it necessary that I should.

This ministry stands then divided as follows. The Keeper of the Seals and M. Delessart are attached, or supposed to be so, to the Lameth faction; Monsieur de Narbonne and Monsieur Bertrand are supposed to be attached to the *quatre-vingt-neufs*; and M. de Gerville, rather leaning to the latter. This ministry, extremely disjointed in itself, and strongly opposed by the Assembly, possesses, on the whole, but a moderate share of talents: for though Count de Narbonne is a man of wit, and a very pleasant lively fellow, he is by no means a man of business; and though M. Bertrand has talents, yet, according to the old proverb, one swallow never makes a summer.

Such as it is, every one of them is convinced that the constitution is good for nothing; and, unfortunately, they are, many of them, so indiscreet as to disclose that opinion, when, at the same time, they declare their determination to support and execute it, which is, in fact, the only rational mode which now remains, of pointing out its defects. It is unnecessary to tell you, that some members of the National Assembly are in the pay of England, for that you will easily suppose. Brissot de Warville is said to be one of them, and, indeed, (whether from corrupt or other motives I know not) his conduct tends to injure his own country, and benefit that of their ancient foes, in a very eminent degree.

The situation of their finances is such, that every considerate person sees the impossibility of going on in the present way; and as a change of system, after so many pompous declamations, is not a little dangerous among a people so wild and ungoverned, it has appeared to them that a war would furnish some plausible pretext for measures of a very decisive nature, in which state, necessity will be urged in the teeth of policy, humanity, and justice. Others consider war as the means of obtaining, for the government, the eventual command of disciplined military force, which may be used to restore order; in other words, to bring back despotism; and then they expect that the King will give the nation a constitution which they have neither the wisdom to form, nor the virtue to adopt, for themselves. Others again suppose, that, in case of a war, there will be such a leaning from the King towards his brothers, from the Queen towards the Emperor, from the nobility (the very few) who remain, towards the mass of their brethren, who have left the kingdom, that the bad success natural to arise from the opposition of undisciplined mobs to regular armies, may be easily imputed to treasonable counsels, and the people be prevailed on to banish them altogether, and set up a federal republic. Lastly, the aristocrats, burning with the lust of vengeance, most of them poor, and all of them proud, hope that, supported by foreign armies, they shall be able to return victorious, and re-establish that species of despotism most suited to their own cupidity.

It happens, therefore, that the whole nation, though with different views, are desirous of war: for it is proper in such general statement to take in the spirit of the country, which has ever been warlike. I have told you, long ago, that the Emperor is by no means an enterprising or warlike prince. I must now, in confirmation of that, inform you, that, in the famous conference at Pilnitz, he was taken in by the King of Prussia: for he came prepared to higgie about the nature and extent of the succor to be given, and forces to be employed, but the King cut the matter short by telling him that the difference in the extent of their respective dominions, and a variety of other circumstances, would justify him in demanding greater efforts on the part of the Emperor, but that he would meet him on ground of perfect equality. In consequence of this, the Emperor was obliged to accede, but he did so in the view and the wish to do nothing.

When, therefore, the King accepted the constitution, he chose to consider that as a reason why foreign Princes should not interfere. The King of Prussia, however, gave to the King *personal* assurances of his good will and *brotherly* attachment, and, of this, offered *substantial proofs*. The King's true interest (and he thinks so) seems to consist in preserving the peace, and leaving the Assembly to act as they may think proper, which will demonstrate the necessity of restoring, in a great degree, the royal authority. The faction opposed to him are very sensible of this, which forms an additional reason for driving every thing to extremity; and, therefore, with a view to destroy every root and fibre of ancient systems, they have imagined to court the alliance of Great Britain and of Prussia. In consequence, the Bishop d'Autun has been sent to England, and, if my information be good, is authorized to propose the cession of the Islands of France and Bourbon, and the island of Tobago, as the price of an alliance against the Emperor.

This has a direct tendency to break the family compact with Spain, which has long been courted by Britain: for it is evident that this country will not embark in a contest which is to do France any good, and, therefore, the game of Mr. Pitt is as clear as the sun, and suits exactly his temper and disposition. He has only to receive the offers made, and send copies to Vienna and Madrid, by way of supporting his negotiations, particularly with the latter. He can offer them, also, the guarantee of their dominions and rights against us, and by this means we should find ourselves all at once surrounded by hostile nations. The Minister of the Marine opposed violently, in council, this mission; stated the consequences, and obtained some useful restrictions. M. de Warville proposed, in the Diplomatic Committee, the cession of Dunkirk and Calais to England, as pledges of the fidelity of France to the engagements she might take. You will judge, from this specimen, of the wisdom and virtue of the faction to which he belongs, and I am sure the integrity of your heart will frown with indignant contempt, when I tell you, that, among the chiefs of that faction are men who owe their all to the personal bounty of the King.

This mission of the Bishop d'Autun has produced something like a schism in the coalition. The party of Lameth and Barnave are strongly opposed to it. Monsieur Delessart, who had adopted the scheme on the representation of the Bishop (with whom it originated) and his friends, abandoned it on the representation of the others, and two days before I left Paris an express was sent to assure the Emperor, that, notwithstanding appearances, they meant him no harm. In effect, they were again going to endeavor at an alliance of the nation with him, upon a plan which was set on foot about three months ago, by those who afterwards fell into the plan of an alliance with Britain. You may judge, from hence, how much dependence is to be placed on these new gawled statesmen. The King and Queen are wounded to the soul by these rash measures. They have, I believe, given all needful assurances to the Emperor and King of Spain. A confidential person has desired me to assure you, on their behalf, that they are very far from wishing to change the system of French politics, and abandon their old allies, and, therefore, if any advantage is taken of the present advances to Britain, that you will consider them as originating merely in the madness of the moment; and not as proceeding from *them*, or as meeting with *their* approbation, *but the contrary*. I shall send this letter in such a way as promises the greatest safety, and I must entreat you, my dear sir, to destroy it, for fear of accidents; you will feel how important it is to them, that this communication be not disclosed. It is merely personal from them to you, and expressive of sentiments which can have no action until they have some authority.

It is time to close this too long letter, whose object is to possess you of that interior machinery by which outward movements are directed. Believe always, I pray, in the sincerity of those sentiments with which I am yours,

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, *President of the United States.*

LONDON, *March 17, 1792.*

DEAR SIR:

I had the honor to write to you on the 4th of last month. Two days after, I was informed that you had nominated me as minister to the court of France, but the latest advices from America, which come down to the 10th of January, show that the Senate had not then made their decision. Be that decision what it may, I shall ever gratefully esteem and acknowledge this mark of confidence from the person in the world whose good opinion I consider most estimable.

In my letter of the 4th, I gave you a picture of the French ministry, and a view of the measures pursued by different parties, including the mission of the Bishop d'Autun. As he has now got back to Paris, it may be well to communicate the result. His reception was bad, for three reasons: First, that the court looks with horror and apprehension at the scenes acting in France, of which they consider him as a prime mover. Secondly, that his reputation is offensive to persons who pique themselves on decency of manners and deportment. And, lastly, because he was so imprudent, when he first arrived, as to propagate the idea that he should corrupt the members of administration, and, afterwards, by keeping company with leading characters among the dissenters, and other similar circumstances, he renewed the impression made before his departure from Paris, that he meant to intrigue with the discontented. His public reception, however, furnishes no clue to decide on the success of his mission; because the former might have been very bad, and the latter very good.

The fact, however, is, that he could offer nothing worthy of their acceptance, and that what he asked was of a nature not to be granted. His offer was confined to the cession of Tobago, a demolition of the works of Cherbourg, and an extension of the commercial treaty. He asked a strict neutrality in case of war with the Emperor. Now, you will observe, that no court could prudently treat with France in her present situation, seeing that nobody can promise, in her name, otherwise than as god-fathers and god-mothers do at a christening; and how such promises are kept every body knows. Convinced of this, the bishop never told his errand to Lord Gower, the British ambassador at Paris, who mentioned that circumstance to me as extraordinary, but yet so far agreeable as that he was glad not to have been called on for letters of introduction.

Respecting Tobago, I must make a digression. It is now a long time since it was mentioned to me in Paris, that some of the colonists of St. Domingo had come hither to make overtures to Mr. Pitt. Since that period, I learnt that the French ministry were in possession of documents to prove, not only that he fomented the disturbances in France, but that he was in deep intrigues with regard to that colony. The particular proofs were not shown to me, so that I cannot speak positively. Neither can I vouch for what I have learnt further on that subject within this month; but I am assured that it is Mr. Pitt's intention to bring about, if he can, the independence of St. Domingo. Mr. Clarkson, the great negro advocate, is mentioned to me as his agent for this business at Paris, and the conduct of a part of the Assembly, in opposing succor to that island, seems corroborative of such an idea. This, then, being the case, or supposing it to be so, the offer of Tobago was too trifling to attract Mr. Pitt's notice, even if unconnected with other circumstances. By the by, my informant tells me, also, that Mr. Pitt means to coax us into the adoption of his plan respecting St. Domingo. And I learn from another quarter, that he means to offer us his mediation for a peace with the Indians. If all this be true, his game is evident. The meditation is to be with us a price for adopting his plans, and with the *Indian tribes* a means of constituting himself their patron and protector. It may be proper to combine all this with the late division of Canada, and the present measures for military colonization of the upper country, and, above all, with what may come from Mr. Hammond.

I return to St. Domingo. If such be Mr. Pitt's scheme, although we shall not, I presume, engage in, or countenance it, yet the success will be entirely for our advantage, and a mere preliminary to something of the same sort, which must happen to Jamaica, on the first change of wind in the political world. The destruction of the port of Cherbourg is no present object with the British ministry, because they suppose it will be ruined by the elements before it can be completed; and because the French marine is, from the want of discipline, an object more of contempt than apprehension. The proffered extension of the commercial treaty amounts to nothing, because, at present, every part of France is open to contraband commerce, and because there is little reason to believe that the stipulations in a treaty now made would be of any long duration.

Thus it happens that neither of the objects offered were worthy of notice. But the neutrality required was of a most important nature. By leaving the Austrian Low Countries exposed to French invasion, it would have been a violation both of ancient and of recent treaties. Nor is this all: for (as I have already had occasion to remark) the annexation of those provinces to the French monarchy would prove almost, if not altogether, fatal to Great Britain. And when we consider that they are almost in revolt already, and that it is in fact their interest to become one with France, there is reason to suppose that a union might have been effected, in case of a war with the Emperor.

So much then on the ground of good faith and good policy. But there is still a farther cause, which, as the world goes, may be equal in its operation to all others. It seems to be a moot point whether it is the British or the Prussian cabinet which directs the other. Perhaps there may be a little of both; but be all that as it may, it is certain that neither feels disposed to counteract the views of its ally, in any open manner. Now, putting aside the personal feelings which naturally agitate the sovereign of this, as well as of other kingdoms, in regard to the French revolution, it is notorious that, from the very dawn of it, agents were employed to foment a spirit of revolt in other States, particularly in Prussia. The King of Prussia, therefore, feels for the French revolutionists all the enmity of a proud, passionate, and offended German Prince. Add to this, that the Elector of Hanover, as such, cannot wish for a change in the government of Germany. If, therefore, it had been the interest of Great Britain to establish a free constitution in France, (which it certainly is not) I am perfectly convinced that this court would never have made a single effort for the purpose.

I stated to you, in my last, that the French ministry are extremely disjoined. It was too much so for any durable existence; besides which, the members took effectual means to precipitate each other's ruin. M. de Narbonne wished to get into the office of foreign affairs. This was desirable to him, it is said, on many accounts, but particularly so because it gives the command of large sums without account. Whatever may have been his motives, the following seems to have been his conduct: He stood forth the advocate of all violent measures. This would naturally have excited suspicions with thinking men, but not so with the Assembly. He associated himself to the partisans of democracy; and while, by these means, he secured himself against their clamors, he took great care of his pecuniary affairs. This, at least, is affirmed to me, and with the addition that he had the imprudence to pay off his debts, although it is notorious that his estate (which is in St. Domingo) is among those which are laid waste. It is further asserted that, in order to quiet the clamors of contractors, who had given him money, and found themselves in the road to ruin, he agreed to compensate the depreciation of the *assignats*. In order to remove a great obstacle to his proceedings, he joined in the intrigues against M. Bertrand; and, at the same time, fostered other intrigues against M. Delessart, with a view of getting his place. The proofs of all these things are said to be in the King's hands.

M. Delessart's conduct I have already, in part, communicated. I must add that, afterwards, imagining that Brissot, de Warville, and Condorcet, were omnipotent in the Assembly, he violated his engagements made with the Triumvirate, and wrote some despatches conformably to the views of those two gentlemen. In consequence of this, it was resolved to displace him, and they were looking out for a successor. The person applied to was actually deliberating whether he should or should not accept, at the moment when Brissot brought about his impeachment and arrest. In this same moment M. de Narbonne was dismissed, and with him was to go M. de Gerville. The

Chevalier de Graave succeeds M. de Narbonne. When I left Paris he was attached to the Triumvirate. He does not want understanding, but I think it almost impossible that he should succeed. Monsieur Bertrand, against whom an address from the Assembly was at length carried, has, I find, resigned. * There is something at the bottom which I cannot discover, without being on the spot, but you may rely on it he goes out with the full confidence of the King and Queen.

My informations from Paris are previous to the news of the Emperor's death, which has probably occasioned the violent proceedings against poor Delessart, by removing the fears of those who, in the midst of all their big words, were confoundedly frightened. What may be the consequences of this event, it is impossible to determine, or even to conjecture. Much, very much, depends on the personal character of his successor, which I am not yet acquainted with.

It is supposed by some here that Mr. Pitt is not strong in the cabinet at present, although the majority in Parliament was never more decisive, and this is said to arise from his refusing to ask money for the payment of the Prince of Wales's debts, which the King, it is said, was desirous of, and which his minister declined with some offensive expressions. Mr. Pitt's friends insist, on the other hand, that the whole story is false from beginning to end. For my own part, I do not think he will be turned out, because I believe him to be very cunning; and, although he has conducted foreign affairs but poorly, he manages all the little court and parliamentary intrigues with consummate address.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

LONDON, *March 21, 1792.*

DEAR SIR:

Yesterday I was informed that the Senate had agreed to your nomination of diplomatic servants. If I know my own heart, this intelligence is far less agreeable to me on my own account than on that of the public. I am sure that a rejection, from whatever cause it may have arisen, would have been attributed to disunion in our counsels.

I find that the King of France has appointed to the Office of Foreign Affairs a Monsieur Dumouriez, and that it is considered as a sacrifice to the Jacobins. He is a bold, determined man. I am not acquainted with him personally, but I know that he has long been seeking a place in the administration, and was, about six months ago, determined, if appointed one of the ministers, to destroy, at the peril of his life, the Jacobin and all other clubs, and to effect a change in the Government. How far he may have changed his opinions since, I really cannot tell; but I mention this to you *now*, because, when I know more, I can refer to this letter, and say, that, *by coming into office, he has not changed his sentiments*, if he persists in those his ancient determinations. If not, I will tell you, that *he is more prudent than was supposed*. And these words will, in either case, mean nothing more than is here set down for them. The King consulted him (as I was told by his confidential friend, in the middle of last October) on the state of affairs, when M. de Montmorin went out; but the high-toned measures he proposed were not adopted.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

PARIS, *June 10, 1792.*

MY DEAR SIR:

Although I have been above a month in this city, I have not been able, until within a day or two, to make up my mind as to the sentiments of the person mentioned to you in mine of the 21st of March, or rather I could not obtain that certainty which was needful, before I could properly mention them to you. I can now venture to assure you, that *by coming into office he has not changed his sentiments*.

My former letters have mentioned to you the indiscipline of the French armies, and the public prints will give you such facts on that head as may tend to making up in your mind a solid judgment as to future events. The first step towards bankruptcy has already been made, by extending to seventeen hundred millions the sum of assignments, which may be in circulation. A further extension must take place in a few days. The Powers combined against France have it, therefore, in their choice to wear her out by a war of resources, or dash into the heart of the country. This last will best suit with their own situation; but I do not think they will advance before the beginning of August.

Your letter to the King has produced a very good effect. It is not relished by the democrats, who particularly dislike the term "*your people*," but it suits well the prevailing temper, which is monarchical. The Jacobin faction approaches to its dissolution, as you may perceive by its agonies. In fact, the deliberations are so absurd, and so extravagantly wild, that they daily furnish new arms to their enemies. You will perceive, at a glance, that this is not a moment for making commercial treaties. I shall, however, do all that I can, without seriously compromising our *future interests*.

I am, &c. GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

General Washington to Gouverneur Morris.

PHILADELPHIA, *October 20, 1792.*

MY DEAR SIR:

Although your letter of the 10th of June, which I have received, did not paint the prospects of France in the most pleasing colors, yet the events which have since taken place give a more gloomy aspect to the public affairs of that kingdom than your letter gave reason to apprehend.

A thousand circumstances, besides our distance from the theatre of action, made it improbable that we should have, in this country, a fair statement of facts and causes through the medium of the public prints; and I have received no other accounts than what have come in that channel. But, taking up the most favorable of these, gloomy, indeed, appears the situation of France at this juncture. But it is hardly probable that even you, who are on the spot, can say, with any precision, how these things will terminate; much less can we, at this distance, pretend to augur the event. We can only repeat the sincere wish, that much happiness may arise to the French nation, and to mankind in general, out of the severe evils which are inseparable from so important a revolution.

In the present state of things we cannot expect that any commercial treaty can now be formed with France; but I have no doubt of your embracing the proper moment of arrangement, and of doing whatever may be in your power for the substantial interest of our country.

The affairs of the United States go on well. There are some few clouds in our political hemisphere, but I trust that the bright sun of our prosperity will disperse them.

The Indians on our western and southern frontiers are still troublesome, but such measures are taken as will, I presume, prevent any serious mischief from them; I confess, however, that I do not believe these tribes will ever be brought to a quiescent state, so long as they may be under an influence which is hostile to the rising greatness of these States.

From the complexion of some of our newspapers, foreigners would be led to believe that inveterate political dissensions exist among us, and that we are on the very verge of disunion; but the fact is otherwise. The great body

of the people now feel the advantages of the General Government, and would not, I am persuaded, do any thing that should destroy it; but this kind of representations is an evil, which must be placed in opposition to the infinite benefits resulting from a free press; and I am sure you need not be told, that, in this country, a personal difference in political sentiments is often made to take the garb of general dissensions.

From the Department of State you are, I am informed, furnished with such papers and documents, from time to time, as will keep you more particularly informed of the state of our affairs. I shall, therefore, add nothing further to this letter, than assurances of being always and sincerely yours, &c.

G. WASHINGTON.

PARIS, October 23, 1792.

MY DEAR SIR:

Yours of the 21st of June is at length safely arrived. Poor Lafayette! Your letter to him must remain with me yet some time. His enemies here are as virulent as ever; and I can give you no better proof than this. Among the King's papers was found nothing of what his enemies wished and expected, except his correspondence with M. de Lafayette, which breathes from beginning to end the purest sentiments of freedom. It is, therefore, kept secret, while he stands accused of designs, in conjunction with the dethroned monarch, to enslave his country.

The fact respecting this correspondence is communicated to me by a person to whom it was related confidentially by one of the parties who examined it. You will have seen in my letters to Mr. Jefferson, a proposition made by Mr. Short respecting M. de Lafayette, with my reply. I had very good reason to apprehend that our interference at that time would have been injurious to him, but I hope that a moment will soon offer in which something may be done for his relief. In reading my correspondence with Mr. Short, you must consider that I wrote to the French and Austrian Government, as each would take the liberty to read my letters.

You will have seen, also, that in my letters to Mr. Jefferson, I hint at the dangers attending a residence in this city. Some of the sanguinary events which have taken place, and which were partial executions of great plans, will point to a natural interpretation thereof; but these were not what I contemplated. Should we ever meet, I will entertain you with the recital of many things, which it would be improper to commit to paper, at least for the present. You will have seen that the King is accused of high crimes and misdemeanors; but I verily believe that he wished sincerely for this nation the enjoyment of the utmost degree of liberty which their situation and circumstances will permit. He wished for a good constitution, but unfortunately he had not the means to obtain it, or, if he had, he was thwarted by those about him. What may be his fate, God only knows; but history informs us that the passage of dethroned monarchs is short from the prison to the grave.

I have mentioned to Mr. Jefferson, repeatedly, my wish to have positive instructions and orders for my Government. I need not tell you, sir, how agreeable this would be to me, and what a load it would take from my mind. At the same time, I am fully sensible that it may be inconvenient to give me such orders. The United States may wish to temporize, and see how things are likely to end, and, in such case, leaving me at large, with the right reserved to avow or disavow me according to circumstances and events, is for the Government an eligible position. My part in the play is not quite so eligible; but, although I wish the Senate to be sensible of this, I am far from wishing that any precipitate step be taken to relieve me from it, for I know how contemptible is every private consideration when compared with the public interests. One step, however, seems natural, viz: to say that, before any new letters of credence are given, it will be proper to know to whom they are to be directed, because the Convention, a mere temporary body, is to be succeeded by some fixed form, and it may be a long time before any such form will be adopted.

Mr. Jefferson, from the materials in his possession, will be able to give you an accurate account of the military events. I discover three capital errors in the conduct of the Duke of Brunswick. First, his proclamation arrogated rights which on no construction could belong to him or his employers, and contained threats which no circumstances could warrant, and which in no supposable success could be executed. They tended, however, to unite the nation in opposing him, seeing that no hope remained for those who had taken any part in the revolution; and the conduct observed towards M. de Lafayette and his companions was a severe comment on the cruelty of the rest. Thus, in the same moment, he wounded the pride, insulted the feelings, and alarmed the fears, of all France. And, by his thundering menaces to protect the royal family, he plunged them into the situation from which he meant to extricate them.

The second error was, not to dash at Paris the instant he received the news of the affair of the tenth. He should then have advanced at all hazards, and if, in so doing, he had declared to the several Generals and armies that he expected their assistance to restore their dethroned prince and violated constitution, I am persuaded that he would have met with as much support as opposition. I learn, within these two days, that the delegates of Lorraine and Alsace had so little hope, or rather were so thoroughly persuaded that those provinces would join the enemy, that they made unusual haste to come forward, lest they should be apprehended. Great activity in that moment would have done wonders; but then he was not ready.

The third great error was, that, after waiting so long, he came forward at all this season. By menacing the frontiers with great and increasing force, vast numbers of the militia would have been drawn to the utmost verge of the French territory. The difficulty of subsisting them there would have been extreme. By taking strong and good positions, his troops would have been preserved in full vigor, and the French, wasted by disease, tired of inaction, and stimulated by their natural impatience and impetuosity of temper, would have forced their Generals to attack, even if they had the prudence to be quiet. The consequence of such attack, excepting always the will of God, must have been a complete victory on his part, and then it would have been next to impossible for them to escape. Then the towns would have surrendered, believing the business to be over, and he might have come as far forward this autumn as the needful transportation of stores would permit. Next spring France would have found it almost impossible to subsist the armies needful for the defence in that part of the country, which is most defensible, and of consequence her enemy would have reached the point from which he lately retreated, without the smallest difficulty.

The appearances are so vague and contradictory, that I cannot pretend to tell you whether the alliance will or will not be preserved for the next campaign. If I were to hazard conjectures on the present state of things, it might cast suspicions where I have not sufficient ground, and therefore I will bury them in my own bosom, lest accident should put this letter into improper hands. France has a strong ally in the feelings of those nations who are subject to despotism, but for that very reason, she has a mortal enemy in every Prince. If, as is very possible, the league should hold firm till next spring, it will then have gained considerable auxiliaries, and I am very much mistaken if this nation will make as great efforts as those she is now making. The character of nations must be taken into consideration in all political questions, and that of France has ever been an enthusiastic inconstancy. They soon get tired of a thing. They adopt without examination, and reject without sufficient cause. They are now agog with their republic, and may perhaps adopt some form of Government with a huzzza; but that they will adopt a good form, or, having adopted, adhere to it, is what I do not believe. There is a great body of royalists in the country, who do not now declare themselves, because it would be certain death, but a favorable occasion would bring them out of their holes.

The factions here are violent, and among those who administer the government there is not, I am told, that degree of character which lays hold of the esteem and respect of mankind, but rather the contrary. In their opponents there is a nervous temper, which sticks at nothing, and if I see rightly there is in the current of their affairs a strongeddy, or counter tide, which may change materially both men and things. Yet let what will happen, I think it hardly possible that they should blunder as much as the emigrants, and I am prone to believe that, in war and poli-

tics, the folly of our adversaries constitutes our greatest force. The future prospect, therefore, is involved in mist and darkness.

There is but one sovereign in Europe, the Empress of Russia, who is not, in the scale of talents, considerably below par. The Emperor, who it is said is consumptive and cannot live long, is now much influenced by Manfredi, a statesman of the Italian school, who takes insincerity for wisdom. The Prussian cabinet is far from strong. Leuchsesini, an able man, is said to be rising in influence there, but there is such a mixture of lust and folly in the chief, that no one man can keep things steady. The alliance with Vienna is disagreeable to the Prussians, and particularly to the inhabitants of Berlin, which may have some influence in destroying it, and his majesty has given three strong proofs, since his accession, that he is by no means nice on this subject of public faith. The invasion of Brabant will, I am persuaded, alarm both Britain and Holland, but whether they will confine themselves to court intrigue, or come into the field, is doubtful.

Thus you will perceive, sir, that nothing can be predicted with tolerable certainty respecting the affairs of this country, either internal or external, at the present moment. I am, &c.

To GEORGE WASHINGTON, *President of the United States.*

GOUVERNEUR MORRIS.

MY DEAR SIR:

PARIS, *December 28th, 1792.*

I did myself the honor to write to you on the 23d of October. Since that date the exterior affairs of this country have put on a more steady appearance. My letter of the 21st instant, to Mr. Jefferson, will communicate my view of things, to which I could add but little at this day.

I have not mentioned to him the appointment of M. Genet, as Minister to the United States. In fact, this appointment has never been announced to me. Perhaps the ministry think it is a trait of republicanism to omit those forms which were anciently used to express good will. In the letter which is addressed to you, is a strain of adulation which your good sense will easily expound. Let it be compared with M. Le Brun's letter to me of the 30th of August. The fact is, that they begin to open their eyes to their true situation; and besides, they wish to bring forward into act, our guaranty of their islands, if the war with Britain should actually take place.

As to that war, I am told that the British ultimatum is as follows: France shall deliver the royal family to such reigning branch of the Bourbons as the King may choose, and shall recall her troops from the countries they now occupy. In this event, Britain will send hither a minister, and acknowledge the republic, and mediate a peace with the Emperor and King of Prussia. I have several reasons to believe that this information is not far from the truth, and that, if the ministers felt themselves at liberty to act, they would agree to the terms. These terms are, it is said, consequential to the sentiments delivered by opposition in the British Parliament; who are, as you will see, become quite insignificant, but it was thought best to place them in a necessity of supporting the measures of administration.

I consider these terms, or something very like them, in a different point of view. If the French retire, and consequently eat up again their high toned declarations in favor of the people, and denunciations against kings, they will, at the next attempt, find as many enemies as there are men in the neighboring countries, and of course the mediator will prescribe such terms as he may think proper. Secondly, as it is almost evident that the republic must be torn all, her marine, must dwindle away; and as much of her intelligence and industry, with the greater part of her money capital, must, on this hypothesis, seek the protection of law and government on the other side of the channel, her rival will increase both in positive and relative power. Thirdly, an exiled monarch on the other side of the Pyrenees, (for it is at Madrid that he would probably take refuge) would enable Britain at any moment to distract the French affairs, and involve the republic in a war with Spain. Lastly, it seems an almost necessary conclusion, that if France in some years of convulsive misery should escape dismemberment, she would sink under severe and single despotism, and when relieved therefrom by the King, or his descendants, or relations, she would be in a state of wretchedness for at least one generation.

I understand that the French, in the consciousness that their principles have ruined their colonies, are willing to pay them as the price of peace; but on the other hand Mr. Pitt has, I am told, refused the offers which the colonists have made to him, partly because he does not wish to excite alarm, and partly because the only useful part of their colonies, their commerce, will, he conceives, naturally fall to Britain in proportion to the interior ruin which has already made great ravages in this country.

If the terms offered by Britain, whatever they may be, are not accepted, I think a declaration will *not* suddenly follow, but only an increase of preparations; because time must be given for the co-operators, Spain and Holland, who are both of them slow. Besides, it will be necessary that a body of Prussian troops should be collected through Westphalia, in the neighborhood of Flanders, to be joined by Dutch, Hanoverian, and perhaps British troops. The more the French advance, the more they expose themselves to this danger; and you may rely that, if a large body of troops be thrown into Flanders, that country will join them *eagerly* to expel or destroy the French.

I think it possible, that, in case the war should break out, there may be a treaty of partition, in which the Elector Palatine may have Alsace and Lorraine in lieu of Bavaria, and that the Low Countries may be given by the Emperor, in exchange for Bavaria, to the Duke and Dutchess of York. This would suit every body but France, and she will not in such case be consulted.

I have not yet seen M. Genet, but Mr. Paine is to introduce him to me. In the mean time I have inquired a little what kind of a person he is; and I find that he is a man of good parts and very good education, brother to the Queen's first woman; from whence his fortune originates. He was, through the Queen's influence, appointed as *Chargé d'Affaires* at Petersburg, and when there, in consequence of despatches from M. de Montmorin, written in the sense of the revolution, and which he interpreted too literally, he made some representations in a much higher tone than was wished or expected. It was not convenient either to approve or disapprove of his conduct, under the then circumstances, and his despatches lay unnoticed. This, to a young man of ardent temper, and who, feeling genius and talents, may, perhaps, have rated himself a little too high, was mortifying in the extreme. He felt himself insulted, and wrote in a style of petulance to his chief, believing, always, that, if the royal party prevailed, his sister would easily make fair weather for him at court; which I doubt not. At the overturn of the monarchy, these letters were so many credentials in his favor to the new government, and their dearth of men has opened his way to whatever he might wish. He chose America, as *being the best harbor during the storm*, and if my informant be right, *he will not put to sea again until it is fair weather*, let what will happen.

In addition to what I have said respecting the King to Mr. Jefferson, it is well to mention to you, that the majority have it in contemplation not only to refer the judgment to the electors of France, that is, to the people, but also to send him and his family to America, which Paine is to move for. He mentioned this to me in confidence, but I have since heard it from another quarter.

Adieu, my dear sir. I wish you many and happy years.

To GEORGE WASHINGTON, *President of the United States.*

GOUVERNEUR MORRIS.

MY DEAR SIR:

PARIS, *January 10th, 1793.*

As I have good reason to believe that this letter will go safely, I shall mention some things which may serve as a clue to lead through mysteries. Those who planned the revolution which took place on the 10th of August, sought a person to head the attack, and found a M. Westermann, whose morals were far from exemplary. He has no pretensions to science, or to depth of thought; but he is fertile in resources, and endued with the most daring

intrepidity. Like Cæsar, he believes in his fortune. When the business drew towards a point the conspirators trembled, but Westermann declared they should go on. They obeyed, because they had trusted him too far. On that important day his personal conduct decided in a great measure their success. Rewards were due; and military rank, with opportunities to enrich himself, was granted.

You know something of Dumouriez. The council distrusted him. Westermann was commissioned to destroy him, should he falter. This commission was shown to the General. It became the bond of union between him and Westermann. Dumouriez opened a treaty with the King of Prussia. The principal emigrants, confident of force, and breathing vengeance, shut the royal ear. Thionville was defended, because a member of the Constituent Assembly saw in Lafayette's fate his own. Metz was not delivered up, because nobody asked for the keys, and because the same apprehensions were felt which influenced in Thionville. The King of Prussia waited for these evidences of loyalty until his provisions were consumed. He then found it necessary to bargain for a retreat. It was worth to Westermann about ten thousand pounds. The council, being convinced that he had betrayed their bloody secret, have excited a prosecution against him for old affairs of no higher rank, than petit larceny. He has desired a trial by court martial.

You will judge whether cordial union can subsist between the council and their generals. Vergniaud, Gaudet, &c. are now, I am told, the intimates of Dumouriez, and that the present administration is to be overturned, beginning with Pache, the Minister of War. You will have seen a denunciation against these members of Assembly for a letter they wrote to Thierry, the King's valet-de-chambre. This affair needs explanation, but it can be of no present use.

The King's fate is to be decided next Monday, the 14th. That unhappy man, conversing with one of his counsel on his own fate, calmly summed up the motives of every kind, and concluded that a majority of the Convention would vote for referring his case to the people, and that in consequence he should be massacred. I think he must die or reign.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*PARIS, *February 14, 1793.*

MY DEAR SIR:

I have received yours of the 20th of October, which was very long on its way. You will find that events have blackened more and more in this country. The present prospects are dreadful. It is not so much perhaps the external force, great as that may be, for there are always means of defence in so vast a nation. The exhausted state of resources might also be borne with, if not remedied. But the disorganized state of the Government appears to be irremediable. The venality is such that, if there be no traitors, it is because the enemy have no common sense. Without the aid of venality, there are not a few who, from mistaken zeal, and from ignorance, contribute to the success of those Powers who are leagued against France. Many, also, under the garb of patriotism, conceal their attachment to the former Government. In short, the fabric of the present system is erected on a quagmire. The new constitution has not yet made its appearance, but it is easy to conjecture what it will *not* be. In the mean time, I learn that the Ministers of War and Marine declare it impossible for them to go on. How all this will end God only knows, but I fear it will end badly.

I will not speak of my own situation; you will judge that it is far from pleasant. I could be popular, but that would be wrong. The different parties pass away like the shadows in a magic lantern, and to be well with any one of them would, in a short period, become the cause of unquenchable hatred with the others.

Happy, happy, America! governed by reason, by law, by the man whom she loves, whom she almost adores. It is the pride of my life to consider that man as my friend, and I hope long to be honored with that title. God bless you, my dear sir, and keep and preserve you. Your cool and steady temper is now of infinite consequence to your country. As soon as I can see the way open to any thing decisive, I shall inform you of it. At present, I weary myself with unavailing reflection, meditation, and conjecture. A partition seems the most probable event at present. Adieu.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON.

PARIS, *March 2, 1793.*

MY DEAR SIR:

I think that you should be acquainted with a fact which it is very important to communicate to our Secretary of State as soon as may be. I am informed, in a way that precludes doubt, that the Executive Council here sent out, by M. Genet, three hundred blank commissions for privateers, to be given clandestinely to such persons as he might find in America inclined to take them. They suppose that the avidity of some adventurers may lead them into measures which would involve altercations with Great Britain, and terminate finally in a war. This appears to me, waiving all question of honesty, no very sound measure, politically speaking, since they may, as a nation, derive greater advantage from our neutrality than from our alliance.

But, whatever light it may be viewed in as to them, it is, in respect to us, a detestable project. I learn that some seamen have lately been captured, by British cruisers, who claim to be Americans. I presume that the claim will not be admitted, but, if the Government should cause them to be executed as pirates, a knowledge thereof would go a great way to prevent our citizens from engaging in a war, contrary to the wishes of our Government, especially if, as I doubt not, the President should, by proclamation, enjoining the observance of a strict neutrality, declare that all those who contravene shall be at the mercy of the party by whom they may be taken, and not entitled to the protection of the United States.

I am the more solicitous on this subject in that we may well expect a back game of the same kind by Britain, and, in such case, it would be impossible for the French to distinguish among their prisoners between those who were and those who were not English. As there is nothing more destructive to morals than the spirit of gambling, especially when murder is placed among the means of gaining the property of others, and as the security and happiness of the United States depend so essentially on the morals of their citizens, I feel a more than usual solicitude to prevent a practice inconsistent with all good principles.

I have no late news from America, and none, of any date, which you would wish to know. Our Secretary of State seems much attached to brevity, and reminds me of a maxim of his predecessor, that least said is soonest mended. The length of this letter will show you that I have not only profited by such wise lessons, but it will also show you, I trust, the confidential esteem with which

I am, &c.

GOUVERNEUR MORRIS.

To THOMAS PINCKNEY.

*General Washington to Gouverneur Morris.*PHILADELPHIA, *March 25th, 1793.*

MY DEAR SIR:

It was not till the middle of February that I had the pleasure to receive your letter of the 23d of October. If you, who are at the fountain head of those great and important transactions which have lately engrossed the atten-

tion of Europe and America, cannot pretend to say what will be their event, surely we, in this distant quarter, should be presumptuous indeed in venturing to predict it. And unwise should we be in the extreme, to involve ourselves in the contests of European nations, where our weight could be but small, though the loss to ourselves would be certain. I can, however, with truth, aver, that this country is not guided by such a narrow and mistaken policy as will lead it to wish the destruction of any nation, under an idea that our importance will be increased in proportion as that of others is lessened. We should rejoice to see every nation enjoying all the advantages that nature and its circumstances would admit, consistent with civil liberty and the rights of other nations. Upon this ground the prosperity of this country would unfold itself every day, and every day it would be growing in political importance.

Mr. Jefferson will communicate to you such official information as we have to give, and will transmit the laws, public papers, &c.

I have thought it best, my dear sir, not to let slip this opportunity of acknowledging the receipt of your letter, lest no other should occur to me very soon, as I am called to Mount Vernon by the death of my nephew, Major Washington, and am on the point of setting out for that place to-morrow. I need not tell you that this is, of course, a very busy moment with me. It will therefore account for the conciseness of this letter, by which, however, you must not measure my regard.

You see me again entering upon the arduous duties of an important office. It is done so contrary to my intention, that it would require more time than I have allowed myself to assign the reasons; and therefore I shall leave them to your own suggestion, aided by the publications which you will find in the gazettes.

I am your sincere friend and affectionate servant,

G. WASHINGTON.

SAINPORT, near PARIS, June 25th, 1793.

MY DEAR SIR:

I have just received yours of the 25th of March. Not having had time to read the gazettes, which are but just (and but in a part) arrived, I cannot from them derive the information you allude to, but my first glance at them shows what I am sorry to see, and from thence I am induced to quote a sound maxim from an excellent book. "*A house divided against itself cannot stand.*"

As to your re-acceptance, sir, you know my sentiments, which on that, as on some other subjects, are, I think, unchangeable. It will be time enough for you to have a successor when it shall please God to call you from this world's theatre. If such successor is then able to fill the President's chair, it will be matter of surprise to those who can form a competent idea of the office; but during your life I consider the thing as utterly impossible. And do not imagine, my dear sir, that you can retire, though you may resign. You will in such case become the man of the opposition, however your good sense may differ from their madness, and your virtue from their villany. Depend on it, they will cite you as being of their sentiment. If you are silent you assent, and if you speak you are committed. In the mean time your poor successor is obliged to struggle under all the weight of your reputation, as well as that of the office; and he must be a strong man who can carry either; of course a very rash man who would attempt to take up both.

I am very happy to find, that the determination to maintain a strict neutrality is so general in America. I shall not dwell on that topic, because my several letters to Mr. Jefferson contain enough of it to weary your patience. By the by, I am mortified more than I can tell you at the delay my letters experience in their passage. I task my mind to its utmost bent to discover those events which are most likely to happen, in order that (so far at least as my judgment can be relied on) you may be duly prepared, and after all you hear of the event before my almanac comes out. This is provoking, and would be much more so, did I not find from experience that the things I wish are done as well, and perhaps better than if my conjectures had reached you.

I trust that, long ere this, you will have received what I had the honor to write on the 28th December, 6th and 10th of January, and the 14th February. You will have seen that, in the end of last month, and beginning of this, the long expected insurrection took place, by which a new set of men are brought into power. Should the present society be able to establish themselves, I think M. Genet will have a successor; and if, the revolution completed, things return to the point from whence they started, I am sure M. Genet will have a successor. As to those who rule, or rather the few by whom they are directed, you may depend that they have just ideas of the value of popular opinion. They are not, however, in a condition to act according to knowledge, and should they be able to reach a harbor, there will be quite as much of good luck as of good management in it. At any rate, a part of the crew will be thrown overboard. It is my opinion that the members of the Convention lately arrested will do nothing, for the greater part of them have only parole energy; and if I were called on by any cogent motive to act, it should be in conformity to that idea. In my letter to Mr. Jefferson of this day I tell him that I shall implicitly obey his orders; but this is in reply to the broad hint that my embarrassments may have arisen from inattention to the principles of free Government. You may rely, sir, that I shall be cautious to commit the United States as little as possible to future contingences. In my last letter I gave you my idea of *popularity*.

I have never thought that three parties would conveniently exist in any one country, and therefore it seems to me that one of those into which they who call themselves democrats are divided, must join the royalists. I do not inquire what negotiations are carried on to that effect, for I have no desire to meddle with such affairs, directly or indirectly, and should be very sorry to have the appearance of siding with any one party or faction whatever, being convinced that I can best do the business of the United States by keeping aloof from them all.

Those who command the royal or Christian army, as they call themselves, on the Loire, are good officers. Their enemies have, in my mind, passed the highest eulogium on them, in saying that the soldiers are brought to such a pitch of folly and madness, as to rush on, armed only with clubs, and possess themselves of the artillery to whose fire they were exposed. As far as I have been able to learn, they profess themselves the friends of order and justice, and act conformably to such professions, protecting both persons and property wherever they arrive, and paying for whatever they take. Hence it happens, that their dominion is constantly extending itself, and if they should get possession of Nantes, which seems to be their present object, they will be truly formidable, because then, by means of the Loire, a passage will be opened into the heart of the kingdom for as many troops as foreign Powers may choose to send thither; or, if they should prefer fighting the battle with Frenchmen, they need only furnish money and warlike stores, and they would have as many men as they please, *and the most fertile part of France to subsist in.*

Farewell, my dear sir; may God bless and keep you, not merely for your sake, and still less for that of your friends, but for the general good of our country.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

PARIS, October 18th, 1793.

MY DEAR SIR:

You will see, by the official correspondence, that your orders are complied with, and that your intentions are fulfilled. Permit me on this occasion to remark, that had the people of America been well informed of the state of things on this side of the Atlantic, no one would have dared to adopt the conduct which M. Genet has pursued. In reading the few gazettes which have reached me, I am surprised to see so little sound intelligence.

The present Government is evidently a despotism both in principle and practice. The Convention now consists

of only a part of those who were chosen to frame a constitution. These, after putting under arrest their fellows, claim all power, and have delegated the greater part of it to a *Committee of Safety*. You will observe, that one of the ordinary measures of government is to send out commissioners with unlimited authority. They are invested with power to remove officers chosen by the people, and put others in their places. This power, as well as that of imprisoning on suspicion, is liberally exercised. The revolutionary tribunal established here to judge on general principles, gives unbounded scope to will. It is an emphatical phrase in fashion among the patriots, that *terror is the order of the day*. Some years have elapsed since Montesquieu wrote, that the principle of arbitrary governments is *fear*.

The Queen was executed the day before yesterday. Insulted during her trial, and reviled in her last moments, she behaved with dignity throughout. This execution will, I think, give to future hostilities a deeper dye, and unite more intimately the allied Powers. It will silence the opposition of those who would not listen to the dismemberment of this country, and, therefore, it may be concluded that the blow by which she died, was directed from a distance.

But whatever may be the lot of France in remote futurity, and putting aside the military events, it seems evident that she must soon be governed by a single despot. Whether she will pass to that point through the medium of a triumvirate, or other small body of men, seems as yet undetermined. I think it most probable that she will. A great and awful crisis seems to be near at hand. A blow is, I am told, meditated, which will shroud in grief and horror a guilty land. Already the prisons are surcharged with persons, who consider themselves victims. Nature recoils, and I yet hope that these ideas are circulated only to inspire fear.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States*.

PARIS, October 19th, 1793.

MY DEAR SIR:

I had hopes until last evening, that the persons, who are to go out as commissioners from hence, would have embarked with Captain Culver, but circumstances have delayed the appointment. The plan which was in agitation, and which will probably be carried into effect, is to send over three or four commissioners, one of whom will be charged with letters of credence, but instructed to conform to the directions of the Board. It is probable that the new minister, immediately on being presented, will ask you to aid in securing the person and papers of the old one. My public despatch of this day contains a remote hint to lead the investigation of the Secretary of State. I did not choose to be more particular, because you can both give and take the informations you think proper.

I have favored, or rather excited the idea of this procedure, for the following reasons: First, such a public act will place in a contemptible light the faction connected with M. Genet. Secondly, the seizure of his papers, by exposing his connexions with *prime movers*, will give a lesson to others. And thirdly, the commissioners who exercise this high handed authority will, on reflection, feel the necessity of respecting your Government, lest they should meet a similar fate. Having alarmed their apprehensions, as to the effect which M. Genet's imprudence might produce, and knowing the public and *private* views of the *parties*, I have insinuated the advantage which might result from an early declaration on the part of the new minister, that as France has announced her determination not to meddle with the interior affairs of other nations, so he can know only the *Government of America*. In unison with this idea, I told the minister that I had observed an overruling influence in their affairs, which seemed to come from the other side of the channel, and at the same time had traced the intention to excite a seditious spirit in America. That it was impossible to be on a friendly footing with such persons, but that at present a different spirit seemed to prevail. This declaration produced the effect I intended. The minister has himself the wish to go out to America as plenipotentiary, and M. Otto, his principal secretary, having the same wish, they will, I believe, endeavor, while they stay, to put things in good train here.

It may be an important *judicial* question, how far the minister is protected by the law of nations, after the arrival of his successor. In my opinion the same principles which exempt him from the municipal law, subject him to the will of his sovereign, and of course the aid given to the new minister is not an act of the *judiciary* but of the *executive*, performed as an *ally and friend*, and is merely *discretionary*. I find that this commission will endeavor to get hold of the debt from America to France by *anticipation*. If no other reasons militated against the *advance*, the advantage of a pledge to satisfy damages, which our citizens may sustain during the present violence, is considerable, and will not, I presume, be overlooked.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States*.

PARIS, November 12th, 1793.

MY DEAR SIR:

M. de Laforest called just now, while I was at the minister's, to inform me that he will probably leave Paris to-morrow morning. I, therefore, write this as an *introduction* to you, and proceed to give a hasty sketch of the form in which the business now stands.

A commission is named (the appointments not yet gone through the forms) to consist of four persons. The minister is M. Fauchet, secretary of the executive council, a young man of about three and thirty, whom I have not yet seen, but he is said to possess genius and information. The secretary of legation is M. Leblanc, a man of about fifty, and who was lately at the head of the police department in this city. Him also I am, as yet, unacquainted with; but he is mentioned to me as a prudent, sensible man.

M. de Laforest goes out as consul general, and M. Petrie, his friend and companion, as consul in the port of Philadelphia. These two will undoubtedly draw together, and will probably sway the conduct of the commission: for the minister is to take no important steps without being previously authorized by the Board.

I understand that a kind of etiquette has been established, by which the consuls, as not being properly diplomatic characters, are not received or invited with the minister, and I perceive that there is a strong wish to enjoy the exterior respect of office, as well as the solid authority. I cannot pretend to judge, nor even to guess how far any thing of this sort consists with the general rules, which you may have found it proper to establish; but, I think, I can perceive that the two consuls expect to govern the commission by two means; one, their greater knowledge of our country, laws, and inhabitants; the other, a persuasion to be inculcated on the minister and secretary, that they enjoy the confidence of our Government. Perhaps a little vanity may also be for something in the business; but your judgment will best discern motives, and, therefore, I only give hints.

I think that M. de Laforest and his friend, being men of understanding, will endeavor to keep things in a line of prudence and propriety; therefore, being uncertain, at present, as to the personal characters of the other two, it seems to be well that the Board is to be kept steady by the anchors we are acquainted with, and as the others unfold themselves, it will appear what reliance can be placed on them.

The minister, in the conference I had with him just now, has again reiterated the assurance, that he and the other members of this Government have the most sincere desire to be on the most cordial terms with us, and I am the more disposed to believe in their assurances, because America is the only source, from whence supplies of provisions can be drawn to feed this city, on which so much depends. The coming winter will be, I believe, dreadful,

and the spring, should the war continue, must open with partial scarcities, if not general want. To the sufferings, unavoidable from many other causes, no small addition will be made by the laws limiting prices, enforced by the iron hand of necessity.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

SAINFORT, November 16th, 1793.

DEAR SIR:

My last was of the 20th of October. Captain Culver did not, I find, get out of the port of Havre till the first instant. He took with him the medal dies.

The consul charges me with a balance of nineteen hundred and ninety-three livres, eight deniers, nine sous, telling me, that he thinks, by your letters, that you would choose that he should draw on you, but that it would be very difficult, and, therefore, prefers receiving payment from me. I shall accordingly advance this sum; and, as I understand from Captain Culver that he paid a considerable part of the disbursement for his vessel by dollars sold at twelve livres, I suppose that the owners of the vessel will charge you for the whole, to wit, five thousand seventy-three livres, eight deniers, nine sous, at that rate being one hundred sixty-six dollars and seventy-nine cents. Wherefore, I will carry to the debit of the United States the sum above mentioned at the same rate, being one hundred sixty-six dollars eleven cents, so that you will owe only two hundred fifty-six dollars and sixty-eight cents to them.

In my last, I had the honor to inform you that the rate of depreciation had continued nearly about what it was on the twelfth of September, viz. two and a half to three for one. But since that time, it has been approaching, at first gradually, and now rapidly, to par. When I left Paris, two days ago, gold was at about one and a half, and silver at about one and one-tenth. The reason of this difference will go far to explain the phenomenon of a paper money rising in value, while the sum emitted goes on increasing. Gold is more easily concealed than silver. Whatever is discovered *hidden* is confiscated, and that which is not hidden is taken to the treasury, to be paid in assignats at par *hereafter*.

There is, however, another reason; the war tax on the rich, added to the other taxes, disables them from placing their contingent of the forced loan; and, therefore, they are reduced to the necessity of selling what they possess most valuable, and the treasury, which can alone purchase with safety, fixes its own price. If, therefore, louis d'ors should at length be under par, I should not be surprised. The sum of precious metals and materials in the treasury and mint is already very great; (they say a *milliard*, or forty millions sterling;) it is, I suppose, exaggerated, but it is daily increasing. And, at the rate things go on, Government will have accumulated in the city of Paris all the gold and silver, and a great part of the diamonds, pearls, &c. of France. Of course, they will be in a condition to dismiss the assignats from all farther employment, and to begin a new system full handed.

They seem to think that, in this way, provision will be made for two campaigns, and that their enemies, astonished at such an immense resource, will be inclined to treat. A previous difficulty is, however, to be removed; that is to say, some one person, or some small number of persons, must be named, who shall hold the unlimited power of treating and of executing the treaty. This will, I suppose, be speedily effected. It will remain to be discovered, whether those who are so sanguine, as to the dispositions of some, if not all of the allied Powers, do not reckon without their host.

I must, by the way, drop one word as to the overthrow of the Catholic religion. It is now expiring under wounds from the true French weapon, ridicule. The people who, five years since, fell down in the dirt as the consecrated matter passed by, now dance the *carmagnole* in holy vestments, and perform other mummeries, which it might seem profane to mention. The late *Fest of Reason* is a very striking feature in the countenance of the revolution. You know the opera girl, Saunier, who is, though very beautiful, next door to an idiot, as to her intellectual gifts. It is said, also, that she is any thing, except what the French call *sage*. It is she, who lately asked the painter, David, to invent for her (to appear in the Ballet of Paris) some dress which should be more indecent than nakedness. And the painter, it seems, had genius enough to comply with her wish. But I speak only from hearsay, not having been at any of the theatres for nearly two years.

Well, sir, it so happened that this actress, remarkable for fine attitude in dancing, was pitched upon to represent *Reason* in a kind of opera performed at Notre Dame. In the course of it, she stood in the place *ci-devant* most holy, and was there adored on bended knees by the President of the Convention, and other principal characters. At this spectacle, the devout will unquestionably be scandalized, and it seems, in effect, to be a strong experiment on the national feelings. The burning of legs, and arms, and grinders of saints, male and female, with relics from the wood of the original cross, must have the good effect of undeceiving those who imagined there were miraculous qualities inherent in those crumbling materials. But the dismissal of all the bishops and curates is a matter of more serious import. A national economy of near four millions sterling will be thereby effected; but what degree of ferment may be excited by the disbanding of those ecclesiastical regiments, is yet a problem.

I must proceed to state to you the grounds on which different advocates erect their fabric of probabilities. To begin with those who calculate on the success of France. They say that, along the northern frontier, from the ocean to the Ardennes, the campaign is null. That the enemy must winter in his own country, which, not being covered by fortresses or by natural defences, must be open to incursion all winter. That the army in Alsace, if Landau and Strasbourg, be not taken, will find it difficult to retreat, and impossible to stay; so that a *Burgoyne* may ensue. That, from the falls of the Rhine to the Mediterranean, the untouched frontier is now guarded by impassable snows in the gorges of the Alps, leaving the republic in quiet possession of Savoy. That Toulon will soon be attacked with such vigor that it must fall. That the Pyrenean mountains now render all attempts on the part of Spain abortive. And that the flame kindled in the Vendée must be speedily extinguished, so that they will be able with undivided energy to oppose, any attack, their enemies next spring, should they persist in hostility, and hence is adduced the probability of a peace, on such terms as France may dictate.

On the other hand, it is said that Valenciennes and other adjacent places will cover the heart of Flanders and open that of France. That the sluices, especially in winter, form a sufficient defence for the maritime Flanders, and that a great superiority of cavalry will enable the enemy to lay waste Picardy, as soon as the French troops shall leave the field and go into winter quarters; that Landau will be taken and Strasbourg surrendered, as it has neither garrison nor magazines; in which case Alsace is irrecoverably lost, and the enemy, who can occupy the passes of the Vosges, will have an easy task to enter Champagne next spring; that in the mountains of Franche Comté a second Vendée is preparing, and waits only the favorable moment to break out; that the Lyonsese are impatient under the yoke, to which they have been compelled to submit, and will, of course, take arms whenever an opportunity offers; that Toulon cannot be taken by a *coup de main*, and the same causes, which render the Alps and Pyrenees secure for the French, give like security to Spain, and Sardinia, wherefore their troops can go to Toulon; that a numerous French army cannot long be subsisted there, inasmuch as the great city of Marseilles was formerly supplied from the coast of Barbary; and thence it is inferred, that, the attempt on Toulon failing, Provence must fall, because the French troops must retire to a more plentiful country, so the duration will cover the possession of the enemy, and enable him to turn his attention towards Cevennes, in which there exists great discontent and strong dispositions for revolt; that, should the Franc Comtois engage heartily in the royal cause, the Swiss may be brought into the league, and, pressing towards Lyons as soon as the campaign opens, oblige the French to retire from Savoy, and perhaps to abandon all to the eastward of the Rhone; but at any rate, to hold a precarious possession of it until the troops, which winter in Piedmont, can advance into Dauphiné. I believe that, on almost any hypothesis, it must be admitted that the Dauphinois can dispose of their own country.

It is contended further, that the insurgents in the Cevennes and Auvergne could easily overrun the country along the Garonne and as far as Bordeaux, because the people are already indisposed, and only kept under by the fear of instant death.

On the Vendée much is said. Fire and sword have been carried through that unhappy country; of course, the proselytes made will return to their original sentiments, as soon as the incumbent terror is removed. It is here that the strong principle of religious fanaticism is to be calculated on. The future conduct cannot be defined, or even conjectured, on the ground of reason merely human. The firm persuasion, that death in the cause of God gives immediate possession of an endless beatitude, is capable of converting timidity into heroism. Already the effects have been wonderful, and we observe that very few of the men, who have been sent to subdue the Vendée, have ever returned.

A large party, which, at the lowest estimation, is not less than fifteen thousand, have crossed the Loire, and marched into Lower Normandy and Brittany. That, in this quarter, they will find many congenial spirits, is considered as certain, and also that their measures are combined with the British cabinet. At a distance from their home, nothing remains for them but victory or death. It is in this quarter that the destruction of the Catholic religion is supposed to be most obnoxious. The clergy being driven to despair, it is supposed that such of them as possess personal courage will march in the ranks. The insurgents are commanded by able men, and the troop is composed of the remnant of many battles. Hence, it is concluded that no opposition made to them by the raw levies from Normandy and Brittany can have any effect, and, of course, that the troops in the Vendée must go in pursuit of them. It is averred that, in such case, the Vendée would rise, like a phoenix from its ashes, more formidable than ever. That there is a corps of twelve thousand men still remaining on the island of Noirmoutier, and that neighborhood, which will come forward immediately, and recover all that has been lost, and more.

Lastly, it is said that, however splendid may be the financial arrangements, it will be impossible to hold out, unless the people can be taught to eat silver and gold, for that famine, already partially felt, must become general. This assertion is exaggerated, but I think much distress will be experienced on that account.

Having thus given you the pros and cons, I leave you to make up your judgment. For my own part, I have observed that mankind are generally deceived, both by their hopes and by their fears; and I persist in believing that the fate of so great a country as this must ever depend much more upon interior sentiment, than on exterior operations. As to the operations of the insurgents, who are supposed to have in view either the town of St. Malo, or an irruption into Normandy, or a march to Paris, I consider the last as the easiest and safest operation; among other reasons, because it appears most difficult and hazardous. But I do not believe it will be attempted.

The second, which would look like a serious combination to terminate the war, by re-establishing the monarchy, seems to me somewhat beyond the degree of talents which has hitherto directed the allies; and, on the whole, I conclude that Britain, looking with an eye of cupidity at the port of Brest, wishes to get possession of St. Malo, and extend a defensive line along the Rance and Vilaine rivers, so as to include Lower Brittany, and try what can be done by force and persuasion towards the possession of that country. Whether this be the plan is one question; whether it will succeed, is another. Time will discover the answer to one, and, perhaps, to both.

I am, &c.

GOVERNEUR MORRIS.

To THOMAS JEFFERSON, *Secretary of State*.

PARIS, November 26, 1793.

DEAR SIR:

In mine of the 16th, I omitted to mention the fall of the Brissotin party, and of the Duke of Orleans; but it was a thing so much of course, that you had, doubtless, anticipated it.

I mentioned to you that silver was nearly at par; in effect, it is now under par. Crowns, I am told, sell at two per cent. discount, and bullion, I know, is at fifty-two livres per marc, and the price, for many years preceding the revolution, was fifty-four, as I am told. For some days past there has been no foreign exchange. There are no buyers, because the person who takes a bill is considered as suspected, and persons suspected are put in prison, and persons in prison are so numerous, that none can get out, because, in the multitude of applications, there is no time to examine any particular complaint.

You will form some more accurate idea of this situation, when I tell you that a young American, by the name of Griffith, having lost at Havre my certificate that he was an American citizen, was taken up. I declined interfering for him at first, because I suspected that the certificate had been made use of for some sinister purpose; but, when all matters were cleared up to my satisfaction, I applied to the minister, and he to the Committee of Safety. I have repeated my applications for a month past, and he has repeated his, and as yet nothing satisfactory is done, although I have no doubt of the disposition of Government to give us satisfaction.

They deliberate, at present, on the means of bringing their system a little more into form, and the minister tells me that, as soon as that is effected, I shall have less frequent reason to complain, and more speedy and effectual redress. I hope this may be the case, for at present it is terrible.

We have, as Mr. Fenwick informs me, ninety-two sail of vessels at Bordeaux. I have formerly mentioned to you the embargo laid in that port. It has, at length, produced the greatest distress. The crews have consumed their provisions. The merchants will be saddled with heavy loss and cost. I have made reiterated applications, but the situation of that city has prevented the *Comité de Salut Public* from a direct interference. The *commis-saires* have persisted in their measure of shutting the port. They promise Mr. Fenwick redress from day to day. The minister cannot promise redress to me, but he promises to try for it, and I believe he does try; but I am sure that it is as yet without effect.

In my last conference on the subject, two days ago, after having advanced the various reasons arising from the justice of the demand, and after stating to him the very great hardship of the case, I hinted the extreme bad policy which would deter any American vessel from coming to France, unless reparation were made. I know not, as yet, the effect; but I am sure that all commerce between this country and America must soon terminate, unless a more regular and orderly system shall soon take place. I expect that all the ports of America will be filled with complaints; and, from what Mr. Fenwick writes, I suppose the public servants will be criminated, because France is without a regular government. This, to be sure, is not very just, but it is very natural. A choleric man beats the post which he has struck his head against.

I am, &c.

GOVERNEUR MORRIS.

To THOMAS JEFFERSON, *Secretary of State*.

PARIS, December 9, 1793.

SIR:

I had the honor of receiving your letters of the 7th, 14th, and 17th instant. I thank you for your attention in expediting the exequatur of the *Sieur de la Motte*, and in obtaining the liberation of the American citizen, Mount-florence. Citizen Griffith is still detained.

I receive, every day, letters which present to me the sad picture of what the commerce of the United States suffers at Bordeaux. Our vessels came on the faith of treaties; some carried provisions there, others went to take, as freight, cargoes for the French colonies, or foreign ports. Many were to return loaded with corn, flour, salt provisions, and other eatables. All are detained there.

I will not repeat to you, sir, the various observations which I have had the honor to make to you at different times, on this subject: for the principles of justice are so evident, that it is useless to speak of them. I will only

mention, therefore, a motive of a different kind, but yet deserving attention. The advantage, not to say the necessity, of obtaining supplies of provisions for France, from foreign sources, is readily acknowledged. Every thing, then, which opposes this, is prejudicial to the most important interests of the republic. Now, how can you persuade neutral vessels to enter French ports, when it will be obvious to them that they incur the risk of being detained there? I should ill fulfil my duty, as the representative of a friendly and allied nation, did I not point out to you the danger to which the provisioning of France, and especially the capital, is exposed.

It is true, interest is the moving spring of commercial operations, but the American owners, who have made voyages to France, in preference to the other countries of Europe, have also followed the impulse of feeling, which always influences the judgment, and, consequently, the calculations. Those of your friends, then, who are most attached to you; are the sufferers from this detention. I leave it to your good sense, sir, to infer the consequences, and flatter myself that a just indemnification for this detention, and speedy permission to depart, will soon efface the unpleasant impression of the losses which they have sustained, and that a hundred vessels, which are in the port of Bordeaux, will return loaded with flour in three or four months, and thwart the designs of those who wish to starve the city of Paris.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

To M. DEFORGUES, *Minister of Foreign Affairs.*

DEAR SIR:

PARIS, December 12, 1793.

I transmit to you, enclosed, a letter received open from Mr. Cathalan, who has been disappointed in giving the needful surety for the due execution of his office, by the delay of his letters during the siege of Lyons, and other circumstances resulting from local situation. It seems probable that my correspondence with him may be soon cut off: for, if the French army does not speedily get possession of Toulon, I think they will be obliged to abandon the enterprise, from the difficulty of obtaining subsistence. In that case Marseilles will fall of course, as well as the county of Nice, which has already cost much blood and treasure.

The insurgents of Vendée, who had broken into Lower Normandy, seem to have divided themselves into various bands, and to have been attended with a varied success; but, on the whole, the theatre of their operation is considerably extended, and we may hourly expect to hear that they have received considerable reinforcements by sea. I persist in believing that to be the tender part of the French republic, for many things concur to show that a very large portion of the people are disposed to a counter revolution; but they dare not stir until a sufficient force shall appear: for they are without arms, or union, or any means of understanding each other, while the examples are so striking and terrifying, that every individual, whatever may be his political tenets, trembles at the exercise of that authority which, whether willingly or unwillingly is a matter of indifference, he contributes to support.

Since my last, the new organization, or rather regulation, of the Government system has taken place; but, to my poor conception, it appears as inefficient and discordant as ever. If I am not mistaken, it must soon undergo further changes.

I enclose, also, herein, a copy of my letter of the 9th to the minister, by which you will observe that I endeavor to obtain, by a sense of their own interest, the release of our ships from the harbor of Bordeaux, since the sense of justice has not yet produced the effect. To reason at a distance, and in generals, it would seem almost impossible that this outrageous grievance should be continued; but yet I do not dare to flatter myself with a removal of it. The representatives of the people sent into the departments are vested with unlimited power. In the exercise of it they suspend decrees of the Convention, fine, imprison, in short, do every thing, which to them appears needful for the public safety. They assign their reasons afterwards, if called on by the Convention for that purpose. But it seems to be understood, that their acts must not be reversed until after their return, unless they should, indeed, be charged as *contre-revolutionnaires*, and then every thing is overturned.

I need not dwell on such a state of things, for you will readily draw all the perplexing and vexatious consequences. Happy they, who contemplate them at a distance. A view of what our countrymen suffer, in this respect, so torments me, that it is very difficult to be patient. I am, &c.

GOUVERNEUR MORRIS.

To THOMAS JEFFERSON, *Secretary of State.*

SIR:

PARIS, December 29th, 1793.

A letter which I have just received from the citizen Griffith, informs me that he has been two months in prison, without any charge whatever being exhibited against him. It is a long time since I solicited the liberty of this citizen, with the persuasion of his innocence; but his long detention induces me to apprehend that I may have been mistaken. I pray you, sir, to favor me with the cause of his detention, that I may render an account of the same to the United States.

Daily complaints are addressed to me from Bordeaux, where the embargo is still in full force. Some exceptions in favor of those vessels, said to be loaded on account of that republic, have produced the effect which might have been expected. Some, from a principle of respect for the Government, suppose that these are individual speculations made on the general misfortune, in the hope that the markets of the United States, unfurnished in consequence of the embargo, will offer an early and advantageous sale for the cargoes, which have lately been despatched to them. Others insist that the speculations in question are on the account of Government, and you may easily conceive the sensations which this idea produces.

However it be, it seems to me necessary, on every possible account, to remedy the evil as soon as possible. I demand justice for my countrymen from the French republic, not only from a sense of duty to the United States, but also from regard to France. Be assured, sir, that your enemies could not mark out for you a course of conduct more to your disadvantage than that which I have just laid before you.

I have the honor to subjoin to this letter, the copy of a petition sent to me by the American citizen John Gray. He informs me that, on his arrival, on the 13th of December, a guard was placed on board his brig, and that a member of the Committee of Subsistence told him that he would be personally responsible if any portion of the rice were discharged, even to nourish his own countrymen. He offered the cargo to this committee, which referred him to the committee appointed to purchase goods arriving in neutral vessels. This latter committee told him that they were not provided with the powers requisite to grant to any person whatever the conditions set forth in his petitions, and that he must apply to the representatives of the people in this city. These are too much occupied to pay the least attention to his business. He therefore says to me, as I can sell my cargo neither to the nation nor to individuals, as I am forbidden to distribute it among my countrymen, who are in a state of extreme suffering, let me at least be permitted to depart, and seek commerce and liberty elsewhere.

You will observe, sir, in the petition of citizen Gray, that he was informed, during his passage, of the state of things at Bordeaux, and that he decided to continue his route, only in the opinion that the news he received was merely a calumny invented by the enemies of France. I have no doubt that this intelligence is now spread abroad in America. Judge, then, whether it be not of moment to efface as soon as possible the impressions it may make.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

To M. DEFORGUES, *Minister of Foreign Affairs.*

Edmund Randolph to Gouverneur Morris.

PHILADELPHIA, January 10th, 1794.

SIR: I do myself the honor of enclosing to you a letter from Mr. Jefferson, announcing my succession to him, as Secretary of State. His resignation, which took place on the 31st ultimo, was accompanied with a general regret, founded on his acknowledged qualities for that department, and the important services rendered by his labors.

The only letter which I find, sir, from you, unanswered, is that of 25th June, 1793. It is thought advisable by the President to defer all animadversions upon the decree to which it relates, and indeed upon any of the affairs of France, until the temper of that country towards the United States shall be disclosed by your communications, subsequent to the receipt of Mr. Jefferson's letter to you, of the 16th of August, 1793.

The journals and pamphlets now sent will inform you of the progress made by Congress on the very interesting subjects which we have hitherto occupied them.

Suffer me to tender you, on this first occasion of our correspondence, the great and sincere respect with which I have the honor to be, sir, your most obedient servant,

EDMUND RANDOLPH.

PHILADELPHIA, January 3d, 1794.

DEAR SIR:

I have the honor to inform you that I have resigned the office of Secretary of State, and that Mr. Randolph, late Attorney General of the United States, is appointed by the President, and approved by the Senate, as Secretary of State. He will be so good as to acknowledge the receipt of your several letters not yet acknowledged by me, and will answer in detail such parts of them as may require special answer. I beg leave to conclude this last of public correspondence with you, with very sincere assurances of the great esteem and respect with which I have the honor to be, dear sir, your most obedient and most humble servant,

TH: JEFFERSON.

TO GOUVERNEUR MORRIS.

PARIS, January 21st, 1794.

DEAR SIR:

I do myself the honor to transmit herewith duplicates of mine, of the 16th and 26th of November, and the 12th of December. I also enclose copies of my letters of the 29th of December, to the Minister of Foreign Affairs, and of his answer; of mine of the 4th of January, introducing the deputation sent up from Bordeaux, and of his of the 26th of Nivose, in reply to it.

The young man, Mr. Griffith, whom I mentioned in mine of the 26th of November, is at length out of prison; but another, of the name of Hoskins, still remains in confinement, and this merely because the multiplicity of business before the committee prevents them from attending to any thing.

I learn that the number of persons arrested in this city amounts to fifteen thousand, and that through the republic is more than tenfold more numerous. The petitions before them could not be read through in less than a year, supposing ten hours a day appropriated to that purpose; and, as the arrestations are daily continued, those who are confined are in a sad and hopeless condition.

The wiser part of those who are at the head of affairs are sensible that such severe measures must prove injurious, and perhaps fatal; but they dare not appear as the advocates for the unfortunate, lest they should partake of their situation. Late experiments justify their apprehensions, and, if I may judge, the *outs*, who wish to be *ins*, will use this as a lever to overturn the power of their opponents; so that the general gaol delivery, if effected, will come from those who inveigh against, not from those who propose it. The reason is clear. To advocate such a measure, exposes to the charge of *moderatisme*; and you will observe here, that as *Brissotisme* succeeded to *Fayettisme*, which has succeeded to *aristocratie*, so *moderatisme* is now heir to all the odium of *Brissotisme*. Robespierre has luckily hit on the term *ultra-revolutionnaire*, and brought it with good success into the field against the term *contre-revolutionnaire*; but it seems likely that *moderatisme* will prove too hard for *ultra-revolutionnaire*.

I cut short these observations to give you a sketch of the state of parties. Previous to which, however, lest I should forget it, I must mention, that Thomas Paine is in prison, where he amuses himself with publishing a pamphlet against Jesus Christ. I do not recollect whether I mentioned to you that he would have been executed along with the rest of the Brissotins if the adverse party had not viewed him with contempt. I incline to think that, if he is quiet in prison, he may have the good luck to be forgotten. Whereas, should he be brought much into notice, the long suspended axe might fall on him. I believe he thinks that I ought to claim him as an American citizen; but, considering his birth, his naturalization in this country, and the place he filled, I doubt much the right, and I am sure that the claim would be, for the present, at least inexpedient and ineffectual.

There seems to be at present three parties among the doers of the day: for I except those who are entirely indisposed to the Government. The one may be called the *Dantonists*, with whom Robespierre is connected; and who wish, by mildness and something like a government of laws, to inspire a sort of attachment to the revolution, apprehending that the people, so often disappointed in the expectations held out to them, may, at length, by a kind of general effort, arising not from any particular plot or conspiracy, but from the universal sense of oppression, overturn the whole affair, which, whatever may be its future and national effect, must necessarily occasion their immediate and personal ruin.

The second may be called the *Parisian party*, being those who wish, by a new blow from the populace of this city, to make a second edition of the piece acted on the 31st of May last, and thereby put themselves in the places of such as may be then sent to the guillotine.

The third may be called the *Ministerial party*; and, although the ministers are, at present, no more than a kind of clerks, subject to the imperative, and too often the imperious, mandates of a committee, yet, as they are supported privately by those who wish to bring forward the constitution, and as they have the natural advantage of men doing business with committees, to see how much is sacrificed, and how much neglected, and thence show the great abuses inseparable from that sort of government, they have more weight and consistency than would, at first sight, be imagined. As the present actors have more energy, as well as more experience, than those who suffered themselves to be elbowed off the stage on the 31st of May, I presume that things will be brought much sooner to a crisis.

There is at present a plot *in petto*, which may, perhaps, blow up the *Dantonists*. I have heard different versions of it, and, therefore, will not give you any of them; because it is well known that matters of that kind undergo many changes before they are exhibited, and, besides, the whole affair may die away, especially if any general danger should oblige the parties to be friends for a month or two longer. Let parties rise or fall as they may, I do not think the present form of government, by committees, can long stand. We have seen such a system fail by its own weight, when exercised on a much smaller scale, and any one who has any thing to do with committees here complains, which is the first step towards their ruin.

The successes of the republic will give pleasure to all those who are attached to France: for, whatever may be the opinions as to a government, which may undergo yet a dozen changes, it seems to be demonstrable from facts, that the plan of dismemberment, which I long since communicated, really exists, and it is that plan which has foiled the allies. Admitting what has been asserted by persons in a situation to know the truth, and deeply interested to prove the contrary of their assertion, that nine-tenths of the nation are inimical to the Government, it is an undoubted truth that ninety-nine hundredths are opposed to all ideas of a dismemberment, and will fight to prevent it. Hence it happens that so few have joined the enemy on any part of the frontiers, except the inhabitants of Alsace, who have been, in their hearts, Germans; and hence, also, it happens, that the Vendée has been so vigorous

in its operation, as in that quarter they fought simply to restore the ancient government and religion. If the allies had given them aid, God knows what would have been the consequence; but as the clear object, when aid at length offered, consisted only in possessing themselves of strong holds for their own use, the whole plan has fallen through, and a great number of those poor people have been sacrificed. Exaggerated accounts state the destruction of the human race in that quarter at near a million of souls. It certainly has been very great, though not, perhaps, more than half that number. I am much mistaken if the spirit of revolt be quelled, although, for want of opportunity, it may not again perhaps break out.

Toulon was evacuated rather than taken. Perhaps, if the evacuation had not been decided on, it would have been kept; but certainly the brisk attacks of the French precipitated very much the measures of the enemies. In my opinion, it was a great blunder not to throw succors into that place: for, if it had been held a little longer, the French army must have retreated from the want of subsistence.

In like manner, it is now evident, that if Bordeaux, Marseilles, Lyons, and Toulon, had all declared at the same time, instead of showing their evil dispositions one after the other, the whole southern part of France was irrecoverably lost to the republic. And if the good faith of the enemy had not been suspected, this union of measures would have taken place. I learn, in like manner, that Strasbourg would have been delivered up, if the Emperor had not desired to take it in his own name, instead of that of Louis the Seventeenth. The allies, not being able to possess themselves of this place, (in which the plan of surrendering was discovered and its effects prevented) and failing at the same time in their blockade of Landau, which held out longer than they had calculated, were obliged to retire into winter quarters, and as this could not be unknown to the enemy, of course they were attacked on all sides, and by a vast superiority of numbers. At first, the French were repulsed every where; but the repetition of attacks, (for there were in the whole between thirty and forty) wearied the defendants, who, by no resource of the military art, could bear up against the bodily fatigue of constant fighting. The physical constitution of the French is more adapted to this service than perhaps any other on earth. To retreat became necessary, and a retreat once begun was confined from necessity, because the French kept pouring in fresh supplies of men when opposed, and continued their rapid advance wherever they were victorious. Mayence and Fort Louis could alone stop their pursuit.

They are now taking off every thing in the country, which they have possessed themselves of, and in so doing, they form a barrier against themselves; but what is to them of more importance is, that they form also a barrier against their enemies. On the north, it seems to be determined not to give the allies any rest, and the calculation is simple. The soldiers brought from a distance cannot easily be replaced, and by constant fighting, they may be destroyed: for, their country being open, they have nothing to defend them but posts, which, however strong, may be carried by superior numbers. It is true that every one of the Germans, so destroyed, may cost a dozen Frenchmen; but it is said that the dozen can be replaced more easily than the one. Mutual plunderings form a part of this warfare. Judge, then, how it must thin the ranks of mankind. I believe that nothing like it has appeared in Europe since the crusades.

The resources of this country, its real resources I mean, are wearing away very fast; and if it be true, as it is said, that the population is already diminished one-tenth within the last two years, it will have, at least, this one good effect, that the consumption of provisions must diminish in the same proportion. The fear of famine seems to be general; and although I flatter myself that its greatest ravages may be avoided, yet I do not readily see how the resistance of the next campaign is to be effected, if the whole force engaged against France should continue its operation.

I am promised daily, that the embargo laid on our ships in the port of Bordeaux shall be taken off; and an indemnification be granted for the losses which it has occasioned. I have never been able to learn why it was laid; but have some reason to believe that just ground of suspicion had been given as to the voyages, the cargoes, and even the property, of some of the vessels then in that port. The deputation now here is pursuing the affair before the committees, and will, I trust, be successful, as it had already been resolved on to give adequate redress, and I presume that they will not impair the favorable intentions which existed previous to their arrival.

The ratio between paper and the precious metals remains about the same as it was when I last quoted it. Foreign exchanges have received a sad stroke. Monsieur Cambon had declared, last June, that, by the first of January the exchange should be at par. As the measures of policy, on which his prediction was founded, had not met with all the success desired, it became necessary to supply the deficiency by force.

You will learn with some surprise, perhaps, that all the funds belonging to French citizens in foreign countries have been put in requisition. Every man is called on to declare not only his own property abroad, but also that of others, which may have come to his knowledge; the whole under the usual penalty of the guillotine. Such sums as are thus discovered are to be paid for at par, and every one is prohibited from purchasing bills on any pretext whatever. If this measure furnishes the expected resource, which I doubt, it cuts off all future hope. And if it does not furnish a very great resource, there will exist, in the national affairs, a deficit of serious magnitude: for they must face the demand abroad, or renounce the hope of supplies from thence; and on the expectation of such supplies depends the hope of avoiding in this city the evils of want, if not of absolute famine.

It is a long time since I had the honor to mention to you Mr. Francis Coffyn, acting at Dunkirk as consul of the United States. This worthy man's interference in the affair of the Little Cherub (which, by the by, remains yet undecided) has, through the intrigues of those concerned in the privateer, been the occasion of putting him in prison as a suspected person. The ground of which suspicion is, the having corresponded with Calonne, while minister, on the affairs of the town of Dunkirk, which had, it seems, some demand on the court. I have, in his absence, desired his son to attend to the affairs formerly in the hands of his father, and as he is a man of business, and by no means deficient in understanding, I trust that he will be able to conduct them well.

I cannot, however, avoid repeating my wish, that consuls and vice consuls were appointed every where, for there is great need of them. It would have been happy had some one been named in this city, as consul, or by any other name or title, who might have followed up the committees, waited day after day in their ante-chamber, and the like, so as to plague them into decisions. The ministers, as I have already mentioned, stand in such a situation that they dare not push the committees very hard. You will easily see that I cannot quit the regular line of application through the channel the Government has thought proper to institute for the purpose. And, indeed, besides the impropriety of putting off the character of minister, to put on that of *intrigant*, or, at best, of a solicitor, I know that it would be a useless, as well as pernicious sacrifice of the national dignity.

I have been requested by some to name a person for that purpose; but I have many objections to that measure, among which it is no small one that I have not the right to do it; and, moreover, the state of things has long been, and still continues to be, so critical, that every man having even the shadow of a public character, is liable to the danger of compromising himself every instant. Hitherto, therefore, I have left every one to choose his own agent for the conduct of his business, because the blame, which must inevitably fall, will then lie on the individual. I say that blame must fall, because those at a distance, judging only from appearances and from professions, form golden expectations, and imagine that nothing more is necessary, in order to realize them, than to bring forward something in the shape of an American. Facts are very different from such appearances.

I suppose that the new minister has, or shortly will have arrived at Philadelphia. I did not see him: for, just as he went away, I was forced by one of the committees into a dispute, which put them all out of humor, although they were soon sensible they were wrong. It is not worth while to go into the history of it, because the affair is blown over, and because the conduct of men in the midst of a revolution is not to be judged so severely as under a regular Government.

It is a long time since I learnt the attack of the Algerines, but as I knew that advices had been sent off to you, I did not mention it, not having then an immediate opportunity. I shall have occasion to say something on the subject shortly.

I am, &c.

GOVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State.*

SAINT-PORT, March 6, 1794.

DEAR SIR:

My last was of the 21st January. I am still without any advices from you since your letters by Captain Culver, which I attribute to the interruptions to which all communication with this country is exposed, and which, for that, among many other reasons, I much lament. Amid the political storms which vex this hemisphere, the opinion of the United States is the polar star which should guide my course, but which is totally concealed from my view.

Hoskins, whose imprisonment I mentioned in my last, has been liberated. I mentioned also that there had been some feeble attempts to adopt lenient measures, and substitute a government of law to the present system; but hinted, at the same time, my apprehension that they would prove unsuccessful. You will see, by the late decree, that this apprehension was well founded, and that entire reliance is placed on severity and the resulting fear. This may, perhaps, succeed, but is exposed to a double danger. First, it facilitates the intrigues and the operations of the foreign enemy, by exciting attachment to the former, and aversion to the present Government; and, secondly, it breaks the minds of the people, and prepares them for an abject submission to an usurper, should any such arise in the course of successful war, either civil or foreign.

I have mentioned Mr. Paine's confinement. Major Jackson—who, by the by, has not given me a letter from you, which he says was merely introductory, but left it with the *Comité de Sûreté Générale*, as a kind of letter of credence—Major Jackson, relying on his great influence with the leaders here, stepped forward to get Mr. Paine out of gaol, and, with several other Americans, has presented a petition to that effect, which was referred to that committee and the *Comité de Salut Public*. This last, I understand, slighted the application as totally irregular; and some time afterwards Mr. Paine wrote me a note, desiring I would claim him as an American, which I accordingly did, though contrary to my judgment, for reasons mentioned in my last. The minister's letter to me, of the first Ventose, of which I enclose a copy, contains the answer to my reclamation. I sent a copy to Mr. Paine, who prepared a long answer, and sent it to me by an Englishman, whom I do not know.

I told him, as Mr. Paine's friend, that my present opinion was similar to that of the minister, but I might, perhaps, see occasion to change it, and, in that case, if Mr. Paine wished it, I would go on with the claim, but that it would be well for him to consider the result; that, if the Government meant to release him, they had already a sufficient ground; but if not, I could only push them to bring on his trial for the crimes imputed to him; seeing that, whether he be considered as a Frenchman, or as an American, he must be amenable to the tribunals of France for his conduct while he was a Frenchman, and he may see in the fate of the Brissotins, that to which he is exposed. I have heard no more of the affair since; but it is not impossible that he may force on a decision, which, as far as I can judge, would be fatal to him: for, in the best of times, he had a larger share of every other sense than common sense, and lately the intemperate use of ardent spirits has, I am told, considerably impaired the small stock which he originally possessed.

The plan communicated to you of a requisition on all bankers, merchants, and others, to furnish bills for their funds abroad, and receive payment in assignats at par, has totally failed, as might have been supposed. It was the boy in the fable who killed the goose which laid golden eggs. As a succedaneum, they have obliged the same people to execute joint and several obligations (*billets solidaires*) payable to the bearer for fifty millions of livres, say a forced loan of two millions sterling. These are to be negotiated in foreign countries, and the nation agrees to take them up again hereafter. What is somewhat extraordinary is, that a few of the moneyed men seem to believe in the success of this measure; but I own I can scarcely conceive of it: for, if foreigners believe in the ultimate success of the republic, and in the integrity of her future government, the intervention of private credit would be unnecessary; and, if not, it must be useless; because, should the republic be overturned, the plea of duress, by the individuals who have signed, must defeat all hope of recovery; and because, if the republic, succeeding, should be deficient in her integrity, the individuals would be, of course, covered by law against all judicial pursuit. Add to this, that there is a kind of absurdity in signing such obligations, by which the richest man binds himself for four times as much as he is worth. On this pin, however, is suspended, for the present, all hope of facing numerous and pressing engagements for indispensable supplies from abroad.

I told you in former letters that I apprehended a great scarcity of food for the present, or rather the coming campaign, should the allied Powers persist in their hostility. They do persist, though the King of Prussia, taking advantage of circumstances, insists on being paid for the blood of his subjects. Food is already very scarce. Flesh is hardly to be obtained in Paris, and the drought of last summer reduced the crop of garden produce so low that it is now nearly exhausted, and no great addition to be expected for three long months.

You, who know the abundance of former times, will perhaps form a better judgment by price than by description. Take, therefore, as a sample, cabbages, twenty-four sous, and carrots, eight sous a piece, and other things in proportion; sea-fish are reduced in quantity, by reason of the war, and the total want of flesh on the seacoast, to a degree incredible. For instance, the wealthiest families in Rouen, Havre, &c. are obliged, for many succeeding days, to content themselves with two or three pounds of very bad salt pork, half a pound of bread, each, and such few vegetables as they can procure. The distant departments have, many of them, been at short allowance for three months past; others for a shorter period; and Paris has been supplied as long as possible. But the resources for flesh being at an end, the bulk of the inhabitants must soon come to bread alone. Now, supposing a very doubtful fact, that the magazines of corn are sufficient for common times, and that no difficulty be experienced in the manufacturing and transportation, yet, as the consumption of that article must be increased by the want of all others, very serious evil is to be apprehended. As I write, I recollect some other articles of price, which, during my late residence in Paris, I heard mentioned. Eggs, ten sous each, and salted herrings the same price. These last were the only things which the poor could get the day before I left town, viz: the first of March, and these bad. Pulse is at thirty sous a quart.

The enemy is collecting himself for an immense effort on the northern frontier. The troops of the republic have long been assembling in the same quarter. Will the supplies be sufficient for the army and for the capital? That is a question of serious magnitude. If Paris runs resty, the revolution is done. If the army disbands, the game is equally over. And such events have taken place since the Government adopted terror for its maxim and support, that if once that terror were, by superior force, to receive a counter direction, the *Ancien Régime* or any other régime, would, I think, be submitted to without the slightest struggle.

The Vendée, so often and so totally destroyed in reports made to the Convention, seems still to exist, and to wait for the meditated descent from Great Britain, to break out with more violence than ever. If the royalists should again collect an army in that quarter, I believe it will become, on both sides, a war of extirpation. Torrents of blood have been already shed there, and, if the accounts from thence be not greatly exaggerated, another campaign like the last would convert the whole country into a desert. Barrère, in assigning, at the bar of the Convention, the causes of the present scarcity, said, that the Vendée, which used to furnish Paris market weekly with six hundred large bees, now wants provisions!

I have often had occasion to mention the embargo laid at Bordeaux, and the sufferings of our countrymen consequent upon it. I have also mentioned the arrival of a deputation from that port to solicit the business in Paris. The day preceding their arrival the minister told me that every thing should be settled to my satisfaction in two or three days. The deputation, to whom I communicated this intelligence, seemed very apprehensive lest their claims for damages should be referred to persons on the spot, which, I own, appeared to me both fair and natural; but they assigned reasons against it, which were satisfactory to themselves, and as they were determined to have every thing adjusted in their own way, and were well convinced that their representations must have the desired effect; as they seemed, moreover, to be filled with suspicions of Mr. Fenwick, which seemed to me ill founded, and therefore very liable to adopt them in respect to any other of the public servants, I thought it best to leave the business to their own management. I asked them, therefore, what they wished me to do, after having shown them what had already been done. They hesitated a little, as is usual when men have not thought of any course of procedure before they begin to act. They desired an introduction to the minister, which I immediately gave, and they

went to him next day, but came back much out of humor. They afterwards presented a petition to the Convention, which was referred to the *Comité de Salut Public*, and there the affair seems to have ended: for all their urgency to that committee has not got them one inch forward.

I apprehend that they may have injured their own claim, by interfering unnecessarily in other matters; one instance of which I shall presently have occasion to mention. They have at length called on me to make new demands, declaring their intention to abandon the property of their vessels. I expected that they would have gone back, but find that they determine to remain still longer in Paris, which may, I fear, prove detrimental.

However, on the 27th of last month, the day after I received their letter, I wrote to the minister on the subject. I send herewith a copy of my letter, with one of the same date, respecting the vessels and cargoes brought in by French frigates, contrary not only to our own treaty, but to every principle of the law of nations. These captures create great confusion, must produce much damage to mercantile men, and are a source of endless and well founded complaint. Every post brings me piles of letters about it from all quarters, and I see no remedy. You have a copy of the minister's answer to my letter, holding out the hope of a speedy decision; but it may be very long before it can be obtained. And, in the mean time, if I would give way to the clamors of the injured parties, I ought to make demands very like a declaration of war.

What am I to do in such cases? It is impossible for me to guess the intentions of Government, and, indeed, sir, the responsibility is great and distressing. Our countrymen here find that it is the easiest thing in the world to carry any point with the committees, *until they have tried*. In the mean time, I am exposed to their clamors in this country, and most probably to their censures in my own, for not performing impossibilities. In order to complete the business, nothing more is necessary than that the rulers of this republic, wearied with my complaints, should apply for my recall, in order to get rid of a troublesome fellow. I think it is very likely to happen, if it be not already done. I beg your pardon, sir, for saying so much of myself, but it is a troublesome thing to navigate in the dark between Scylla and Charybdis, without chart or compass.

I send you enclosed the copy of a letter I received on the 5th of last month from a number of Americans here, (including therein some of the Bordeaux deputation) with a copy of my answer of the 6th. I sent copies of both to the Minister of Foreign Affairs, and called on him shortly after to mention several things, some of which I have already noticed. Among them was the long depending affair of the Laurens, at Havre, and the decrees made *in her case*, violating our treaty. I took occasion then to mention again, what I had said in answer to the letter from my countrymen, viz. that I was in hourly expectation of instructions respecting those decrees. I told him that, until they arrived, I should forbear any formal application; but, under the existing circumstances, I would, in a friendly manner, take leave to express some single idea; that, if the Government meant to abide by the treaty, they had better anticipate the arrival of those instructions, and by a voluntary step preserve an air of dignity and good faith. But if, on the contrary, they meant to persist in the violation, then it would be well to consider the events likely to take place, and to provide for them in season. He felt much obliged by this mode of treating the affair, and told me that the thing was already before the committee in the case of the Laurens, and that he would endeavor to procure a speedy and satisfactory decision.

You will find herein the report made by Jean Bon St André, which is fully confirmatory of the treaty. Some little matters (errors) of form have impeded the execution of the final decision, and the communication which he is to make to me; but I thought it a proper moment to bring forward the case of the Enterprise, which is the subject of the above mentioned letter from Ingraham and others to me. I, therefore, having previously concerted measures with the minister, prepared a short petition from Captain Ingraham to the *Comité de Salut Public*, as an appeal from the decision of the executive council, and sent it to the minister, who forwarded it to the committee, and intends to support before them the principles of the petition, and labor for a reversal of the judgment.

I send you enclosed the copy of my letter to the minister, of the 22d of last month, respecting the imprisonment of our vice consul at Havre, and of his answer. I shall pursue this business to obtain his liberation. Poor Coffyn is still confined.

While on the subject of violations of personal liberty, it is proper to communicate a step, which late circumstances induced me to take. I have already hinted at a little dispute I had with the *Comité de Sécurité Générale*. It arose about the arrest of a person in my house. Particular reasons prevented me from pushing the matter to a serious issue then. I shall, perhaps, take occasion to communicate them hereafter, when I am sure of my conveyance. The committee were made sensible that they had done wrong, and that was all which I thought necessary.

They have since (though not towards me) gone greater lengths, by arresting the chargé d'affaires of Malta. This rendered it proper to make a more pointed animadversion on their conduct, and produced the enclosed pieces of the 27th of February. The minister's answer, of the 11th Ventose, is also enclosed, and I find by the gazettes, that, on the report of the *Comité de Salut Public*, a decree has been passed in the premises, of which I have not yet received communication from the minister.

The *Comité de Salut Public* and the *Comité de Sécurité Générale* are not, I am told, on the best terms together, and will probably come to something more overt than words ere long. It is of little importance under what forms parties or factions may present themselves; their real origin is in the political form of the society; and if any thing prevents their rage, it must be the situation of foreign affairs. It is supposed that the approaching famine will be the signal for hostilities between the contending parties; but it would seem not over prudent in any man, or set of men, to aim at power under present circumstances.

I am, &c.

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. *Secretary of State*.

MY DEAR SIR:

SAINT-PORT, April 10th, 1794.

In a letter which I had the honor of writing to you on the 10th of January, 1793, I gave you some traits respecting M. Westermann, and as my public despatches had already communicated the plans of Danton, you will not have been surprised at what has lately happened to them. I wrote to you on the 25th of June, that those who ruled had just ideas of the value of popular opinion. Also, that, should they reach a harbor, it would be as much by good luck as by good management, and that, at any rate, part of the crew would be thrown overboard. Those I had then particularly in view were Chabot and company, of which company a part still exists.

On the 18th of October I gave you a short view of the nature of the then Government, and added what seemed to be the probable termination. I therein observed that, whether France would pass to that point through the medium of a triumvirate, or other small body of men, seemed as yet undetermined; but that I thought it most probable she would. At that period things were wound up very high, and, ever since, the utmost uncertainty has prevailed, as to the stroke which would be given.

I enclose herein a copy of what I wrote on the 12th of last month, since which, both the Dantonists and Hebertists are crushed. The fall of Danton seems to terminate the idea of a triumvirate. The chief who would in such case have been one of his colleagues, has wisely put out of the way a dangerous competitor. Hence it would seem that the high road must be laid through the *Comité de Salut Public*; unless, indeed, the army should meddle. But, as to the army, no character seems as yet to have appeared with any prominent feature; neither is there so much discipline as would give an aspiring character just ground of hope. It is a wonderful thing, sir, that four years of convulsion, among four and twenty millions of people, has brought forth no one, either in civil or military life, whose head would fit the cap which fortune has woven.

Robespierre has been the most consistent, if not the only consistent. He is one of those of whom Shakspeare's *Cæsar* speaks to his frolicsome companion: "He loves no sports as thou dost, Antony." There is no imputation

against him for corruption. He is far from rich, and still farther from appearing so. It is said that his idol is ambition; but I think that the establishment of the republic would, all things considered, be most suitable to him. Whether he thinks so is another question, which I will not pretend to answer, nor how far such establishment may appear to him practicable. If it be supposed that a man in his situation should absolutely despair of the republic, and have so much diffidence, either in his abilities or his influence, as to despair also of obtaining, much less of preserving, the supreme power, then it might be supposed that Danton's plan would be by such person carried into execution. Yet all this supposition is but conjectural foundation of new conjecture.

And what are the allies about? Forming schemes to be executed, if they should continue to be allies.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

SAINPORT, NEAR PARIS, *April 15th, 1794.*

MY DEAR SIR:

This letter will accompany the duplicate of my last to Mr. Jefferson, of the 6th of March. Be so kind, I pray you, as to let me know which of my letters are missing. I presume there must be great chasms in my correspondence, as I have received the acknowledgment of very few of my letters; and yet I have written always by duplicates, frequently by triplicates and quadruplicates.

Permit me, my dear sir, to congratulate you on your appointment. It is honorable to you, and will, I believe, be useful to the United States. The more so, as your convictions respecting our form of Government will restore that harmony to our Executive departments, a want of which gave much pleasure to the enemies of America. I flatter myself, also, that your habits of attention to business will produce a more active correspondence with the public servants abroad.

Mr. Jefferson desired me some time ago to mark the state of depreciation to him; which I continued to do, but omitted in my last, because it continued nearly in the same situation as when I last communicated it. The fact is, that there is now no certain or steady rate, because, as you will see by the gazettes, dealers in that business are frequently guillotined. There is no foreign exchange; and in purchases, very little, if any, allowance would be made on payments in specie; and yet bullion is higher than it was before the assignats were issued. The exact rate I do not know. Louis d'ors, I am told, are much higher than they were, owing, as I have formerly mentioned, to the greater facility of concealing or transporting them.

I have long since pointed out the danger of something very like a famine, which has indeed in many parts put on its most distressing forms. Men have literally expired for the want of food, with the means of buying it in their possession, could it have been bought. Luckily, or rather providentially, the season advances with a rapidity scarcely ever experienced. I have rye in the ear, and sanfoin in blossom. It is true that the sandy soil contributes to push forward vegetation; but still it is a phenomenon. Apricots as large as a pigeon's egg, in the middle of April, and that in the latitude of forty-eight to forty-nine. These facts, which, in common cases, would be more properly communicated to an agricultural society than to a minister of State, are of vast importance: for the great bulk of this nation live chiefly on vegetable substances; and in the south, where the scarcity was greatest, I presume, from what I see here, that the earth begins to furnish a tolerable support to its inhabitants. A frost, such as we experienced in the end of last May, would do more towards the starvation system than all the armies and fleets in Europe.

In my last, I mentioned that the King of Prussia persisted in the alliance, although he intended to be paid for his efforts. I am still of the same opinion, though it is confidently asserted that he means to withdraw, leaving only his contingent as a co-estate of the empire. His past conduct gives no room to suppose that a sacred regard to engagements taken would prevent him from abandoning his allies; but I think there is a stronger tie of a common interest. Austria and England, particularly the latter, are more pointedly interested than he. I conclude, therefore, that the business will wind up by a good round subsidy, (perhaps a million sterling) and in consequence of it a very large body of Prussian troops added to the army in Flanders.

By garrisoning a few posts along the Rhine, and leaving the country exposed to incursion, the allies will force the German militia to defend themselves; and as to the ravages which may be committed, a few consolatory phrases will, perhaps, be the only compensation which the sufferers will ever receive. If this conception of the business be just, the Prussian cabinet will keep up the idea that it means to recall its armies, until the last moment, and those armies will then turn off to the left, into the Low Countries, or perhaps be transported by water. Something or other of an extraordinary nature is in agitation on both sides: for the armies have been long looking at each other, without striking, or even aiming a blow. I have no doubt but the allies count on the public discontents here, and certainly they have some foundation; but as, on their side, there is no one chief who can act decisively, or form solid engagements for the whole alliance, it is not possible to take that advantage of those discontents which certainly would not escape the intelligent mind of a Cæsar or an Alexander.

In the course of my correspondence with your predecessor, I have endeavored to communicate to him my views of men and things, and to prepare his mind for events which appeared to me probable, and which have in due course of time taken place. This is what I conceived to be one of the most important duties of my station; and if I have not been more full and particular, it is because the names of those who, in their turn, were to rule and to perish, seemed to me of secondary moment; and because, judging, in my lamentable dearth of intelligence, from such feeble lights as I could collect in scattered rays from different quarters, it seemed to me that my letters would have been more acceptable, had I been deceived as to facts and probabilities, or capable of communicating sentiments and opinions I did not entertain.

It has appeared to me that Paris decides for the whole of France, and that the *sans culottes* (alias populace) decide for Paris; that, of course, factions would continually arise, waging inexplicable war with each other, and that the momentary influence of each, being founded on fear only, could not take on any stable form, or possess any durable existence; that each new stroke of the guillotine would weaken the force of liberal sentiment, and, consequently, diminish the chances of a free system.

I must repeat here, that plots and conspiracies are not to be attributed to the genius and temper of those who plot and conspire, but to the state of society: for it would be, I think, inconsequent, to imagine that, in a given number of individuals, born in different countries or places, there should be a very great disproportion of talents and qualities. It seems more regular to believe that, in a virtuous and just society, the good qualities which exist are drawn into action, and the bad repressed by despair of success; while, on the contrary, in a depraved and vicious society, the good must remain inactive for the want of confidence and support, while the bad, released from the fear of shame, and prompted by cupidity or ambition, count on the submission of the society, if they acquire the means of inspiring fear into the great mass, of which each individual pursues his personal interest unrestrained by moral principle.

After this preface, which might better, perhaps, have been spared, I proceed to mention, that many different schemes were, I think, carrying on to destroy the existent Government. As to the idea that foreign Powers excited the parties, I am not disposed either to adopt or reject it. I do not consider it as being at all necessary to the formation of a conspiracy, although very necessary to the destruction of those engaged in it. I explain: The pride of the nation will at any time rouse them from the perfect insensibility with which they would behold the Convention, and all its committees, thrown into the river; and therefore it is useful to rouse that pride, by stating every attempt to overturn the Government, as originating with the foreign foe. And I remark here, that, in the different reports made respecting these conspiracies, and the accusations against those engaged in them, it is as if they were taken for granted, that the people would quietly submit to those who, by a *coup de main*, should put themselves in possession of self created power.

I do not say that this is true, but I have no doubt that a certain duration of general terror, as the basis of a system of government, must inevitably produce that effect. The period of duration, required for any particular nation, will depend somewhat on the national character, but more on the morality of the people. To reason, therefore, *a priori* on this subject, our ideas must take on as much of an algebraic as logical form.

In examining historical facts, on the contrary, we are too apt, I think, to ascribe to individuals the events which are produced by general causes. The two factions lately crushed may be called the Dantonist and Hebertist. I should more readily attribute to the latter, than to the former, a connexion with foreign Powers. I have strong reasons to believe that Danton feared from them, and hoped from those who destroyed him. The Hebertists, however, may be considered, I think, as the anti-Conventional, and the Dantonists as the Royal faction. I except always the aristocrats, who are in fact *null*, and who, in the various changes which impend, will, I am persuaded, have very little, if any, share. The more ardent spirits among them flew off long ago, either into foreign countries or the Vendée. I speak in generals, not universals. Those who remain are of that waxen substance called the men of property, who in foreign wars count so much, and civil wars so little.

Danton always believed, and, what is worse as to himself at least, always maintained, that a popular system of government for this country was absurd; that the people were too ignorant, too inconstant, and too corrupt, to support a legal administration; that, habituated to obey, they required a master; and that, even had they been educated in the principles of freedom, and joined to the energy of sentiment the force of habit, yet, like ancient Rome, they had reached the period in which Cato was a madman, and Cæsar a necessary evil. His conduct was in perfect unison with those principles when he acted; but he was too voluptuous for his ambition, too indolent to acquire supreme power. Moreover, his object seems rather to have been great wealth than great fame. He has fallen at the feet of Robespierre.

As to the Hebertists, whatever may have been the ultimate view of some, I presume that the greater number had nothing more in view than a second edition of the 21st of last May. The destruction of all these chiefs has given great power to the *Comité de Salut Public*, whose monthly renewal is so much a thing of course, that they may be considered as a permanent body. Hence it follows, that the next considerable party ought to arise there. The Hebertists believed the Convention to be so low in public opinion, that they could overturn it without the aid of its own members. They were deceived, or at least they were anticipated. The Dantonists supposed that, in the want of respect for their rulers, the people would readily turn on the little prisoner in the temple that enthusiastic sentiment so congenial to the heart of man, so essential to that which beats in a French bosom. They also were anticipated; but if they judged rightly, they have unveiled a dreadful mystery.

Some one observed the other day, in conversation, that all the men of the 10th of August had passed away already, and those also of the 2d of September. It is certain that the 10th of August is chiefly to be attributed to Westermann, one of those lately guillotined, and that Danton was among the prime movers of the scenes of September. The reason for that massacre will be found, perhaps, in the old adage, *dead men tell no tales*. Oliver Cromwell understood well the value of mob sentiment, when he replied to his chaplain, vain of the applauding crowd which thronged round his master's coach, "there would be as many, and as glad, to attend me at the gallows." I do not believe that a good man in America can feel all the force of that expression; and, therefore, I believe it is very difficult to form on certain subjects a just opinion.

You will ask, perhaps, whether these factions are totally crushed, and whether, if so, similar factions are likely to arise. I think I have anticipated that question; and the general reflections, which, perhaps, have already fatigued you, contained the anticipated reply. I will not, therefore, repeat; and, besides, in the vast field of conjecture, each man is free to take the path which his judgment may direct, or inclination choose.

I have repeatedly mentioned the embargo at Bordeaux. Mr. Fenwick, our consul, came on lately to solicit redress on behalf of all the neutrals concerned, being furnished with the special powers of the other consuls. Previous to his arrival, I had written to the minister a letter of the 8th of last month, of which I enclose a copy. Mr. Fenwick, after a sedulous attendance on the *Comité de Salut Public*, was so happy as to obtain a decision. By the by, the chargé d'affaires of Denmark told me last December, that he was *confidentially* informed that the embargo would not be taken off till the month of April.

In the course of the investigations, which lately took place respecting plots and conspiracies, some of the ministers were arrested, and among them the Minister of Foreign Affairs. The system also is changed, as you will see by the gazettes, so that in future these agents are to be in name what they were before in fact. The *Chargé Provisoire* of the Department of Foreign Affairs has sent me a copy of the *arrêté* of the *Comité de Salut Public*, of which, as well as of his note and my reply, you will find copies enclosed. I also enclose a short correspondence with the chargé d'affaires of Malta.

I have, &c.

GOVERNEUR MORRIS.

To EDMUND RANDOLPH, *Secretary of State*.

PARIS, May 6th, 1794.

DEAR SIR:

This will accompany duplicates of my letters of the 15th and 18th of last month. The season continues fine and forward, with every appearance of an abundant crop; and, judging from the productions now at market, the harvest will precede the usual time near a month.

You will see in the gazettes the taking of Landrecy, and the foreign papers, particularly the English papers, will give you the details on that subject which we want. There has been much fighting in that quarter, and although, as is usual, the success may have been varied, it appears definitively to have rested with the allies, seeing that they have not been forced to raise the siege, but have taken the town.

I am told that the republic now feed ten hundred and thirty thousand infantry, and ninety-four thousand cavalry. This is an immense army, even on paper; and although we may easily suppose that there is some little exaggeration in the numbers, that there are some abuses in the account, and that casualties diminish considerably those who are really on the rolls, still it will appear that the force is very great. The daily expense of the provision department is about a million of dollars.

I learn, also, that the *Comité de Salut Public* have agreed to be unanimous, so that the minority always adhere to the majority. This committee, and that of *Sûreté Générale* must, I think, be either melted into one, or else have a contest for superiority. At present, the efficient power of the State is lodged with those committees, and the former begin to publish their decrees, which have the force of laws, modifying, adding to, and repealing, those of the Convention. It seems to me that this committee are not yet fully apprized of the extent of their own authority; that is to say, of the wide and deep effect of the terror which has been excited by such frequent and abundant executions as take place throughout France. I think they may do what they please, provided the revolutionary tribunals remain in their hands. We shall see what system is to follow therefrom.

I am told that Robespierre's wish is to retire to private life, so soon as the peace shall have established that form of government which may be finally adopted here.

Enclosed you will have the copy of a letter of the 22d of April, from Mr. Anderson, at Nantes, to me, and of my answer.

I am, &c.

GOVERNEUR MORRIS.

To EDMUND RANDOLPH, *Secretary of State*.

SAINPORT, May 31st, 1794.

DEAR SIR:

This will accompany a duplicate of my last, of the 6th instant, also copies of my letter of the 10th instant to the Commissioner of Foreign Relations, of his answer of the 4th Prairial, or 23d instant, and of my reply of the 26th.

You will perceive that Mr. Warden had been so imprudent as to lodge the despatches entrusted to his care with the justice of peace at Morlaix. This was done by the advice of John Diot, acting there as consular agent. Whether that advice is to be attributed to ignorance or design, I know not; but it might easily have been foreseen that the deposit would not be safe. I hope your despatches are in cipher, if they contain any thing which is not of a very public nature.

The gazettes will communicate to you such intelligence as we have here, and you will obtain from other channels much fuller and earlier intelligence, as to what is called news, than any which I can give. Moreover, this letter may be long ere it reaches you, for I have not any present opportunity; and such is the state of things that, unless letters be committed specially to the care of some trusty person, there is very little chance that they will ever reach you.

I have not received a line from you, nor from your predecessor, posterior to the despatches by Captain Culver, desiring M. Genet's recall.

We have had a sort of novel, or farce, lately, the subject of which was, that certain commissioners had arrived from the United States at Brest. You will see in the gazettes what relates to them so far; and now I am told that Mr. Jefferson is one of them, that he has been in Paris, and is gone to Switzerland, where a Congress is to be held of the neutral Powers. And, what is more extraordinary, this intelligence comes through a confidential channel, in general well informed. Now, as I do not conceive it possible that any commissioners from the United States should have passed through Paris, without seeing me, I am at a loss to conjecture with whom the honor of the invention lies, and also what can have been the object: for, as to foreign Powers, they cannot be the dupes, and, as to the people here, they think more of the guillotine than of any thing else.

In my last, I mentioned to you the omnipotence of the two committees. Apparently, this term is applicable only to that of *Sabot Public*; but the inquisitorial powers lodged with the other (and by means of which they can arrest whom they please) give them great weight in the general scales. It is, I presume, needless to repeat what is mentioned to me, that the Convention, as well as all those other authorities, who once could influence its deliberations, view with jealousy, but with apprehension and deep awe, these colossal pillars of the republic, which they have raised, or permitted to be raised. This, as well as the ferment inherent in the nature of all such bodies, you will certainly perceive at the first glance, and your judgment will seize the remote consequences intuitively. On my part, therefore, it is more fitting to observe that these consequences are more remote than might be supposed. A conviction of that instability which attends all fortuitous greatness, more especially such as is founded on fear, and the certainty of complete ruin, should they be overthrown, will long smother all minor discontents; moreover, the apprehension from the foreign enemy will, in my opinion, both promote their concord and support their power.

Should the convoy of provisions expected from America be intercepted by Lord Howe, it might cause a great commotion, because it would undoubtedly affect the subsistence of Paris, and no individual will take on himself any responsibility respecting that object. Hence might arise crimination and recrimination, of course discord, and all its consequences. If no exterior causes should preserve union, a very little experience of human affairs would enable us to pronounce that it could not long exist.

This leads me to say one word about the northern army, premising that all the other armies, taken together, are but trifling diversions. The late arrangement made by Mr. Pitt with the King of Prussia, by concentrating the interests and objects of the two chief Powers, Britain and Austria, gives much more consistence to the war on the part of the allies. They seem also to have found out, at last, what indeed the Convention has proclaimed a dozen times, that all the magic of the revolution is contained in the single word Paris. Now, the high road to that city is from Flanders, by Valenciennes, Landrecy, Cambrai, &c. If matters are to be decided in the plains of Picardy, numbers will, I think, avail but little against a formidable cavalry. You will see that no quarter is to be given to the British and Hanoverian troops. The Austrians are already but little disposed to give quarter. The corps of emigrants and deserters will naturally sell their lives as dear as they can. This campaign, therefore, will be one of the bloodiest in the annals of history.

I am, &c.

GOUVERNEUR MORRIS.

TO EDMUND RANDOLPH, *Secretary of State.*

SAINPORT, May 31, 1794.

DEAR SIR:

I have already written to you a letter this day on the current affairs. This will be devoted to a different object. I have lately seen in a gazette your report on the inquiries received from the belligerent Powers, and also some debates in our House of Representatives, on a discrimination between those nations with whom we have a commercial treaty, and those with whom we have none. I observe that some frigates are to be built, for the protection of our trade. These things have suggested, or rather recalled, ideas which I will venture to communicate, at the risk of tiring your patience.

While I had the honor to sit in Congress, during the war, it was my lot to oppose what then appeared to me a rage for treaties; and yet the respectability which our cause was supposed to acquire by the acknowledgment of European potentates, militated in favor of those who wished to extend our diplomacy. At the peace, however, that ground of argument was removed. Moreover, we found ourselves in a situation unfavorable to the forming of treaties, because there was no constitutional authority to enforce the observance of them. Those Powers, therefore, who might contract with us, were exposed not only to the common danger of a wilful violation on our part, but to that also of a general non-performance, and of individual injury, without the permission, and beyond the control, of Government. The obligations, therefore, not being equal, it was not deemed prudent by some to enter into engagements with the United States; and thus we felt ourselves sinking beneath the level of national character.

Our new constitution made ample provision on that subject; and, if I mistake not, a steady adherence to its principles will place us first in dignity, as in good faith, among political societies. Our treaties now form the *supreme law of the land*, and, therefore, our situation in respect to foreign Powers is reversed: for they can violate their contracts with us, but we cannot violate our contracts with them; neither have we, perhaps, any constitutional means of annulling our obligations, when they shall have broken their engagements. I will not here inquire how far it would be proper to make a provision of that sort, as an amendment to the constitution, nor whether it would not in effect destroy the clause which has rendered treaties on our part inviolable; but I will venture to infer from this, our relative position, that we should be cautious *what treaties we form, and with whom.* *What treaties,* because, if contingent engagements become onerous to us, we *must* comply with them; whereas, should they become onerous to those with whom we have contracted, they *may* release themselves. We should be cautious, also, with whom we treat, because, in the contingency last stated, some nations will release themselves, and others will *not*. Now, in political, as in natural bodies, decisions of the will depend, so far as good faith is concerned, on *moral character and constitution.*

We have at present to complain that both Britain and France have violated their treaties with us. Yet I can by no means consider the cases equal: for, as to Britain, the act proceeded from cool meditation of regular government; but, in France, it is one among many bad effects of that extraordinary situation into which she is thrown. Without dwelling further on this distinction, I shall endeavor to state those objections to the multiplication of treaties which formerly swayed my opinion; and, first, it is no small one that we should be thereby drawn into the vortex of European politics, which we should, I think, avoid as much as possible. Not that we should be wholly unmindful of what passes in this hemisphere; on the contrary, I am persuaded that we ought to be extremely watchful; but I would draw a strong border line between vigilance and activity.

Secondly, it has always appeared to me that, the less we are fettered by diplomatic engagements, the better shall we be able to preserve a firm and equal conduct in difficult cases. The law of nations may be likened to the common law, in that all cases heretofore doubtful have been settled by *able* judges; whereas, each treaty, like a new statute, gives rise to intricate questions, and the ultimate mode of determining them makes a good mind shudder.

Thirdly, it has also appeared to me that, in most controversies between European Powers, we should preserve an exact neutrality. We may safely leave them to adjust their balance of power in their own way, because, if either of the scales should prove too heavy for us, the means of lightening it are at hand, and completely within our grasp. Now I am convinced that a neutrality may be most easily preserved, when no belligerent Power can rightfully claim any privilege; because, by conferring such privilege at our pleasure, we can sufficiently punish either of the parties for the injuries and indignities we may have cause to complain of.

Lastly, I cannot but think that our present, compared with our future situation, is such that, in treating now, we must make bad bargains, even were there any tribunal to enforce the performance in a peaceable way. The paucity of our numbers, the apparent feebleness of our pecuniary resources, the want of naval and military force, even the extent of our dominion, which is, from that circumstance, of difficult defence and easy invasion, will prevent others from granting, will even prevent us from asking, what we ought to have, in order that a treaty made now should be reasonable in ten years, or tolerable in twenty. Whatever may be the intrinsic worth of these reasons, certainly they derive weight from that morality of our national constitution, which has been already noticed.

This constitution was made subsequent to our existent treaties, and even after the violation by Great Britain of that which concluded the war. Happily she has hitherto eluded a compliance, and thereby prevented the forming of a commercial treaty. I say happily, because I am persuaded that, in a few years, we shall have occasion to rejoice, and the British to regret, that perversity of counsels which prevented their ministers from meeting our advances.

We complain justly, also, that Decree has broken her treaty with us, more especially to confiscate goods of her enemies on board our ships. This decree is evidently against her own interest; but, in my opinion, the clause in our treaty, thereby annulled, was injurious to *our* interest. As to the maxim, that free ships make free goods, the arguments pro and con are familiar to us, and therefore, I shall not enter into them. But the fair conclusion of those in favor of it goes to a protection of all commercial property on the ocean. Therefore, the maxim, even were it just, would not be generally admitted until the practice of making prizes were wholly abandoned. Then all such clauses in a treaty would be superfluous, and until then, unless enforced by a strong marine, they will be nugatory.

But it seems to me, from the view which I am enabled to take of our commerce, that, however the transportation, in our ships, of goods belonging to subjects of a belligerent Power, might prove a momentary advantage to our merchants, it must be injurious to our general interests. I take it for granted, that our shipping is not sufficient to pursue the fisheries and to carry our own produce to market. But if it were, I should consider those as the proper employments, and I should reason thus: By putting half of the navigation employed in transporting our own productions into this neutral carrying trade, half of those productions must remain on hand, or be transported by the belligerent Powers; and in either case our agricultural interest must suffer: for, as to other neutrals, their shipping will be employed in the same neutral carrying trade. Now, if this reasoning be just, on the ground that we had a sufficiency of shipping, how much more forcible is it in the fact of an insufficiency. But it may be said, that the neutral carrying trade, by giving encouragement to our shipping, would greatly increase the amount. I answer, of our fictitious shipping, *yes*; of our real shipping, *no*; and merchants will understand me.

Moreover, I state hypothetically, either we have the tonnage needful for our commerce, or we have not. If we have not, the increased freight of our own commodities will, in time of war, be a sufficient encouragement, and draw into that channel as much of the national strength and wealth as is consistent with the general welfare, and more, perhaps, if we extend our views to all the moral effects of commerce, especially when it engages a disproportionate part of the society. If our navigation be equal to the employment our commerce can give it, any increase would be doubly pernicious. First, because, throwing the surplus out of employ would occasion loss to owners in general, since they would be forced to underwork each other, till, by the ruin of some, things would return to their natural level. And secondly, because, whatever difference there may be in opinions, as to the propriety of taking men from the plough, in a thinly peopled country, to ply the loom or bend the sail, while manufactures and navigation are unequal to the demand, no man of sound mind will contend that we should leave our fields untilld, to rival populous countries in the carrying trade. In our vast territory, a fertile soil and excellent climate invite to rural and domestic bliss, the source of a vigorous and virtuous population. Why then should we imitate those, who, by the severity of nature, are driven to seek, on the ocean, a subsistence which the land denies, and who find, in the casualties of that dangerous element, a resource against excessive numbers?

Having said thus much on treaties, I come now to their sanction—an *American marine*. Whatever apprehensions may be entertained from a standing army, nothing is to be feared from a standing navy; wherefore, I think we should not follow the European example of building ships to lie idle, until a war calls them into action, at a great increase of expense, and by great injury to commerce. This may suit the ambitious, who wish to extend their possessions; but a peaceable nation, placed as we are, should, I think, make perpetual provision for every ship that is built, and her fleet should be annually manned, victualled, and equipped, and should cruise during the fine season. I believe that we could now maintain twelve ships of the line, perhaps twenty, with a due proportion of frigates and smaller vessels. And I am tolerably certain, that, while the United States of America pursue a just and liberal conduct, with twenty sail of the line at sea no nation on earth will dare to insult them. I believe, also, that, not to mention individual losses, five years of war would involve more national expense than the support of a navy for twenty years. One thing I am thoroughly convinced of, that, if we do not render ourselves respectable, we shall continue to be insulted. And let it not be supposed that a remedy for our weakness can be found in conventions with other Powers for *preserving neutrality*. In such conventions there are often dupes, and it is the weaker who go to the wall.

During the last war, no sooner had the Dutch acceded to the armed neutrality, than Great Britain fell upon them, and those who set the plan agoing looked on with all imaginable composure. In the late treaty between Denmark and Sweden, you will observe that time is given to the belligerent Powers for repentance and amendment, before any hostile act of resentment by the contracting parties. You will observe, also, that the period specified is sufficient to permit the arrestation of all supplies shipped for this country, during the present season. Thus the next autumn and winter are left clear for negotiation, *should the allies be unsuccessful in this campaign*. That treaty, therefore, may be considered as a demonstration of a force and temper which do not exist; and no one in this quarter is the dupe of such appearances.

But what can be done by the weak, to preserve their little air of dignity? They do not wish to join the coalition, and they dare not connect their fortunes with the French republic, lest, in a sudden change of Government, they should join those now acting against her. All that is left, therefore, is to temporize with the best grace they can.

It is time to conclude this too long letter. Believe, I pray you, in the sincerity of that esteem and respect, with which I have the honor to be, &c.

To EDMUND RANDOLPH, Esq. *Secretary of State*.

GOVERNEUR MORRIS.

General Washington to Gouverneur Morris.

BALTIMORE, June 19, 1794.

MY DEAR SIR:

The difficulty, under existing circumstances, of knowing what to write to you, had deterred me to write nothing, but to let the matter rest altogether upon the public communications from the Secretary of State.

Coming to this place, however, on a flying visit to Mount Vernon, and finding the vessel, of which Mr Monroe is on board, had not left the river, I have so far departed from my determination as to be seated in order to assure you that my confidence in, and friendship and regard for, you, remain undiminished.

To time, and your own observations, if you should return immediately to this country, I commit the rest; and it will be nothing new to assure you, that I am always, and very sincerely, yours, affectionately,

G. WASHINGTON.

General Washington to Gouverneur Morris.

MY DEAR SIR:

MOUNT VERNON, June 25, 1794.

The sole object of the enclosed letter was to evince to you, that, notwithstanding your recall, you held the same place in my estimation that you did before it happened. I expected to have got the letter into Colonel Monroe's hands before the vessel, in which he sailed, had left the Patapsco river; but a fresh fair wind coming up, prevented its reaching him.

Since my arrival at this place, I have been favored with your private letter of the 12th of March, enclosing the duplicate of the 5th of February. For both I thank you. To common accidents, or to the interception of letters, for purposes that may be guessed, are to be ascribed those disappointments of which you complain: for I am almost certain that information of what was going forward in this country was regularly transmitted to you; possibly, and probably, not by duplicates; which ought to have been the case, for the greater certainty of getting it to you.

The uncertainty, when letters are not entrusted to confidential persons, or sent by special messengers, of their coming to hand, will restrain me from going into detail at this time. I shall only add, therefore, to the acknowledgment of the receipt of the above letters, that I am entirely ignorant of the source from whence, or the foundation on which, Major Jackson has erected the fabrics of your recall, and of your successor. Neither directly nor indirectly could he have derived them from me, for the best of all reasons, viz: That, not until some considerable time after M. Fauchet had arrived in this country, did I entertain an idea of the former, or contemplate the latter: for, until then, I had supposed you stood well with the persons in power. Sure I am, nothing short of evidence to the contrary, with the request that accompanied it, would have induced the measure. To Major Jackson I have never written a line, since he left this country, nor received one from him.

The prospective you have drawn is not very pleasing; but it serves to make one more anxious for a nearer view. The affairs of this country *cannot go amiss*. There are *so many watchful guardians of them*, and such *infallible guides*, that one is at no loss for a director at every turn. But of these matters I shall say little; if you are disposed to return to it, I will leave you to judge of them from your own observation. My primary objects, and to which I have steadily adhered, have been to preserve the country in peace if I can, and to be prepared for war if I cannot; to effect the first, upon terms consistent with the respect which is due to ourselves and with honor, justice, and good faith, to all the world.

Mr. Jay, and not Mr. Jefferson, as has been suggested to you, embarked as envoy extraordinary for England, about the middle of May. If he succeeds, well; if he does not, why, knowing the worst, we must take measures accordingly.

I am, yours affectionately,

G. WASHINGTON.

SAINPORT, July 23, 1794.

DEAR SIR:

This will accompany a duplicate of mine dated the 31st of May. For the reasons mentioned in the beginning of that letter, I have not since written to you as I could have wished; but in the interim I have received yours of the 10th of January, covering one of the 3d from your predecessor. Having already expressed my congratulations on your appointment, I shall not here repeat, but only confirm, what I then wrote respecting it. But I will mention my perfect satisfaction in perusing Mr. Jefferson's statement of our dispute with Great Britain, which is, in my opinion, a masterly performance. I hope his abilities will not be lost to the public.

At the same time, however, and with the same sincerity, I declare my belief, that the United States will gain by the change made in your Department. Without balancing different qualities and qualifications, a difficult and unpleasant task, it is sufficient that we may now hope for a union of counsel and action among the different members of the Executive; a thing which appears to me essential, and the want of which, or at least the idea that it was wanting, has, I know, been injurious.

If my several letters have reached you, they will have communicated from time to time the best view which I could form of parties, temper, and opinions, here. All these, however, are from the nature of things changeable, and it is only upon the final organization of a permanent Government, and view of the territory over which it is to extend that we can decide as to the prevailing interests, and the system which may thence originate. In all events, it appears probable that a friendly intercourse between the United States and the French nation will be mutually useful and desirable. Circumstances yet unborn may tend to relax or to strengthen our connexion. As they arise, and as they promise to arise, I shall study to communicate them.

In mine of the 31st of May, I sent a copy of what I wrote on the 19th of that month to the Minister of Exterior Relations. I now transmit the copy of his answer of the tenth Prairial, or 29th of May, and eighteenth Prairial, or 6th of June, with my reply of the 10th of that month. Mr. Warder came on hither the 4th of the present month, and has since pursued his route by the way of Switzerland; but I have as yet heard nothing further of the despatches he was charged with, although frequent inquiries have been made. I trust that they were not important, and am the less solicitous about them, as Mr. Jay has doubtless taken over duplicates of every thing essential.

The gazettes will communicate, ere this reaches you, the great success of the French arms. As far as can be judged here, the King of Prussia has, according to custom, played a double part, and his troops, instead of joining those of the other allies in Flanders, have remained where they were, while the French armies filed off to the left, and broke with irresistible impetuosity into the Low Countries. These being quite open, belong always to the party superior in the field. As yet, this republic seems disposed rather to lay them under contribution, than to hold the possession; but, if Valenciennes should submit, a different determination might take place. However, the sieges needful to secure them as far as the Rhine would consume more time than remains in this campaign: for, besides Luxemburg, Maestricht, and the citadel of Antwerp, which are on central situations, the whole frontier of Juliers, Guelderland, Cleves, Dutch Brabant, and Dutch Flanders, are stuck full of fortified towns.

The success of the French arms will have secured that of Mr Jay's mission, whose object I learn from common report. The justice of the British cabinet (whose sincerity the President is well acquainted with), will, I am persuaded, submit to the forcible arguments, which Mr. Jay is directed to use: for the nation is not now in a temper to indulge Mr. Pitt and Mr. Simcoe in their projects. If I am rightly informed, there is an end to the coalition. Each party will retire as well as he can, and Britain will cover herself behind her wooden walls. In the case of a maritime struggle, they will not find the enmity of America to be a very pleasant thing. Of course, you will have abundant professions of good will, brotherly affection, &c. and I believe they will now make *sacrifices* to keep us quiet; much more so to gain our assistance. But I will dwell no longer on this chapter, postponing all further remarks till the Government of this country shall have adopted a plan for her *ci-devant* colonies.

As to the interior affairs of France, one prominent and pleasant feature is an early and most abundant harvest. This is now gathering, and, what is singular, is the ripeness of wheat, barley, and oats, at the same moment. In a few days, the whole crop will be secured, and they will begin to eat of it; for there remains scarcely any thing of last year's produce; so that if the present had not been fit for use till towards the end of the next month, as is usually the case, God knows what would have become of us all. The abundance of the present year extends to every object, forage, pulse, roots, and other vegetables, as well as grain. The vineyards also promise more liquor than there are vessels to put it in. I conclude that we shall find little vent for our productions here, excepting our salted provisions, which must be in great demand. Moreover, I incline to the opinion that our vessels will not meet, henceforward, with the same vexations which have been hitherto experienced, so that exportations of salted fish and flesh

may, I think, be safely encouraged for this country. To these may be added pot and pearl ashes, some flax seed and rice, also fish oil; and in payment our merchants will receive wines and brandies.

There is at present a considerable ferment of parties, whose object, on the one hand, is to overturn, and, on the other, to preserve the colossal power of the two great committees. Sooner or later that ferment must lead to an explosion, and the apprehension from the foreign enemy being greatly lessened, men turn more easily to the consideration of their domestic system. By a late decree the committee of *Salut Public* has secured to itself the promotion of one-third to all places in the army, which gives them a stronger hold of that unwieldy instrument. Sooner or later it must, unless dissolved, escape from the grasp of a multitudinous body. Such is the law of nature; but that catastrophe is yet at a distance, and depends, I think, on the continuance of the war. Probably, before it happens, the committee will no longer exist in its present form; for the mass of power there collected will, in the natural order of things, either excite so much envy as to dissolve the committee, or, forcing them in self defence to increase it by severe and frequent exercise, so as to destroy all opposition, will generate in its bosom the causes of change. These are evils resulting from that state of violence in which society now exists, because in such state nothing can obtain a firm foundation; and how long this may continue, God only knows. Hitherto power and property are at war, and the latter is a daily victim; whereas it is their union which can alone establish permanent systems of Government.

Mr. Jefferson's letter of the 13th of June, 1793, reached me above a year after its date. Immediately on receipt of it, I wrote to the Commissioner of Exterior Relations the letter dated the 21st of June, of which I enclose a copy, as also a copy of his answer of the 19th Messidor, or 7th instant, from which you will learn that the million of livres, hitherto unaccounted for, was received by M. de Beaumarchais, and, of course, ought, in a new statement of his accounts, to be carried to his debit at the date. The operation will then, in all probability, be such as to eat up the balance reported to be due to him. I hope this information may reach you in season. It would have been transmitted long ago if, by good fortune, a copy of that letter of the 13th of June, 1793, had been sent by Captain Culver.

I trouble you, sir, with copies of my letters of the 23d and 29th of last month to the Commissioner of Exterior Relations, his of the 16th Messidor, or 4th of July, and of one just received from him of the 30th Messidor, or 18th of July, from which it would seem that my numerous complaints are at length to be attended to. I am inclined to think that this will happen, and I am persuaded that, in proportion as our administration is firm and united, it will be powerful at home and respected abroad. I am, &c.

GOUVERNEUR MORRIS.

TO EDMUND RANDOLPH, *Secretary of State.*

P. S. In making up my letter it occurs to me that I had taken no notice of the strange complaints made against me by M. Genet, in his letter of the 18th of last September to the Secretary of State. I do not think it worth while to enter into the investigation of them; and the more so, as the falsity of some, and the folly of others, are evident from facts in possession of your office, and from the style and nature of the complaints themselves. But, while on this subject, it may not be amiss to mention that, during the last winter, in conversation with the then Minister of Foreign Affairs, (who, I am pretty sure, had instructed M. Fauchet to apply for my removal) I told him that, if this Government wished for any person in my place, the best way would be to tell me so, and I would apply for my own recall. He answered by assurances of esteem, &c. &c.

SAINTPORT, June 21st, 1794.

SIR:

During the last war, France furnished several sums of money to the United States of America, both under the head of loans and that of gratuities. The first of these advances was a million of livres, and it appears to have been made on the 10th of June, 1776. It is entered among the gratuities, but it is not known to whom it was paid, nor how it was appropriated. Doctor Franklin, in settling the accounts of the United States with the French ministry, neglected to ask for the papers which relate to this subject; and afterwards, when the banker of the United States applied (in the months of August and September, 1786) to M. Duval, in order to obtain them, he assured him that he had communicated the request to the Count de Vergennes, who said that the receipt in question could be of no use to the banker, since he was not entrusted with the pecuniary affairs of the United States till January, 1777, and that this payment was made on the 10th of June, 1776.

Our ministers were also given to understand, that it was useless to urge the demand for a paper in proof of a payment, which would be of no account in the reimbursements to be made by the United States. Dr. Franklin concluded from this, that the advance had been lodged in the hands of M. Beaumarchais, and that it was a cabinet mystery, whose éclaircissement ought to be a matter of indifference to us, at least till it became necessary to set this sum against the demands of Beaumarchais for the supplies which he had furnished to the United States.

This occasion has now arrived; but without this you will perceive, at the first glance, that the payment having been acknowledged by the United States, the receiver, whoever he may be, ought to give them an account of the manner in which he employed it. Besides, mysteries serve too often only to cover wasteful expenditures, of which the people are the victims. It is therefore given me in charge to solicit the papers acknowledging the payment of a million of livres, as a gratuity made by France to the United States of America on the 10th of June, 1776. I think they will be found among the accounts of M. Duval, then head of the Treasury Department for Foreign Affairs; and I apply to you, in these circumstances, with the more confidence, as I am fully convinced of the good will of the French Government towards the United States.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

TO M. BUCHOT, *Commissioner of Exterior Relations.*

M. Buchot to Gouverneur Morris, Minister of the United States.

PARIS, July 7, 1794.

SIR:

In your letter of the 21st ultimo, you request of me the communication of the papers which explain in what manner the million, advanced to the United States, on the 10th of June, 1776, was paid.

I sent your request to the *Comité de Salut Public*, to whom it appeared just, in this respect, to render to the United States the satisfaction, which was denied to them by the ministers of the ancient régime: In consequence, I caused the necessary researches to be made; and I here subjoin a copy of a receipt, dated the 10th of June, 1776, which appears to be the one desired by the United States to regulate their accounts.

As you have well observed, there is no occasion for mystery between two nations united by all the ties of friendship, and of common interest.

I have the honor to be, &c.

PARIS, September 18th, 1794.

MY DEAR SIR:

I shall write but a few lines by this conveyance. The resources of this country will hold out till the end of April next, but then things will appear in a situation truly deplorable. Orders are given to push into Spain with all the force which can be collected. The object is to obtain a separate peace. Attempts will also be made to ob-

tain peace with Savoy and Italy. These failing, to supply the south with food is impossible. Spain offered peace some time ago, but met with a contemptuous refusal. As yet the enemy seem to be unacquainted with the true state of things.

I am, &c.

GOUVERNEUR MORRIS.

To EDMUND RANDOLPH, *Secretary of State.*

HAMBURG, *December 30th, 1794.*

MY DEAR SIR:

At this late hour, and from this remote corner, I am to acknowledge your favors of the 19th and 25th of June. I did not reply from Paris, because I wished for a safe conveyance; and although none offers itself at present, yet I will write what occurs for communication, and take a future chance for transmission.

The assurances of friendly esteem, which your letters convey, are very pleasing; but, indeed, I never doubted of the sentiments you express, and even go so far as to flatter myself that the measure in question was not agreeable to you. It was highly so to me; and although I am persuaded that you will believe me, on my word, I will nevertheless assign some reasons why a change of situation was desirable.

And first, you will see, from what is publicly known respecting those who administered the French despotism, how painful it must have been to represent our virtuous republic to such persons. I had staid, at some risk, after the 10th of August, because I thought the interests of America required it, and I did not ask my recall at a subsequent period, because it would not have been honorable to abandon a post which, if no longer unsafe, was at least very unpleasant. I felt that I was useless, and indeed that nobody could be useful, until some permanent system should be established. I saw misery and affliction every day, and all around me, without power to mitigate, or means to relieve; and I felt myself degraded by the communications I was forced into with the worst of mankind, in order to obtain redress for the injuries sustained by my fellow-citizens.

During that state of things, I was grossly insulted by the arrest of a lady in my house, by order of the Committee of General Safety. I could not resent this, as I ought to have done, by quitting the country, because a great number of our citizens were then detained in France, with much of their property, and I knew the violence which those who administer the Government were capable of. Moreover, I saw, with regret, that the temper of America was not such as her best citizens could have wished; and the conduct of Britain rendered a temporizing conduct with France indispensable. My representations obtained a half apology and promise of satisfaction, but occasioned the order to solicit my recall; of which I was apprised within four and twenty hours after it was given, and might easily have shown whence it originated; but, to tell you the truth, I was inclined to wish that I might be removed *on their application*. I really believe it was necessary to my reputation. So long as they believed in the success of their demand, they treated my representations with indifference and contempt; but at last, hearing nothing from their minister on that subject, or indeed on any other, they took it into their heads that I was immoveable, and made overtures of conciliation.

At this time I began to apprehend that we should be plunged into a war with England, in which case it would have become my duty to aid the French as far my abilities might go; but as I knew their temper, I replied to the advances made, that I was not to be affected by smooth words, so that they must begin by complying with the various demands I had made, and show me by facts that they were well disposed. Shortly after this, I received a volunteer letter from the Commissary of Exterior Relations, (a poor creature, who scarce dared to do any thing without an order from the Committee of Safety) assuring me that he had transmitted my various representations to the Commissary of the Marine, and expected soon to give me satisfactory answers. It was written ten days before the death of Robespierre, shortly after which, Mr. Monroe arrived. He was fortunate in not reaching France at an earlier period: for, if I may judge by what fell within my observation, he would have been a little too well with that party, to be viewed in a neutral light by their opponents. I *hope* he may succeed in obtaining the redress of those grievances which our countrymen labored under; but on the 12th of October, when I left Paris, nothing was done. I build my present *hopes*, however, on Mr. Jay's treaty: for they will now be somewhat more cautious respecting us than they have been.

In reply to what you say about my return to America, I must tell you, that I could not depart in such season as that my communications could be of much importance, and, therefore, as I must have exposed myself to the inconveniences of a winter's passage, I deferred my voyage; and the rather, as I have some affairs in London which I wish to wind up. I should have gone thither for that purpose direct, but the French would have harbored jealousies respecting my journey, which for many reasons I wished not to excite, and, therefore, I came round through Switzerland to this city, in which I am now weather bound. So much for my history.

As to the state of political affairs, the Polish insurrection is, as you know, completely subdued, and, of course, the attention of Europe is all turned to France, which has lately triumphed in every quarter by the extreme misconduct of her enemies. It seems at present that they are coming to their senses, and if I am rightly informed, they have at length abandoned the idea of a dismemberment; and mean to pursue simply the re-establishment of the throne. If they act wisely and vigorously in that direction, it seems to me that they must succeed, for the French are wearied and exhausted by the contest. They detest and despise their present rulers, and as far as I have been able to judge, they ardently desire the restoration of their Prince.

You will ask, perhaps, why then do they not restore him? It is because they dare not act, nor even speak, so that they do not know each other's opinions, and, of course, each individual apprehends from the general mass; but every thing which has taken place leaves them to look back with regret to their ancient situation. In judging the French, we must not recur to the feelings of America during the last war. We were in the actual enjoyment of freedom, and fought not to obtain, but to secure its blessings. The people elected their magistrates during the continuance of the war. The property of the country was engaged in the Revolution, and the oppressions which it occasioned were neither great, extensive, nor of long duration.

But in France they have been lured by one idle hope after another, until they are plunged in the depth of misery and servitude—servitude so much the more degrading, as they cannot but despise their masters. I have long, you know, predicted a single despotism, and you have seen how near they have been to that catastrophe. Chance, or rather the want of mettle in the usurper, has alone saved them to the present moment; but I am still convinced that they must end their voyage in that port, and they would probably reach it, should they make peace with all their foreign enemies, through the channels of a civil war. Adieu, my dear sir. I wish you many and happy years, and am, very truly, yours,

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, *President of the United States.*

3d CONGRESS.]

No. 82.

[1st Session.]

SPAIN AND ALGIERS.

COMMUNICATED TO CONGRESS, MARCH 3, 1794.

Message from the President of the United States communicating additional information concerning our affairs with Spain and Algiers.

Gentlemen of the Senate and of the House of Representatives:

I transmit to you an extract from a letter of Mr. Short, relative to our affairs with Spain, and copies of two letters from our minister at Lisbon, with their enclosures, containing intelligence from Algiers. The whole of these communications are made in confidence, except the passage in Mr. Short's letter, which respects the Spanish convoy.

UNITED STATES, March 3, 1794.

G. WASHINGTON.

Extract of a Letter from Wm. Short to the Secretary of State.

ST. LORENZO, November 6, 1793.

On our learning that the Portuguese Government had granted the first convoy for American vessels, and mentioning this circumstance to M. de Gardoqui, he advised the making a request to this effect here; and this with a kind of assurance of success, so different from his usual manner, as showed he was confident thereof. Mr. Carmichael accordingly did it; and he informed me yesterday that he had received an immediate answer from the Duke de la Alcudia, notifying him of Government having already come to that resolution. This will add also to the security and certainty of Mr. Blake's embarkation, and enable us to determine his departure with less regard to the port, although as yet we do not know what time is fixed for the Spanish convoy. We shall regret less the delay he has met with here if it should enable us to send by him the answer expected.

Mr. Carmichael informs me that, in his audiences of the duke, (since he has taken into his hands this subject, which had been communicated by us very fully in our letter of October 1st, to M. de Gardoqui) he has regularly pressed him for the answer, and as regularly been promised that it should be given with the least possible delay. He mentioned that a recurrence to papers was necessary, which, added to the present crowd of business, had rendered some delay unavoidable.

This shows that he had not judged proper to reduce the answer to its simplest terms, which might have been that they would or would not interfere between the United States and their Indian neighbors. The mind of Government must be fully made up on that subject, except as far as depends on future circumstances; and if their answer is to be delayed for them, it would certainly not be proper for us to detain Mr. Blake on that account.

I have already had the honor of writing you an account of the ordinance with respect to the commerce of New Orleans. M. de Gardoqui has for a long time past had the intention of introducing several changes there. He has lately informed us, Mr. Rendon (formerly chargé des affaires of Spain at Philadelphia) was appointed intendant of that place, with very extensive powers, and independent of the Baron de Carondelet. He desired us to announce this in America; and conceives it will give much satisfaction there, as an indication of the sentiments of this court towards the United States. His conversation thereon would give an inference that he now contemplated a communication with New Orleans by our citizens, which the ordinance above mentioned and his former conversations did not admit of. So far as the injuries the United States have hitherto received have proceeded from the conduct of the Spanish agents, or are to depend in future on the manner of executing the orders sent hence, I conceive, from M. Rendon's character and knowledge of the United States, that his appointment is a favorable circumstance to the harmony of the two countries.

D. Humphreys, Esq. to the Secretary of State.

ALICANT, November 19, 1793.

SIR:

I had the honor to write to you on the 16th; and in a postscript to my letter of that date, to Mr. Church, requested him to inform you that the largest of the Algerine frigates was then coming into this harbor. It proved not to be the largest, but one of the others, which had returned some days since from a cruise in the Atlantic. The Captain reported to Mr. Montgomery (who at my request went along side of the frigate) that he had taken seven American vessels, and carried three of them with him into Algiers. The only names of the Captains which he recollected were, Captain Newmah, from Cadiz to Amsterdam, with sugar, Captain Moss, from Cadiz to Hamburg, with hides, &c. and Captain Jackson, from Malaga to America, with wine and raisins. In the midst of these distressing events I think it a duty incumbent on me to be as particular as I am able, in my correspondence.

On the 15th instant, the brig Marion, Captain Rosseter, from New York, arrived at Carthegena. He saw no cruisers until he was entering the bay, when he had a very extraordinary escape; as there was a xebec in the harbor at the time.

I have as yet heard nothing in answer to the memorial and letter mentioned in my former despatches.

With sentiments of perfect esteem, &c.

D. HUMPHREYS.

P. S. The Algerine frigate sailed yesterday on another cruise.

P. S. I open this letter to let you know the Dey has refused giving a passport. I will write the particulars by the next post, as I shall lose the opportunity if I do not close this instantly.

There are 12 masters, 16 mates, and 87 mariners, prisoners at Algiers.

D. Humphreys, Esq. to the Secretary of State.

ALICANT, November 23, 1793.

SIR:

In a second postscript to my letter of the 19th I informed you of the refusal of the Dey to grant a passport. I have now the honor to enclose to you copies of letters from the Swedish consul at Algiers, from his brother Pierre Eris Skjöldebrand, Esq. and from Captain O'Brien. By the tenor of these you will clearly comprehend the actual disposition of the Dey, and the real state of affairs in that regency.

From these communications it will also be but too evident, that no choice is left for the United States but to prepare a naval force, with all possible expedition, for the protection of their trade; and that there is but too much reason to fear, the corsairs, under a perfect sense of security from danger, elated with impunity and success, will infest the channel of England, and even the coasts of America, in another season, unless the most vigorous and decisive measures be instantly adopted on our part.

I shall advise with Mr. Carmichael and Mr. Short on any ulterior plans to which recourse may be had in this critical state of affairs on this side of the Atlantic.

It has been thought best to let the property of the United States remain on board the vessel in this harbor, under the care of Mr. Montgomery, until Mr. Carmichael and Mr. Short can be consulted to know whether it can be landed by an order from court without duty, or in what manner it will be advisable to dispose of it.

I have made such effectual arrangements for supplying the immediate wants of our distressed citizens in captivity, who have been stripped of every thing but life, as the nature of the case seemed to dictate.

The copies of my letters to several persons in Algiers cannot be prepared to be transmitted to you by this conveyance, but I propose to have them enclosed in my next despatches.

As there remains nothing further to be done here at present; as there has been an Algerine frigate cruising off this harbor for several days past, in such a manner as to excite suspicions of her object; as it was judged by Mr. Montgomery and Mr. Cutting, altogether unsafe for my person to be intercepted by an Algerine cruiser, even on board a neutral vessel; and as there were several subjects of great importance to the public, on which I wished very much to confer with Mr. Carmichael and Mr. Short, I could not hesitate to take measures for proceeding directly to Madrid. It will not, however, be practicable to obtain the means of conveyance before the middle, or perhaps before the end of next week.

But I hope, sir, you will pardon me if you should not receive letters dated between this time and that of my arrival at Madrid.

With sentiments of perfect respect, &c.

D. HUMPHREYS.

P. S. In confirmation of the opinion of Mr. Montgomery and Mr. Cutting, respecting the invalidity of the protection afforded by a neutral vessel, I forgot to cite an expression of the Dey, as related in a letter to Mr. Montgomery: "Let the American ambassador take care how he comes here, under the protection of any flag whatever."

In order to make you acquainted with the extent and particulars of our vessels captured, so far as I have been able to learn, I enclose to you the copy of a letter from Captain McShane.

The Swedish Consul to D. Humphreys, Esq.

ALGIER, November 13, 1793.

SIR:

I have had the honor of receiving your obliging letter of the 5th of this month, and am extremely flattered with the confidence and favorable opinion you have been pleased to entertain of me; I am, nevertheless, in the disagreeable situation of not being able to follow the inclination and sincere desire I have of meriting your noble and open confidence, worthy of a citizen of a free and respectable nation.

There are in Algiers so many jealous observers, at this critical epoch, when the Dey is about concluding two treaties of peace, and when every one of his ancient friends fear being sacrificed to those treaties of peace with a nation whose only policy is that of want of faith in them, as the soldiers, being unoccupied, and without the prospect of prizes and plunder, will soon make some revolution which may cost the Dey his life: therefore, the least step I might make here in favor of the Americans (that is to say, in political affairs, because to assist poor slaves, of whatever nation they may be, is an act of humanity, for which a consul cannot be reproached with propriety) would not fail being instantly reported to several courts of Europe, who would complain to the court of Sweden, which would place me in a very unpleasant situation, for having acted against that foolish and imagined commercial interest of nations, and without the order or permission of my court. For the same reasons, sir, I have not ventured even to deliver your letter of credence and memorial to the Dey; but, at the same time, being cordially attached to your nation, sir, desiring ardently to be able to contribute to the deliverance of your poor unhappy countrymen from slavery, (now amounting to one hundred and fifteen) and endeavoring to merit, as far as in my power, the good opinion with which you honor me, I engaged my brother, who, not being here in any official capacity, having no appointment from our court, has followed me to Barbary, from fraternal friendship, [to remain here as long as he pleases, who, knowing the political affairs and channels of negotiation here as well as myself, and having hitherto received several particular marks of favor and distinction from the Dey, to undertake all that you have been pleased to confide; and I can assure you, sir, that every thing that is possible to be done for you and your nation he will do, and that he, as well as myself, will be happy in finding opportunities of being useful to a nation whom we both respect and love. But, sir, I am sorry that you are come at a moment when which none could be more disadvantageous. Of this I leave my brother to inform you in the letter which he will have the honor to write to you.

It remains for me only to testify to you, sir, the lively desire I possess to have the honor of your personal acquaintance, having, through your countrymen here, long known and respected your talents.

I hope for the most favorable circumstances, and, in the mean while, request you to be assured of the most sincere sentiments of respect, &c.

M. SKJOLDEBRAND,

Consul General of Sweden.

The Brother of the Swedish Consul to D. Humphreys, Esq.

ALGIER, November 13, 1793.

SIR:

In consequence of what my brother, the Swedish consul, has had the honor of writing to you, I take the liberty of presenting myself to you, sir, as a free man, and ready to sacrifice myself in every instance in which I conceive myself able to assist suffering humanity.

I have several times, with tears in my eyes, seen your honest countrymen here sinking under the cruel yoke of slavery. I have sighed on hearing them complain, and suppose themselves forgotten by their country, for the liberty of which they had fought against a strong and imperious nation. I have myself, as well as my brother, done every thing in my power to alleviate their misfortunes, and leave to themselves the certifying of it to you.

At present, sir, you are come to deliver those unfortunate men; but you will find the circumstances very different from those which you and your nation have expected, and very different from what they were even two months ago. What Captain O'Brien (if you have seen his correspondence with Mr. Carmichael and Mr. Montgomery) some time ago presaged, is come to pass; and I am now going to explain myself, with all the freedom and sincerity of an honest man, cordially attached to you, sir, whose talents I respect, from the noble and worthy sentiments which appear in every line of your letters, and to your honest and suffering countrymen.

On the arrival of your despatches the day before yesterday, and after having consulted with my brother, as he has had the honor to inform you, I immediately obtained an audience of the Dey; and, on presenting to him your letter of credence and your memorial, I did not neglect interpreting to him their contents with every persuasive consideration and reason, adding thereto all that I thought capable of leading him to favor your demands and propositions. He replied to me, with an unshaken firmness, that he would not make peace with the Americans, or any other nation whomsoever, at any price whatever; that there had been a time when he was well disposed to support the engagements, at half price, made by his predecessor, the Dey Mahamet Bashaw, with Mr. Lamb, an American negotiator, which you are probably acquainted with. But now, since the conditions of a peace with Holland require only to be ratified; since the Portuguese have demanded a peace, and the Dey has fixed his pretensions with the Portuguese commandant, who was here some days ago, (which amount to near three millions of piasters) which the Dey expects here in a few days; since the Algerine corsairs have made ten American prizes, and one hundred

and five slaves more, and the Dey has again sent his corsairs out of the straits, expecting still to add to the number; he declared to me that his interest does not permit him to accept your offers, sir, even were you to lavish millions upon him; "because," said he, "if I were to make peace with every body, what should I do with my corsairs? What should I do with my soldiers? They would take off my head, for the want of other prizes, not being able to live upon their miserable allowance."

In vain did I represent to him that the peace of Portugal was not yet concluded; that they would not, perhaps, accept his demands; that, besides, the Portuguese nation had, at all times, endeavored to injure the Algerines, making prizes, and enslaving their subjects; that, on the contrary, the United States, who, in a war, as bloody as it was glorious, with England, have sufficiently shown that they neither want strength nor bravery, have never as yet armed a vessel against the corsairs of the Dey; that their peace, having been a long time proposed, would now have been sometime concluded, if two negotiators, sent in succession, had not been arrested by death; and that, if the Dey feared peace, he had only to break with some nation of those who are probably less useful to him than the United States might become, considering the wood for ship building, and many other productions of America, necessary for marine.

All my remonstrances were ineffectual, even as to your so reasonable demand of a passport to come here. The Dey said "that he would not allow any American ambassador, under any flag whatever."

Now, sir, I have had the honor of communicating to you the disadvantageous dispositions of the Dey. It remains for me to give you my opinion on the subject. Were I less acquainted with this country and the Dey, his inconstancy and liability to change, I should advise you to return to your country, for the purpose of preparing to seek, by an armed force, what you have not been able to obtain by amicable means; but, at present, sir, I take the liberty of advising you to have a little patience; to remain at Alicant or Lisbon quietly, one or two months, during which time it will be decided whether you can obtain a peace here or not. I have very strong reasons to believe that the court of Portugal will not accept the immense demands, which will enrage the Dey, make him ashamed, and the sworn enemy of Portugal for ever. This, sir, would be the favorable moment for skillfully renewing your propositions. There is also a consul of another nation (pardon me for not being able yet to say which) who will infallibly have war in a short time. This is an additional reason.

As to the decisive and entire refusal of the Dey even to receive you, I can communicate to you, sir, in confidence, (discovering to you with what freedom I speak, and the reliance I have in your discretion) that the same refusal was given to my brother and myself, when we came last year to negotiate peace, on our writing from Leghorn, demanding permission to come here. And I advise you to do what we did then. We had had formerly, for courtiers of the Swedish nation here, a Jewish house (by which people all secret negotiations are carried on at Algiers.) This house was not on terms with the courtier of the Dey. Another Jew, who calls himself Bacri, a house which founded and supported the peace of Spain, (who since applauded all the difficulties opposed to our arrival) who has actually agreed upon, and fixed with the Dey, the conditions of the peace with Holland, and who enjoys an uncommon degree of grace with the Dey—this house, being at variance with our ancient courtier, secretly indisposed the Dey towards us and our peace, until we were obliged to make an offer to this same Bacri, that, by procuring us the liberty of coming here, and opening negotiations for peace, their house should afterwards be accepted as courtiers for Sweden. We arrived here, on obtaining the permission on these conditions, and I venture to say that no nation will again make peace in Algiers on such moderate terms.

You are, at this moment, sir, in a similar situation. Mr. Bassara, (who, also, according to what your countrymen have told me, has neglected them for some time) has not (although King of the Jews) either the grace or influence of those *Bacris* with the Dey; and it is very true that you cannot make use of the latter, without making sworn enemies of the former, who will oppose your peace. But it is also true that the jealousy and enmity of these *Bacris* against Bassara will be more dangerous; therefore, sir, if you are pleased to confide in what I have the honor of advising, you will no longer address yourself to Messrs. Bassara and Co. And, to convince you that they have not much influence, I shall inform you that, on this occasion, also, (being afraid of failing in the business, when they thought it so near a conclusion) they have labored and supplicated the Dey on the subject of your propositions, but have received, in like manner, a decisive and less temperate refusal than myself.

Now, sir, having openly and freely spoken my thoughts of this subject, I come to another, not less delicate. I have a confidence in demanding of you, for your utility, to inform me with freedom and sincerity, the extent of your power.

1. What is the highest sum you can give for peace?
2. To what amount can you promise to bring, annually, presents of war, stores, and ship timber? Because this is the practice with the Swedes, Danes, and Hollanders, which costs them each year near thirty thousand piasters.
3. Whether you can liberate the slaves, to the number of twelve captains, sixteen pilotes, (mates) and eighty-seven mariners, at a price of near two thousand piasters each?

4. Whether you can promise that, every two years, the consul who may reside here shall pay, in like manner as those of the three above mentioned nations, and of Venice, a present of jewelry, watches, muskets, pistols, golden brocades, linen, &c. &c. to the value of about nine thousand piasters?

It is for you, sir, to determine whether what I demand of you be more than you can communicate to me. It is for me to know that it should remain a secret between us, and to make you that promise; and to tell you to what purpose you will make the communication. The affairs of Algiers with the Dey, who is inconstant and always changing, are conducted in such a manner that, at favorable moments, such as I have suggested to you, one might, in five minutes, propose and decide upon business of the greatest consequence; but again, after those five minutes, or after a day, the Dey would infallibly change his opinion and pretensions; and it he should tell me to write to any person, and declare to him upon what conditions he would give peace, I would not venture to do it, without having the conditions upon paper, and in presence of the divan, subscribed by his Secretary of State. For otherwise, it might happen that he would demand twice as much on the arrival of the negotiator. So that, desiring only to be useful to you, sir, I propose to you the most certain, and I venture to say the only means. You are still, sir, capable of doing as you please, and as far as your instructions extend. At all events, I request you, sir, as soon as possible, to give me whatever answer you may be pleased to honor me with.

Should there be any thing to be done in the mean time, (supposing the above case of the Portuguese, who must in a very short time give their answer) or the peace with Portugal takes place, and insurmountable obstacles to your peace for some considerable time be discovered, I conceive in either case I should not err by freightening a vessel and sending you information thereof to Alicant, or to Lisbon, or any place you may be pleased, sir, to point out; but I shall remain inactive (without, however, losing the object in view) till I receive your answer.

Another expense, which I think I might go into without your permission, (under the hope of obtaining your approbation hereafter) and which is very pressing, is an advance of a little money to your naked and unfortunate countrymen in slavery, in order to prevent their dying from want and the severity of the season.

I have now had the honor of mentioning to you, sir, every thing which occurs to me on this occasion.

Believe me, sir, to be a man of honor. All assurances of discretion and disinterestedness are, therefore, superfluous; and if I am not, assurances avail nothing. From these considerations I shall say no more; but should you be pleased to honor me with your confidence, I request you, sir, to be so good as to remember to give me also a power to make use of it.

Not having a sufficient knowledge of your language, sir, to venture to make use of it, (in affairs requiring to be clearly explained) I request you to excuse my writing to you in French. You may always, when you honor me with any letter, continue to write in English, if you think proper. Penetrated with sentiments of respect, attachment, and zeal,

I have the honor of subscribing myself, sir, your most obedient and most humble servant,

PIERRE ERIC SKJOLDEBRAND,

Mons. HUMPHREYS, Ambassador, &c.

Brother of the Swedish Consul in Algiers.

P. S. Bacri has this moment informed me that he had already succeeded in disposing the Dey to your favor; but it will be necessary, sir, for you to follow the counsel which I have had the honor of giving you in this letter, never to write to Mr. Bassara, and to give me a speedy answer.

Captain O'Brien to D. Humphreys, Esq.

ALGIERS, November 12, 1793.

HONORED SIR:

The Swedish consul, Mathias Skjöldebrand, Esq. favored me with the perusal of your letter, dated Alicant, the 5th instant. I must observe that in all you wrote I much approve of your sentiments, as becoming the representative of a great people. You can easily imagine what was my feelings on this occasion.

Mr. Montgomery wrote to Bassara and ———; and they, without waiting to embrace a favorable opportunity, immediately made application to the Dey relative to your coming to Algiers to make a peace. The Dey answered very abruptly that he would not receive you, and would not make the peace with America, as he had the Portuguese peace to settle, and also the Dutch; and that he had taken ten sail of American vessels, and was likely to take more; and that, when he wanted the Americans, for nearly two years, to make the peace, they would not give him an answer, which was treating him and his people with indifference.

The Jews were jealous of your writing to the Swedish consul; and depend, they will not try to befriend the United States. Indeed they have no influence with the Dey and ministry.

The Swedish consul depend, would do all possibly in his power to serve the Americans; but, sir, you will consider that for him to interfere publicly in the American business, that he should first have the orders of his court; but you may depend on his interest in all that can be done with propriety. Therefore his brother, a gentleman of the first rate abilities, and a strong friend for the United States, has become a strong and faithful advocate in the favor of the United States; and went to the Dey with the President's letter, and made use of every winning, &c. requisite argument, for the Dey to consider favorable of a peace with the United States, and permit the American ambassador to come to Algiers; but the Dey has not seemed inclinable, but gave Mr. Skjöldebrand, jun. nearly the same answer as he gave Bassara. I believe the Dey was prepossessed against the Americans by the British consul, who had information of your destination by the captain of the Portuguese frigate, and by Mr. Walpole, British resident at Lisbon, as the British brought about the Portuguese truce, and will try for the peace, all in order to hurt the Americans; but, sir, you well know all the enmity of the British cabinet against the United States.

Bassara and ——— would not credit the suffering American captives with a trifling sum to relieve their necessities; therefore those people that would not put confidence in the United States, should have no confidence put in them. And as all they have done hitherto, relative to ascertaining the terms of our peace, has become void by the Portuguese truce and their prospects for peace, I think, sir, it is requisite that the United States should try other channels to lay the foundation of the American peace; and depend, sir, your endeavors will be crowned with success.

As you are fully empowered, and you see the great necessity of something decisive being done, I, therefore, with the greatest respect and with the real dictates of my thoughts, propose to you, sir, to immediately empower Mr. Skjöldebrand, jun. to adopt such plans as will be most effectual, and be most conducive in bringing about the peace. Therefore, when you explain how much money the United States will pay for the peace, what is their presents in making the peace, whether in maritime stores, in money, in cruisers framed and sent in cargoes, or in money, and by all means what the United States will pay annually, and in what articles or money, &c. after all this explained, and you empowering Mr. Skjöldebrand on this important subject, then, sir, he will apply to Mackoiah Bensahud, one of the principal men of the house of Joseph Cowen Bockerries, the great Jew merchants, of Algiers, and head banquiers, that has the greatest influence with the Dey, and that hardly any negotiations can be well brought about but with their influence and assent.

The Jews in Algiers are in two parties, and as we are unfortunately circumstanced, we must apply to the people of influence that can befriend us. This house of Cowen Bockerries laid the foundation of the Swedish peace, and by their influence settled that peace on a solid basis, which is worthy of attention. And the Dey being of a wavering unsettled disposition, those people I have mentioned being empowered, they would, when opportunity offers, embrace and secure it effectually. Then, sir, let the American ambassador come and put a finishing hand to the whole affair. This Dey, he studies his own interest; that of the regency is his second consideration. Indeed it would not be prudent for you to come to Algiers until the foundation was laid, and the terms known; for you must consider that the Portuguese, the Dutch, and Americans, all three trying at one time for the peace, that it will occasion a great clashing of interests in all concerned and empowered.

The Portuguese frigate arrived here the 2d inst. and sailed the 7th instant with the Dey's terms for the peace, which I understand is as viz: one million two hundred thousand dollars of Mexico for the peace. Eight hundred thousand dollars for the Dey and ministry, presents on making the peace, and ambassadorial and consular presents. On the 8th inst. the Dey called on the British consul, who is charged relative to the Portuguese peace, and desired him to write to Portugal, that he must have three hundred thousand dollars for his family, independent of the above mentioned sums.

The Spaniards are very jealous relative to the Portuguese obtaining a peace with Algiers, and they are using their greatest influence to prevent its taking place. Indeed, the majority of the Algerine politicians are of opinion that it will not take place, as they consider that, by the bigotry (but not good policy) of Portugal, that she will not agree to pay such exorbitant sums. However, the Portuguese frigate is expected to return to Algiers in twenty or thirty days from this date, and will bring the definitive answer, which will determine peace or war between the Portuguese and Algerines.

The commandant of the Portuguese frigate told the Dey that, if the terms were not agreed on by the 1st of January ensuing, that the truce was void. Therefore, sir, if we wait the issue of the Portuguese affairs, and that Portugal will not make the peace on the above mentioned terms, you may depend that the United States will then obtain their peace on favorable terms. The Dutch, I believe, will have more difficulty in settling their affairs than is generally considered: for I believe they have only a cessation of hostilities, but no terms agreed on. The Dutch commandant or ambassador is expected here in a few days. The house of Joseph Cowen Bockerrie obtained and settled the Dutch truce with this regency. Monsieur Faure is also a little interested on Dutch affairs.

It is generally considered that the Danish will shortly lose their peace. The Dey has given the Danish consul some broad hints on this subject; and the Dane has lately paid two thousand dollars to send one letter safe to Livorn. This day it is reported that the three Algerine corsairs, which are at sea on their second American expedition, that they have orders to take the Danish vessels, as the Dey charged the Danish consul in the Hamburgers, Lubekers and Bremners being supplied with Danish passports.

The Dey said this day that those he wanted to be at peace with he was necessitated to be at war with; and those that he did not want to be at peace with he made a peace with: that is, I am at war with friends and at peace with my enemies. Indeed, sir, the situation of the United States is different from that of other nations that is at peace with the Turks, Tripoli, and Tunis; but by being at peace with Algiers, and by something extra to the Dey, it would be the means of our obtaining a peace very favorable with Tunis, as Tunis is a tributary state to Algiers, and is much biassed by its influence. You well know that to this date the peace with Algiers has cost Spain in money and presents full five millions of dollars. And Spain changed her national flag and keeps her peace on very humiliating terms. The Swedes paid full three hundred thousand dollars for their peace, besides a cargo of maritime and military stores to the amount of fourteen thousand sequins, which, with presents, amount to annually thirty-four thousand Mexican dollars. The Danes pay full the same. The Venetians twelve thousand Venetian sequins, but full ten thousand more in presents. In fact, since the Spanish peace, those nations pay full in presents one-third more than they used to pay.

The Dey cares little about the different nations ransoming slaves: for he could not well fit out his cruisers independent of slaves. What a foolish idea the United States have that the ransom of a few men concerned the peace. We have suffered on this and many other accounts by our country. God forgive our persecutors.

I had wrote you that the Swedish consul, on the arrival of these one hundred and five captives, advanced them two hundred Mexican dollars. Indeed, they are in a very distressed and naked situation. I need not say more on this subject.

You stay in Alicante; give out you are going to depart for America; act as becomes a distinguished citizen, and as the representative of a great and rising empire; and take the advice of your most obedient servant,

O'BRIEN.

Algiers Maritime Force, the 12th Nov. 1793, as viz:

One frigate of 44 guns, built in Algiers by Spanish King's constructor.

One frigate of 32 guns, English built.

One frigate of 24 guns, French built.

One frigate of 24 guns, Levant built, at sea.

One polacre of 18 guns, Genoa built, at sea.

One brig of 20 guns, built by Spanish constructor, at sea.

One xebec of 20 guns, built by Spanish constructor.

One xebec of 12 guns, built on the coast.

One xebec of 14 guns, built on the coast.

One xebec of 12 guns, built in Spain.

One brig on the stocks, pierced for twenty guns, will be launched and ready for sea in thirty days.

N. B. They carry, each corsair, at the rate of 12 men to each gun, fully.

Sixty gun-boats.

Oran has three galliots, carrying 4 guns each.

Tunis, I am credibly informed, has twenty-three corsairs, mounting from twenty-four to four guns.

The corsairs of Algiers and Tunis combined may make a formidable fleet of sea robbers; and as the Algerines have become masters of the Western Ocean, the Tunisians will do the same; and if they meet no success they will go into the English channel, and on to the coasts of the United States. Then, honored sir, what will be the alarm! I am afraid they will in this their second expedition take eight or ten sail more of American vessels. The enemies of the United States tell the Dey much is to be got by being at war. Indeed a full demonstration is taking ten sail in one little cruise.

I would advise you, sir, by all possible means in your power, to try for the peace. The same time immediately write Congress to send four complete frigates and two brigs to Gibraltar, and stop the depredations of those sea robbers. These six sail, well appointed and manned, will keep the Algerines in greater awe than the whole marine of Portugal did. These six will give security to our commerce to Europe. They will act of course on the defensive. But in order to convince those people of the activity of American corsairs, and to make them sensible of the force and justice of the United States, we should have full sixteen sail of frigates, four brigs, and two schooners, to carry on, for one or two years, an offensive war; and if they were well conducted, we may destroy all the corsairs of Algiers. This is saying more than the Spaniards or Portuguese ever did; but be assured I know it could be done easily by Americans. Try and hunt for Captains Barney and Murray, and take care that our ships are commanded by experienced and brave Americans, that will lead their countrymen on to victory and glory. Show those people, the English, Spaniards, and Portuguese, that we are not a dastardly effeminate race, but are necessitated to arm to maintain the honor and dignity of the United States.

A camp on the frontiers towards Canada; another towards the Mississippi; and Spain prays the United States will let them make their peace with all the Barbary States.

I refer you for every thing interesting, to the letter of Mr. Skjöldebrand, jun. Depend you may confide in him; and be assured, honored sir, of truth from your unfortunate fellow citizen,

O'BRIEN.

HON. DAVID HUMPHREYS, *Alicant*.

Please to favor Mr. Montgomery in the perusal of these particulars.

J. McShane to Colonel Humphreys.

ALGIERS, November 13, 1793.

I have taken the liberty to inform you that I was captured on the 18th of October, by a chebeck of twenty guns, in sight of the Rock of Gibraltar, who spared our lives, but nothing else. I was taken in the ship *Minerva*, belonging to Mr. William Bell, merchant, Philadelphia, bound to Barcelona, with cargo of wheat belonging to Mr. Wiseman, of the aforesaid port, with sixteen men besides myself. I am kept in the marine, at hard labor, and my allowance is bread and water. Sir, we place the fullest confidence in your doing every thing in your power to relieve us from this unfortunate situation, and restore us from slavery to the land of liberty.

I have the honor to subscribe myself, your most obedient humble servant,

JOHN MCSHANE.

At the request of the following masters, I take the liberty of informing, that they are in the same situation as I have mentioned myself in before.

William Wallace, master, schooner *Despatch*; Messrs. Gallas and Freeman, Richmond, Virginia, six men besides the master.

Moses Moss, brig *Jane*, owned by himself and Samuel P. Kidder, Newburyport, seven men besides himself.

Michael Smith, brig *Polly*, owned by Bailey and Noyse, Newburyport, eight men besides himself.

William Furnace, brig *Olive Branch*, owned by Colonel Jonathan Hambleton, Jr. Portsmouth, New Hampshire, six men besides himself.

William Penrose, ship *President*, owned by Messrs. John and James Craig, Philadelphia, ten men, one passenger, and himself.

James Taylor, brig *George*, owned by Gibbs and Channing, Newport, Rhode Island, seven men besides himself.

Samuel Calder, schooner *Jay*, owned by Ebenezer Pass, Gloucester, six men besides himself.

John Burnham, ship *Hope*, New York, eighteen men besides himself.

Timothy Newman, ship *Thomas*, Boston, owned by Thomas Adams, ten men besides himself, who were all captured in October last, between Cape St. Vincent and the Rock of Lisbon.

Captain O'Brien to the President of the United States.

ALGIERS, November 5, 1793.

MOST EXCELLENT SIR:

In consequence of the Portuguese obtaining a cessation of hostilities with this regency, the Algerine corsairs have captured ten American vessels; the masters and crews, amounting to about one hundred and five subjects of the United States, are employed as captive slaves on the most laborious work; they are in a distressed and naked situation.

Mathias Skjöldebrand, Esquire, the Swedish consul, has befriended them by advancing them money to relieve their present necessities. We hope you will order him to be reimbursed, and also paid for his generous advance in the ransoming of George Smith, one of the subjects of the United States.

The British nation, the natural and inveterate enemies of the United States, has brought about this truce, or half peace, for Portugal, in order to alarm our commerce, and prevent the United States from supplying the French in their present glorious contest for liberty.

A Portuguese frigate is at present at Algiers, relative to their peace. I have reason to believe they will obtain their peace for one million of dollars, not including presents, or the redemption of sixty-five Portuguese captives. The Algerine corsairs consist of ten sail, mounting forty guns to sixteen. Those of Tunis consist of twenty corsairs, mounting from twenty-four guns to eight.

The corsairs of Algiers and Tunis, in consequence of the Portuguese truce, have become masters of the Western Ocean, and will of course prove very detrimental to the commerce of the United States to Europe. The fatal consequences of those American vessels being captured I presume is fully evident to your excellency's known wisdom and penetration.

Your excellency will perceive that the United States have at present no alternative than to fit out with the greatest expedition thirty frigates and corsairs, in order to stop those sea robbers in capturing American vessels. Fifteen of these vessels would be sufficient for a defensive war in order to guard the straits of Gibraltar, and prevent the Algerine and Tunisian corsairs, even if combined, from visiting the Western Ocean; but in order to convince the Barbary States of the force and vigilance of American corsairs, it would be requisite the other fifteen American corsairs should be employed in the Mediterranean, in order to destroy many of the corsairs of the Barbary States, and oblige them to make a peace on somewhat honorable terms with the United States.

We should have accepted of the terms offered the United States by the Dey of Algiers, which, be assured, most excellent sir, was reasonable, considering what other nations pay. But I am afraid that that favorable opportunity is irrevocably lost. But depend, sir, that the Dey would wish to be at peace with the United States, provided we paid equal to what the Dutch, Swedes, or Danes pay. We should be at peace with all the Barbary States; our colors free and respected, and no subjects of the United States slaves. You must needs think, sir, that in case of the United States fitting out this proposed fleet, that those subjects of the United States which have been nearly nine years in captivity, that they would, when redeemed, be a very valuable acquisition to the American corsairs: for by their known experience of the ways and manoeuvres of those crafty people, would in a great measure depend the desired effect in capturing the corsairs of this regency.

Humanity towards the unfortunate American captives I presume will induce your excellency to co-operate with Congress to adopt some speedy and effectual plan in order to restore to liberty and finally extricate the American captives from their present distresses.

I am, &c.

RICHARD O'BRIEN,

Late Master of the Ship Dauphin, of Philadelphia, captured in July, 1785.

American Captives in Algiers.

10 captured in July, 1785.
105 captured in October, 1793.

Total, 115

Cruisers going out in quest of more.

Extract of a letter from D. Humphreys to the Secretary of State.

MADRID, December 25, 1793.

SIR:

We did not leave Alicante until Thursday the 12th instant, nor arrive here until the evening of Saturday last. I now take occasion to advise you of the final arrangements I made for the conduct of Mr. Montgomery in the application of that part of the public money which is destined for relieving the necessities of our citizens prisoners in Algiers, and for contingent expenses; as well as for securing the residue of the public property now in his possession. This information you will find in the papers marked Nos. 1, 2, and 3. The last, you will be pleased to observe, is one of the four original receipts signed by Mr. Montgomery; and as such, ought to be preserved as a voucher for my justification, in accounting for the property of the United States which has come into my hands. Nos. 5 and 6 are copies of letters from Captain O'Brien, the former to Mr. Montgomery, the latter to me. In these you will find the most recent intelligence we have from Algiers. I am glad to see that O'Brien gives an account of eleven American vessels only as having been captured by the Algerines, instead of thirteen, which a Jew merchant of Algiers wrote on the 23d of November to Mr. Montgomery, had been brought in there; but I am induced to suppose he must have mistaken two Genoese vessels for Americans. The account given in the last of the enclosed letters of the Dey's actual dispositions and conduct towards Denmark and Sweden (after what has happened in pushing practical hostility in such an unusual manner against the United States and Genoa) gives reason to apprehend that some of the combined Powers may have an agency in this business. The departure of Mr. Pierre Eric Skjöldebrand at this moment is an extremely disagreeable and inconvenient circumstance for us.

I have seen the copy of a letter from Mr. Bussara to Mr. Montgomery, received by him since I left Alicante. But the letter being written in bad Spanish, with a mixture of lingua Franca, in a hand not easily legible, Mr. Short, Mr. Carmichael, and I, could only discover that it was meant to convey a desire from Bussara of being employed himself solely in our negotiations with Algiers; together with information that the Dey, his master (with whom he says he had held a conversation on the subject) did not believe the Government of the United States had ever appointed two commissioners to treat with him, who had died after their appointment; and, in short, that he, the Dey, would suffer no other agent to manage our affairs for us at Algiers, but Bussara.

The Dey of Algiers having conceived an aversion to the Spanish consul, Aspre, has compelled him to leave the country. The consul has arrived at Carthagena since we came from Alicante. A former vice consul, who is said to have been in great favor with the Dey, has been sent by this court to replace the consul who is returned.

In the last letter I received from Gibraltar, I have an account of the more tragical effect of the Dey's displeasure, in the following paragraph: "Last night Mr. Dodsworth shot himself. He was no doubt induced to this rash action by the Dey of Algiers expressing a desire he might not return to that place as British vice consul." I was personally acquainted with this young man, and from his apparent good disposition had hoped he would have been particularly useful to our countrymen, prisoners in Algiers.

Notwithstanding what Captain O'Brien says in his letter to me, I conceive there is still good reason to expect that Portugal will not conclude a peace with Algiers; at least the following extract of a letter from the consul of the United States at Malaga to me seems to carry this appearance: "Her faithful majesty, instead of retiring her squadron from Gibraltar, has reinforced it last week with two sail of the line and three capital frigates. They are now ten sail, and have orders to give convoy to all Americans going to the westward, as far as they may require to get into safety from the enemy." And Mr. Simpson, of Gibraltar, advises me of the sailing of five American vessels from thence, under the protection of a Portuguese frigate. Lord St. Helens told Mr. Short and myself yesterday, that the Portuguese chargé des affaires here said at his table the day before, "Portugal would not give six pence for a peace with Algiers." I have called on the Portuguese chargé des affaires, but have not been able to see him.

But if I may be allowed to offer an opinion I would say, under the circumstances I have represented, and after what has happened, it appears absurd to trust to the fleets of Portugal or any other nation to protect and convey our trade. *If we mean to have a commerce*, we must have a *naval force* (to a certain extent) to defend it. Besides, the very *semblance* of this would tend more towards enabling us to maintain our neutrality in the actual critical state of affairs in Europe, than all the declarations, reasonings, concessions, and sacrifices, that can possibly be made. Denmark, Sweden, and even Genoa, have as yet been able to avoid taking any hostile part, notwithstanding the apparent determination of the combined Powers to the contrary. And I need not observe how much less in condition (from their population and other circumstances) to keep up a naval force some of those Powers are, than the United States.

As I am not much accustomed to offer opinions after having stated facts to you, I entreat it may be considered in excuse, that the occasion seems to me of the last importance.

No. 1.

Instructions to Robert Montgomery, Esq. Consul of the United States of America at Alicante.

SIR:

In the application of that part of the money, the property of the United States of America, received by you from me, which is designed for relieving the necessities of the citizens of the United States who are prisoners in Algiers, and for defraying the contingent expenses which have been or may be inevitably incurred on the subject of Algerine affairs, you will be pleased to be guided by the following general principles, viz:

In the first place, in order to hide the nakedness, and screen from the inclemency of the season, the poor American prisoners in Algiers, you will have the goodness to provide for each one of them a comfortable suit of clothing, nearly in conformity to the estimate which has been made out for the purpose, unless the captains should choose rather to receive the amount in money, in which case you will comply with their wishes.

Secondly, you will please transmit, regularly, by way of subsistence, and for all other personal expenses, eight dollars a month to each of the captains, six dollars a month to each of the mates, and at the rate of twelve cents a day to each of the mariners.

Thirdly, you will please to repay whatever moneys may have been advanced by the consul general of Sweden at Algiers, or his brother Pierre Eric Skjöldebrand, Esq. to relieve the pressing necessities of the citizens of the United States lately captured and carried into Algiers; also such other sums as may be expended by either of them for communicating intelligence of importance, or for other contingent charges which may become indispensably necessary.

Fourthly, you will please to keep accurate accounts of your disbursements, and obtain as correct vouchers as the nature of the circumstances will admit; in order that there may hereafter be as little obscurity, trouble, and delay, in the final settlement, as possible.

Fifthly, the residue of the property of the United States, deposited by me in your hands, you will please to retain safely in your care, until you may receive further directions from the Secretary of State for the United States of America, from myself, or such person as may be duly authorized to dispose of it, except under the strong probability of an immediate rupture between this country and the United States, of which Mr. Carmichael will be requested to give you the earliest possible advice by express; in which case you will secure the property of the United States in the best manner you can, by taking bills on any safe port, or otherwise; in the transaction of which business you must be guided by your own good discretion and great regard to the public interest.

Sixthly, you will be pleased to write to the Secretary of State for the United States of America, enclosing a copy of these instructions, and informing him they were given only with a view of remaining in force until they may receive his sanction, or until other directions shall be substituted in their place.

Lastly, you are requested, sir, to open a correspondence with Pierre Eric Skjöldebrand, Esq. with the object of obtaining whatever useful intelligence, and rendering whatever services to the United States, may be in your power, from your favorable local situation, and well known good dispositions.

Given at Alicante, this 1st day of December, 1793.

D. HUMPHREYS,

Commissioner Plenipotentiary from the United States of America to the Dey and Regency of Algiers.

No. 4.

ALGIERS, November 16, 1793.

SIR:

I had wrote Mr. Humphreys fully by the return of the small courier for Spain, informing that there is at present captured by the Algerines ten sail of American vessels; their crews are all made slaves; a few Spaniards were amongst them; they are cleared.

I had wrote my sentiments relative to the proposition. We lost an opportunity that will not be retrieved, except it costs the United States four millions of dollars; but there is no help at present. By all means urge Congress to fit out some remarkably fast sailing cruisers, well appointed and manned. This is requisite, if we do or do not obtain the peace. The Dutch truce wants but fourteen days from this time to be expired, and finished; and I am sure that at that juncture, if any one was fully empowered in this place relative to our affairs, we might obtain what we wish. Secondly, I believe the Portuguese will not give the regency the money, &c. that is asked; (this we should not trust to.) Thirdly, I believe the Danes will shortly have war; but they may easily, as yet, put their affairs on a solid footing. Look sharp out, Americans, or you will be dupe and buffoon to all Europe. Three are at sea, they have sent into Algiers not known whether an American or English, but I believe the latter, as she has wrote on her stern, the Minerva, of Plymouth, loaded with wine and brandy.

There are four more preparing for the Western Ocean.

You sent two hundred dollars; one of these I gave to the new naked captives. Take care that there will not be many to redeem. Hunger, fatigue, and no hopes, but the plague, and slavery for life, as they see that the victim remnant has been here nine years. That foundation laid by A. B. and D. is torn up; a new one in another channel must be laid, or all must suffer and perish, and with them your most unfortunate

O'BRIEN.

I received Mr. Carmichael's letter of the 13th September. I shall answer him fully when I find a safe conveyance. We must be guarded, and use precaution.

(Addressed to Mr. Montgomery, and J. N. B. of Mr. Montgomery.) "The initials of A. B. and D. are A. Bassara and Danenos, our Jew friends at Algiers."

No. 5.

Captain O'Brien to Colonel Humphreys.

ALGIERS, December 6, 1793.

HONORED SIR:

I had wrote you fully the 12th ultimo, by the return of the courier which you sent on our business. I am this day informed that said courier arrived safe in Alicante, and, of course, you know how our affairs stand in this quarter.

In addition to the ten sail of American vessels captured the first cruise, they have captured the brig Minerva, of New York, Captain Ingraham, from Livorn; so that there is at present one hundred and twelve American captives in this city.

Since the departure of the Portuguese frigate, we have heard nothing more on that business, on which many conjectures are formed. The Dey's terms are, one million two hundred thousand Mexican dollars, for the treasury of

the Regency; six hundred thousand for the Dey and family; six hundred thousand dollars for the Algerine ministry, ambassadorial and consular presents equal to what Spain gave, which will amount to six hundred thousand dollars, not including the ransom of the Portuguese captives. These terms are considered as exorbitant; but, sir, it costs very exorbitant sums to keep up armaments to keep those people from depredations. I think the Portuguese will give all that is asked. They will free their colors and extend their commerce.

The Dey has prolonged the Dutch truce, and has commissioned the British consul to write to the Dutch admiral that is to come here to settle the peace, and desiring the admiral to give a definitive answer, peace or war. I believe the Dey has given the Dutch three months more. However, depend, that the longer the stay the more exorbitant their terms will be, and the more difficulty and opposition to settle the peace.

The Danish affairs are as yet as when I wrote you. It is said that inevitably the Danes may expect war, even if their annual tribute does arrive; and if it does not, this will give the Dey a stronger pretence.

The Swedish presents for the peace are not come. The Dey, enraged, gave the Swedes six months to complete all; if not, they look out for war. This necessitated Monsieur Skjöldebrand, junior, to depart this day from Algiers for Livorn and Sweden, in order to hasten forward the presents, and explain to the Swedish court the situation of their affairs; and in consequence our affairs have met with a great loss and strong advocate in the absence of M. Skjöldebrand, junior; but, sir, there is no alternative. Indeed, sir, I see no alternative, but for the United States, with all possible speed, to fit out ten sail of forty gun frigates, six brigs of war of eighteen guns each, and four schooners or cutters of sixteen guns each. These to be the fastest sailing vessels ever built in America, well appointed and manned; and to proceed towards Gibraltar, Algeziras, and Mahon, there to rendezvous, and to carry on a vigilant and offensive cruising. They will give more security to our commerce than all the marine of Portugal did. And depend, sir, that if this plan is not adopted speedily that the corsairs of Algiers and Tunis will remain masters of the Western Ocean. They will cruise in the channel of the Western Islands, and be tempted to go on to the coasts of the United States. Then, sir, what will be the consequences; what will be the alarm? Even if you succeed, or not, the present moment requires we should have cruisers. The same time, at all events, the door should be left open for the peace; and, I am exceedingly sorry, even at this crisis, that you have not fully empowered some confidential person in Algiers, to lay the foundation and pave the way, so that you may come and put a finishing hand to this business, which would be of such importance to our country.

These corsairs are this day eleven sail, mounting from forty-four to twelve guns; only one is at sea. I am afraid she will be too successful. The corsairs of Tunis are twenty-three sail, mounting from twenty-four guns to four. These combined, would strike terror to the American commerce, if they in the summer proceed out into the Western Ocean; and, considering our small prospects with the olive branch, will more forcibly indicate to you the necessity of the United States fitting cruisers. Even if we were at peace with all the world, we should have cruisers to give security to commerce, and be ready to act on any emergency.

It is needless in me, who have suffered so much, to touch on the distress of those unfortunate men. I have known my country nearly nine years captivity by her cruelty, perhaps unprecedented in the annals of tyranny. They must see their error, now too late.

I had forewarned them of this misfortune; but men in adversity are generally paid little or no attention to. They had other information than mine. Those half friends of the United States had their views; mine, depend, was to serve my persecuting country.

I have, sir, taken the liberty of writing you my sentiments on our affairs, but I know that you once declined any such correspondence; you will remember the circumstance. But I at present have no excuse to plead, and depend, solicit no favor. Hoping to God your endeavors will be attended shortly with the greatest success, sir, your most obedient servant,

O'BRIEN.

You will please to give the perusal of this letter to Mr. Robert Montgomery; and, indeed, I write you the same time, I am much indisposed; therefore, you will make some excuse on that tack.

Extract of a letter from D. Humphreys to the Secretary of State.

Lisbon, January 30, 1794.

SIR:

I left Madrid on the 12th, and arrived here on the 25th instant. On my arrival your letter of the 11th of September was put into my hand, which is the only one I have had the honor to receive from you since those that were brought by Mr. Cutting.

I now enclose to you papers of the following numbers and descriptions, viz. No. 1, the copy of a letter to me from the American captains in captivity at Algiers; No. 2, original memorials from them to the two Houses of Congress, which I have promised to transmit, to be presented accordingly; No. 3, the copy of a letter from the French consul at Algiers; No. 4, extracts from Mr. Montgomery's letter to me; No. 5, my answer to the letter from the American captains in captivity; No. 6, my answer to the French consul at Algiers; and No. 7, my answer to Mr. Montgomery's letter of the 8th of January. These communications complete my correspondence up to this time, on Algerine affairs, and I hope that my proceedings therein may meet the approbation of Government. As soon as Mr. Cutting shall have finished the accounts of the disposition of public property, &c. which had been destined for this service, they shall be transmitted to you without loss of time; after which I shall consider myself exonerated from any further duties under the commissions of the 21st of March last. Mr. Cutting proposes to leave this place in a short time for Ireland. He will then, of course, be detached from his connexion with the Algerine mission.

Upon consulting with Mr. Carmichael and Mr. Short, it was judged imprudent to make any further disclosures, or overtures, to any person in Algiers, respecting the terms which had been limited as an ultimatum for obtaining a peace with that regency; because it was unanimously thought that, to make specific proposals, which (from the change in the state of affairs) would certainly be rejected, must be highly disadvantageous to the United States in case of any future negotiations.

Having already reported to you all the material facts in the regular order of time at which they occurred, I will only beg leave to add, that, as some small personal consolation for the distressing sensations which have been excited by want of success, I cannot but feel a consciousness that the failure has not been owing to any neglect or want of exertion on my part. I also feel a peculiar degree of satisfaction in having received such strong testimonies of approbation, as the sufferers themselves have given to my conduct. And I flatter myself it will be judged not improbable that, by being at Gibraltar at the time when the Algerine fleet passed the Straits, and by communicating rapidly and extensively the knowledge of that event, I may have been at least instrumental in preventing some of our countrymen from falling into the hands of those pirates. Indeed it is unfortunate that all our countrymen did not profit by the fair warning I gave them; this, you will perceive, is the case of one of the captains and crews now in slavery at Algiers, by the following answer which Mr. Morphy, consul of the United States, at Malaga, wrote in consequence of my inquiry respecting that fact: "Captain Calder, of the schooner Jay, is the identical man that very unwarrantably put to sea from hence, after having been made acquainted with the news you gave me of the Algerines having passed the Straits."

All agree that the number of American vessels which have fallen into the hands of the Algerines is much less than could have reasonably been expected from the circumstances.

I have just had a conference with the Secretary of State for Foreign Affairs. He informs me that this court has sent a second messenger to Algiers; that the terms insisted upon by it are such as give the greatest reason to believe

the Dey and Regency will not accede to them; and that, in about fifteen days, an ultimate answer may be expected; of which notice will be given to me.

Another convoy is granted by this court, expressly for the American vessels now here, which amount to twenty-two sail.

With sentiments of great esteem, &c.

D. HUMPHREYS.

No. 1.

ALGIERS, December 29, 1793.

HONORED SIR:

We, the subscribers, in behalf of ourselves and brother sufferers, at present captives in this city of human misery, return you our sincere thanks for your communications of the 29th ultimo, and for the provision you have been pleased to allow us, in order to alleviate somewhat our sufferings in our present unfortunate situation.

We have drawn up and signed two petitions, one to the Senate, the other to the House of Representatives, and we shall esteem it among the many favors you have rendered us, that you will please to forward these petitions to their respective address, so that no time may be lost, but that they be laid before the Representatives of our country, hoping that the United States will fully provide funds for extricating from captivity, and restore us to our country, families, friends, and connexions.

We have perused, with sentiments of satisfaction and approbation, your memorial to the Regency of Algiers; and have to observe, that its contents fully coincide with our sentiments on this business, which we trust to the Almighty will terminate to the honor and interests of our common country, notwithstanding the insinuations (of others in this quarter) to the prejudice of the United States.

We trust and hope that the United States will adopt such effectual plans, in order to prevent any more of our brethren sharing our unhappy fate, which unavoidably must happen, if some speedy and decisive means is not immediately put in execution, as we understand the Portuguese truce with this regency was agreed on for one year.

What damps our spirits, in some degree, is, that we are informed that the plague, that fatal and tremendous disorder, has given its awful alarm in the countries adjacent; and, as your unfortunate countrymen are confined during the night time in the slave prisons, with six hundred captives of other nations, that from our crowded situation we must be exposed to this contagious disorder, which necessitates the subscribers to entreat you, sir, that, in this case, those our friends, and of influence in this regency, will be authorized by you, and our honored countrymen, Mr. Carmichael and Mr. Short, to have a house taken for the residence of the American masters and mates, and, if possible, the mariners, to shield them from the threatening storm of mortality and danger.

We make no doubt, that, in case of the Almighty's wrath visiting this city of iniquity, but the Dey and Regency would acquiesce to the proposed plan of humanity, which would be establishing an example for the general welfare of mankind, and would, to posterity, be recorded to the immortal honor of the United States.

The same time, honored sir and friend, be you assured, for your consolation, that we, the American captives in this city of bondage, will bear our sufferings with fortitude and resignation, as becoming a race of men endowed with superior souls in adversity.

We are much indebted to Mr. Skjoldebrand, and brother, his Swedish majesty's agents in this city, for their humanity and attention to the American captives, and feel ourselves particularly obliged to you for recommending us to the good offices of Consul Skjoldebrand, and Mr. Mace, whom you mention to us as a friend.

With sentiments of gratitude, &c. the subscribers, in behalf of ourselves and brother sufferers,

Richard O'Brien,
William Penrose,
Joseph Ingraham,
John Burnham,
Timothy Newman,
Michael Smith,
William Wallace.

John M'Shane,
Moses Morse,
William Furness,
Isaac Stephens,
Samuel Calder,
James Taylor.

N. B. The foregoing addressed on the outside, "Hon. David Humphreys, American ambassador, at present at Madrid."

No. 2.

ALGIERS, December 29, 1793.

To the honorable House of Representatives of the United States of America, the humble petition of the American captives in Algiers most humbly sheweth:

That your petitioners had the misfortune to be captured, by the corsairs of this regency, in October and November last, whilst we were navigating vessels belonging to citizens of the United States. That your petitioners, and their crews, are at present captives in this city of bondage, employed daily on the most laborious work, without any respect to persons.

That your most humble petitioners are informed, that the plague, that fatal and tremendous disorder, is raging in the country adjacent, and, as your unfortunate petitioners are confined in two slave prisons, with six hundred captives of other nations, that, from their situation, the wisdom of the United States will consider what must be the fatal effects of the plague spreading, and becoming amongst the captives.

That your petitioners return their country their sincere thanks for the provision allowed them by their worthy representative, Mr. Humphreys, which provision, in some degree, helps to alleviate, somewhat, our hard fate and sufferings, without which allowance, our lives would be rendered much more burthensome and unhappy.

That your petitioners pray you will take their unfortunate situation into consideration, and adopt such measures as will restore the American captives to their country, their friends, families, and connexions; and your most humble petitioners will ever pray and be thankful.

[Signed by the underwritten masters, in behalf of themselves and brother sufferers. Richd. O'Brien, Wm. Wallace, Joseph Ingraham, Wm. Furness, Saml. Calder, Jn. M'Shane, Wm. Penrose, John Burnham, Isaac Stephens, Timothy Newman, Moses Morse, Michael Smith, James Taylor.]

American vessels captured by the corsairs of Algiers, in consequence of the peace with Spain, in 1785, and the truce with Portugal, in 1793, viz:

Ship Dauphin, Richard O'Brien, master, belonging to Messrs. Mathew and Thomas Irwins, of Philadelphia, captured the 30th July, 1785; crew, at present,	6
Schooner Maria, Isaac Stephens, master, belonging to Mr. William Foster, of Boston, captured the 25th July, 1785; crew, at present,	4
Ship Minerva, John M'Shane, master, belonging to Mr. Wm. Bell, of Philadelphia, captured the 18th of October, 1793; crew	17
Ship President, Wm. Penrose, master, belonging to Mr. John Craig, of Philadelphia, captured the 23d of October, 1793; crew	12
Ship Hope, John Burnham, master, belonging to Mr. Jn. N. Thompson, of New York, captured in October, 1793; crew	18
Ship Thomas, Timothy Newman, master, belonging to Captain Thomas Adams, of Boston, from Cadiz, captured October the 8th, 1793; crew	9
Brig Polly, Michael Smith, master, belonging to Messrs. Baily and Noyes, of Newburyport, captured the 25th of October, 1793; crew	9

Brig George, James Taylor, master, belonging to Messrs. Gibbs and Channing, Rhode Island, captured the 11th October, 1793; crew	8
Brigantine Olive Branch, Wm. Furnass, master, belonging to Colonel Thomas Hamilton, New Hampshire, captured 11th October, 1793; crew	7
Brigantine Jane, Moses Morse, master, belonging to Messrs. Moss and Kidder, of Haverhill, captured the 11th October, 1793; crew	8
Schooner Despatch, William Wallace, master, belonging to Messrs. Gillis and Freesland, Norfolk and Petersburg, Virginia, captured the 8th of October, 1793; crew	7
Schooner Jay, Samuel Calder, master, belonging to Mr. David Pierce, of Gloucester, captured the 12th October, 1793; crew	7
Brig Minerva, Joseph Ingraham, master, belonging to Mr. Taylor, of New York, captured in November, 1793; crew	7
Total,	119

RECAPITULATION.

13 Masters,	5 Ships,
13 Mates,	5 Brigs,
4 Second Mates,	3 Schooners.
2 Supercargoes,	
87 Mariners.	13 Vessels.
119 Total American captives.	

No. 3.

ALGIERS, December 15, 1793, 2d year of the French republic.

SIR: The navigation of the United States has just been odiously abandoned to the corsairs of this Regency. I have thought that it would probably be convenient to Congress to make peace with Algiers, and that the mediation of one free people in favor of another, would be the most agreeable to your nation; I am, therefore, going to make the overture on the subject to the Minister for Foreign Affairs at Paris. I should be charmed if my endeavors prove useful to your country. I should be as attentive to its suffering interests as to those of my own.

I must inform you, however, that your peace here will inevitably be costly; but, if those of Portugal and of Holland should miscarry, the circumstance would then prove favorable to you, and your conditions would become less onerous. I greet you, &c.

The consul of France at Algiers.

VALLIERE.

N. B. The cover which contained the original of the above, was addressed as follows, viz:

Monsieur L'AMBASSADEUR AMERICAIN, à Alicant.

No. 4.

Extracts of a letter from Mr. Montgomery to D. Humphreys.

ALICANT, January 8.

"If I may venture to give an opinion on that subject, I think the supercargoes ought to be put on a footing with the masters, and the second mates with the mates, in point of subsistence, for which I shall give instructions by next conveyance, if I have no orders from yourself to the contrary."

"I do not find that I shall shortly have an opportunity to send over the clothing. Pray, might I charter a barque to carry that and some more money that will be wanting towards the end of this month, providing we have no other way of doing it before that time?"

No. 5.

MADRID, January 12, 1794.

MY DEAR SIRS:

I have been favored by the receipt of your joint letter, dated the 29th of December; and as I am about to set out immediately for Lisbon, I shall be able to do little more than to assure you, that your memorials to the Senate and House of Representatives of the United States shall be forwarded to them in the earliest and safest manner possible.

Having communicated to Mr. Carmichael and Mr. Short, your apprehension that the plague may be again introduced to Algiers from the adjacent countries, where it is already said to prevail, we have not hesitated to concur with you in sentiment, that, in case of that dreadful event, it might be useful for you to have a house hired in the country, in order to endeavor, by all human precautions, to prevent your falling victims to that terrible disorder. Whereupon, Mr. Robert Montgomery, consul of the United States at Alicant, has been empowered, in case that dreadful event should happen, to furnish sufficient money to pay for the hire of a house, in the manner, and for the purpose, you propose. This provisional arrangement to continue in force until Mr. Montgomery shall receive ulterior instructions from the Government of the United States for continuing or suspending the same.

I entreat you will be persuaded, my dear and unfortunate countrymen, that I receive, with great satisfaction, the marks of your approbation of the honest but ineffectual efforts I have made in your favor. Would to heaven they had been as successful as they were disinterested and sincere. I have only to repeat that you may, at all times, and on all occasions, count upon the sympathetic regard and esteem of your real friend and affectionate fellow-citizen,

D. HUMPHREYS.

To Captain O'BRIEN, and the other captains
and citizens of the United States, now prisoners in Algiers.

P. S. Although I have repeatedly remarked, that it may, perhaps, (for particular reasons) be inexpedient for me to keep up a regular correspondence with you; yet, it is proper I should add, that I shall always be glad to hear from you, and that it may be particularly interesting to the Government of our country, to receive, at the earliest possible period, all intelligence of importance. I shall, therefore, always be ready to communicate such intelligence, until some nearer and better channel of communication can be established.

No. 6.

Colonel Humphreys to M. Valliere, French Consul at Algiers.

SIR:

MADRID, January 12, 1794.

I have duly received, in this place, the letter which you were pleased to address to the American ambassador at Alicant, on the 15th of December last, and shall, without loss of time, have the honor of transmitting a copy thereof to the Executive of the United States of America.

In the mean time, in making my acknowledgments for your obliging offers, I avail myself, &c.

D. HUMPHREYS.

No. 7.

Colonel Humphreys to R. Montgomery, Esq. United States' Consul at Alicant.

MY DEAR SIR:

MADRID, January 12, 1794.

I have had the pleasure to receive, by the last mail, your letter of the 8th instant; and, being on the point of departure for Lisbon, I can only briefly reply to the most interesting parts of it.

I coincide with you in opinion, with respect to the provision which should be made for the supercargoes and second mates in captivity at Algiers. You must act according to the best of your discretion, in hiring a small barque to carry over the clothing and necessaries to Algiers, or in still attempting to find a conveyance for them, by the packet from Carthagen, or some private vessel from Valencia or elsewhere. If the expense of hiring a small barque, on purpose, (inconsiderable as the expense may be) can be avoided, without leaving the prisoners to suffer, it certainly will be eligible to avoid it; if not, the expense will come under the head of inevitable contingent charges, which you must be authorized to make.

Upon consulting with Mr. Short and Mr. Carmichael, it was judged expedient, that, in case the plague should again make its appearance in Algiers, the American captains, &c. in captivity, should be enabled to hire a house, in the country, in order to prevent them (if possible) from falling victims of that dreadful scourge of heaven. In which case, therefore, you are hereby empowered to make the necessary advance of money, from the money of the United States deposited by me in your hands, to pay for the hire of the said house, until the Government of the United States shall have been apprised of this provisional arrangement, and shall have thought proper to express their pleasure for continuing, or suspending, the said arrangement. And you are requested to apprise them of the arrangement accordingly.

With sentiments of great regard and esteem, I am, &c.

D. HUMPHREYS.

P. S. I have again mentioned the subject of hastening the signature and final despatch of your exequatur, to the person alluded to in your letter. This is all that it would be proper for me to do in the business. You will be pleased, after perusing and sealing the letter for the American captains in captivity, to forward it to them by some safe conveyance. Have the goodness to offer my compliments, as usual.

3d CONGRESS.]

No. 85.

[1st SESSION.]

FOREIGN AGGRESSIONS ON AMERICAN COMMERCE.

COMMUNICATED TO CONGRESS, MARCH 5, 1794.

Message transmitting a report of the Secretary of State on the spoliations committed on the commerce of the United States.

Gentlemen of the Senate and of the House of Representatives:

The Secretary of State, having reported to me upon the several complaints which have been lodged in this office against the vexations and spoliations on our commerce, since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

UNITED STATES, March 5, 1794.

G. WASHINGTON.

SIR:

PHILADELPHIA, March 2, 1794.

In your message to both Houses of Congress, on the 5th of December, 1793, you inform them, that "the vexations and spoliations, understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention: That the proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future;" and that, "should such documents be furnished, proper representations will be made thereon. with a just reliance on a redress proportioned to the exigency of the case."

On my succession to the Department of State, I found a large volume of complaints, which the notification had collected, against severities on our trade, various in their kind and degree. Having reason to presume, as the fact has proved, that every day would increase the catalogue, I have waited to digest the mass, until time should have been allowed for exhibiting the diversified forms in which our commerce has hourly suffered. Every information is at length obtained which may be expected.

The sensations excited by the embarrassments, danger, and even ruin, which threaten our trade, cannot be better expressed, than in the words of the committee of Philadelphia. After enumerating particular instances of injury, their representation to Government proceeds thus: "On these cases, which are accompanied by the legal proofs, the committee think it unnecessary to enlarge, as the inferences will, of course, occur to the Secretary; but they beg leave to be permitted to state other circumstances, which, though not in legal proof, are either of such public notoriety as to render legal proof unnecessary, or so vouched to the committee as to leave them in no doubt of the truth of them."

"It has become a practice for many of the privateers of the belligerent Powers to send into port all American vessels they meet with, bound from any of the French ports in the West Indies to the United States; and it is positively asserted, that the owners of some of them have given general instructions to their captains to that effect;

and, though many of those vessels have been afterwards liberated, yet the loss by plunder, detention, and expense, is so great, as to render it ruinous to the American owner. In many cases, where the cargoes have been valuable, the owners of the privateers, after acquittal, have lodged appeals which they never intended to prosecute, but merely with a view of getting the property into their hands, upon a valuation made so unfairly, as to ensure them a considerable profit, even if they should be finally made liable.

"Fourteen days only are allowed to an American owner to make his claim, which renders it impossible for him, except he is on the spot; and every difficulty which a combination of interested persons can devise, is thrown in the way, to prevent his getting security; and in few instances can it be done, but by making over his vessels and cargo to the securities, and thereby subjecting himself to the heavy additional charge of commission, insurance, &c. It may be added, that the most barefaced bribery is sometimes practised to prevail on unwary boys, or those who know little of the obligation of an oath, to induce them to give testimony in favor of the captors.

"Beside the cases here enumerated, the committee have information of a number of vessels belonging to this port, being captured and carried into different ports; but as the legal proofs are not come forward, they forbear to mention them.

"It is proper, however, for them to add, that, besides the loss of property occasioned by those unjust captures and detentions, the masters and crews of the vessels are frequently subjected to insults and outrages, that must be shocking to Americans. Of this the case of Captain Wallace is an instance. There are others within the knowledge of the committee, of which they only wait the legal proof to lay them before the Secretary.

"To this last list of grievances the committee are sorry to find it their duty to add, that, by reason of the vexation, loss, and outrages, suffered by the merchants of the United States, its commerce already begins to languish, and its products are likely to be left upon the hands of those who raise them. Prudent men doubt the propriety of hazarding their property, when they find that the strictest conformity with the laws of nations, or of their own country, will not protect them from the rapacity of men who are neither restrained by the principles of honor, nor by laws sufficiently coercive to give security to those who are not subjects of the same government.

"The committee conclude this representation with an assurance, that they have, in no degree, exaggerated in the statement they have made, and that they will continue to communicate all such information as they may further receive; of which nature, before the closing of this report, they are sorry to add, is, that of the irruptions of the Algerines from the Mediterranean, in consequence of a truce concluded with that regency, it is said by the British minister, on behalf of Portugal and Holland. This alarming event, to which some American ships, we hear, have already become victims, is of so distressing a nature, as must soon deprive us of some of the most lucrative branches of our commerce, if not speedily checked or prevented. The immediate rise it has produced in insurance, and the fears it may instil into our seamen and commanders, are of a nature highly deserving the serious consideration of Government, on whose protection and zeal for the interests, commercial and agricultural, of the country, the committee implicitly rely."

In a supplementary letter the committee of Philadelphia make this conclusion: "that the cases which they recite, and others less formally announced, serve to show, that there are frequent instances of suppression of papers, registers, &c. very prejudicial to our shipping on their trials, and of injuries by the destruction of letters, to the general correspondence of the country with foreign nations."

When we examine the documents which have been transmitted from different parts of the Union, we find the British, the French, the Spaniards, and the Dutch, charged with attacks upon our commerce.

It is urged against the British,

1. That their privateers plunder the American vessels, throw them out of their course by forcing them, upon groundless suspicion, into ports other than those to which they were destined; detain them, even after the hope of a regular confiscation is abandoned; by their negligence, while they hold the possession, expose the cargoes to damage, and the vessels to destruction; and maltreat their crews.

2. That British ships of war have forcibly seized mariners belonging to American vessels, and in one instance under the protection of a Portuguese fort.

3. That, by British regulations and practice, our corn and provisions are driven from the ports of France, and restricted to the ports of the British, or those of their friends.

4. That our vessels are not permitted to go from the British ports in the islands without giving security (which is not attainable but with difficulty and expense) for the discharge of the cargo in some other British or a neutral port.

5. That, without the imputation of a contraband trade, as defined by the law of nations, our vessels are captured for carrying on a commercial intercourse with the French West Indies, although it is tolerated by the laws of the French republic; and that, for this extraordinary conduct, no other excuse is alleged than that by some edict of a king of France this intercourse was prohibited; and

6. That the conduct of the admiralty in the British islands is impeachable for an excess of rigor, and a departure from strict judicial purity; and the expenses of an appeal to England too heavy to be encountered under all the circumstances of discouragement.

Against the French it is urged,

1. That their privateers harass our trade no less than those of the British.

2. That two of their ships of war have committed enormities on our vessels.

3. That their courts of admiralty are guilty of equal oppression.

4. That, besides these points of accusation, which are common to the French and British, the former have infringed the treaty between the United States and them, by subjecting to seizure and condemnation our vessels trading with their enemies in merchandise, which that treaty declares not to be contraband, and under circumstances not forbidden by the law of nations.

5. That a very detrimental embargo has been laid upon large numbers of American vessels in the French ports;*

6. That a contract with the French Government for coin has been discharged in depreciated assignats.

Against the Spaniards the outrages of privateers are urged;

And against the Dutch, one condemnation in the admiralty is insisted to be unwarrantable.

Under this complication of mischief, which persecutes our commerce, I beg leave, sir, to submit to your consideration, whether representations, as far as facts may justify, ought not to be immediately pressed upon the foreign Governments, in those of the preceding cases for which they are responsible.

Among these, I class, 1. The violences perpetrated by public ships of war. 2. Prohibitions, or regulations inconsistent with the laws of nations. 3. The improper conduct of courts. 4. Infractions of treaty. 5. The imposition of embargoes; and 6. The breach of public contracts. How far a Government is liable to redress the rapine of privateers, depends upon the peculiarities of the case. It is incumbent upon it, however, to keep its courts freely open, and to secure an impartial hearing to the injured applicant. If the rules prescribed to privateers be too loose, and opportunities of plunder or ill treatment be provoked from that cause, or from the prospect of impunity, it is impossible to be too strenuous in remonstrating against this formidable evil.

Thus, sir, have I reduced to general heads the particular complaints, without making any inquiry into the facts beyond the allegations of the parties interested.

I will only add, that your message seems to promise to Congress some statement upon these subjects.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

The President of the United States.

* There is reason to believe that the embargo was removed in December last, and the detention compensated by an order of the Committee of Public Safety in France.

3d CONGRESS.]

No. 84.

[1st Session.]

SPAIN.

COMMUNICATED TO CONGRESS, MARCH 12, 1794.

Message transmitting to Congress two letters of the Commissioners of Spain.

UNITED STATES, March 12, 1794.

Gentlemen of the Senate and of the House of Representatives:

I transmit to you the translations of two letters from the Commissioners of his Catholic Majesty to the Secretary of State, and of their enclosures.

G. WASHINGTON.

SIR:

Some circuitous course of the despatches having retarded our receiving the edict of his majesty, containing the declaration of war against the French, in consequence of their having declared war against Spain, and committed hostilities, authorized by that Government, even when war was not yet declared, we were not enabled to inform you, sir, in an official manner, of the resolution of the King, our master; therefore, we have the honor to do the same at present, by enclosing a printed edict of that monarch, which you will please to lay before the President of the United States, in order to be communicated to Congress.

The weighty motives that determined his majesty to adopt a conduct contrary to his pacific views, manifestly appear by the tenor of the enclosed instrument, and will no doubt convince the United States of the just reasons which operate on the King for doing the same.

Offering our best services, we remain, with sincere affection and greet esteem, sir, your most obedient and devoted servants,

JOSEF IGNACIO DE VIAR,
JOSEF DE JAUDENES.

Edict of His Majesty, transmitted to all the Councils of State, of War, to Castile, the Indies, the Inquisition, to all Orders, and the Treasury Department.

Among the principal objects that occupied my attention since my exaltation to the throne, I always considered that to be the most important that prompts me to contribute, as to my part, to the maintenance of the tranquillity of Europe; whereby, besides adding to the general welfare of mankind, I gave to my faithful and beloved vassals particular proofs of the paternal vigilance with which I seize all occasions to promote their own happiness, that engages my fondest wishes, and to which they are no less entitled by their unparalleled loyalty, than by their noble and generous conduct.

The moderation that directed all my measures taken concerning France, since that period when the principles of confusion, of impiety, and anarchy, were displayed, and those disturbances began, which threw her inhabitants into the utmost agitation and ruin, is a matter so notorious, that it would be superfluous to adduce any further proofs thereof. I confine myself, however, only to draw your attention to the late events of the last months, without mentioning those manifold transactions, the very idea whereof I wish to banish from my mind, and that of my beloved vassals, alleging only the most horrid of the same, as it cannot be omitted.

My principal views were concentrated in one point, to wit: to try whether it was possible to prevail on the French to embrace a reasonable conduct, that, by renouncing their boundless ambition, a general war over Europe might be prevented, and, in consequence thereof, personal liberty might at least be procured to the Most Christian King, and to his august family, who are confined in a tower, and daily exposed to the most pungent outrages, insults, and dangers. To obtain an end so beneficial to general tranquillity, so conformable to the dictates of humanity, and so coinciding with the obligations which the ties of consanguinity impose upon us, and are requisite to support the splendor and dignity of our crown, I yielded to the repeated instances of the French ministry, by causing two notes to be executed; in which neutrality, and a reciprocal recalling of the troops, were stipulated.

When they perceived they had obtained the object of their negotiation, they accepted of both, but changed that one respecting the recalling of their forces, by proposing to keep part of the same in the environs of Bayonne, under the palpable pretext of being under apprehension of an invasion of the English, but in reality, to indulge their own convenience, by placing themselves on a formidable footing, that occasioned great expense on our side, as we thereby were obliged to continue an equal force on our frontiers, if we would not have our dominions exposed to be overrun by undisciplined and unruly people. They could not refrain from using (in the same note) repeatedly, and with a great deal of affectation, that expression, "In the name of the republic of France;" thereby endeavoring to get it acknowledged by us as such, by the very act of our accepting that official paper.

I had given orders that, when those notes, executed here, should be presented at Paris, at the same time the most efficacious measures should be taken to procure relief to King Louis XVI. and his disgraced family; and if the safety of the lives of those royal persons was not explicitly expressed, as the absolute condition of the neutrality and disarming stipulated, it was done from the apprehension, the situation of the cause itself might be hurt, on the happy event whereof I had taken so warm and due a concern. I, however, at the same time, was convinced, that without an extreme bad faith on the side of the French ministry, it never could be controverted, that so strong a recommendation and interposition, accompanied with the immediate despatching of those notes, must be construed as standing in a secret, and so close a connexion with the same, that there was no possibility to carry one point into execution, in case they should refuse to fulfil the other part of the convention, as the omitting of an explicit expression of that condition was advised by delicacy, and with a view that the French ministers the easier might prevail on the different parties by which France at that time was, and is still divided, and so might be enabled to bring about that good end, which, to embrace, we then had reasons to think her disposed to.

Her bad faith has manifested itself since, when she, feigning to be ignorant of what she owed to the recommendation and interposition of a sovereign, placed at the head of a great and gallant nation, yet insisted on the admission of those notes in their altered quality, and accompanied her different urgent applications concerning them, with threats, that the persons charged here with her affairs, should, in case of a refusal, be recalled. Whilst they continued those negotiations, they committed the barbarous and unheard of murder of their own sovereign; and when my heart, and that of all Spaniards, was filled with horror and mournful indignation at so atrocious a crime, they durst yet to continue their negotiations, certainly not supposing that there was a probability of their being admitted, without compromising my own honor, and that of my subjects, well knowing that any application, under such circumstances, really bears the stamp of irony and mockery, to which no hearing could be given, without violating honor and decorum. They requested passports to embark their agents, which were granted. At the same time a Spanish vessel being taken on the coast of Catalonia, by a French vessel, I ordered the commander-in-chief to act by reprisals; and, at almost the same time, intelligence arrived of other captures made by their vessels, and of their detaining and laying an embargo on our shipping at Marseilles, and other ports of France.

Finally, they, on the 16th, declared war against us, in which we were involved before, (though without a public intimation) from at least the 26th of February, that day being the date of the commission against our men of war

and merchantmen, and of the other papers that were in possession of the French privateer called the Fox, Captain John Baptista Lalanne, when he took our brig the Active, commanded by Captain Don Juan de Dios Capete, with a Spanish vessel laden with gunpowder, conducted by him.

Therefore, to retaliate such conduct, and considering the hostilities begun by the French, even previously to the declaration of war, I have despatched all proper orders to detain, destroy, and attack, the enemy, by sea and land, as opportunities may offer, resolving and ordering that, from hence, war is declared at this court to France, her dominions and inhabitants, and that those regulations be despatched throughout every part of my dominions, that they may prepare for their defence, and for open offence against the enemy. The present are conformable with the records in council for the accomplishment of what relates thereto. Given at Aranjuez, the 23d of March, 1793.

By the King:

Count DE CANADA.

Messrs. Jaudenes and Viar to Edmund Randolph, Esq. Secretary of State.

PHILADELPHIA, MARCH 5, 1794.

SIR:

The assurances of harmony and good disposition towards Spain, which, on different occasions, the Government of the United States have given to us, and especially those which you, sir, on the 1st instant, verbally repeated to Don Josef de Jaudenes, and which corresponded with the contents of your favor of the 2d of said month, duly received by us, do not seem to authorize proceedings so hostile and contradictory as those practised by several individuals, citizens of the United States.

Your penetration will immediately lead you to perceive that we allude to those expeditions which are in motion in the respective States of South Carolina, Kentucky, and Georgia, against the dominions of the King, our master.

The copy of a letter written by the Governor of East Florida, near Georgia, (which we have the honor here to enclose for your consideration) plainly asserts the truth of what lately has passed; and the different intelligence received in this capital, evince the authenticity of the others.

As the cited letter of the Governor of Florida sufficiently and strongly urges the nullity of the like conduct on our part within the United States, and the Government of the United States must be informed thereof better still, we deem it superfluous to dwell here on representations against absurd charges of this kind; therefore, we confine ourselves to express the great sensation occasioned by the reflection, that the insufficiency of this Government to enforce the execution of their laws and regulations, as well as the notorious partiality of their citizens and individual inhabitants in favor of France, tending to the open prejudice of the interests of Spain, are likely to interrupt the good understanding and sincere amity that happily subsisted between the two nations to the present period, and which the United States cannot but look upon as a connexion of consequence.

We expect, with confidence, that the energetic and prudent measures the States will adopt for preserving so advantageous a connexion as that with the nation we have the honor to represent, will be productive of the most solid and reciprocal harmony; to cultivate which his majesty has ever shown so happy a disposition. We have the honor to subscribe ourselves, &c.

JOSEF IGNATIO DE VIAR,
JOSEF D. JAUDENES.

P. S. According to our best information, a certain Dr. O'Fallen is one of the principal accomplices and abettors of the plot for an expedition on the other side of the Ohio, being the same person whom the Government of the United States ordered to be apprehended, on the application of our predecessor in office, Don Diego de Gardoqui, for projects of a similar nature.

He was, it seems, designing enough to avoid being taken, and to keep himself concealed. As the seizure of his person has not been yet effected, it is obvious that the United States did not pay due attention to a matter of so serious a nature.

EDMUND RANDOLPH, Esq.

The Governor of East Florida to Governor Mathews.

RESPECTED SIR:

On the 7th instant I wrote to your excellency by Mr. Juan Wallie, Vice Consul of Great Britain, in this city, that I have in my possession a declaration made on oath by an inhabitant of the city aforesaid, by which it appears that there is an expedition under contemplation, and preparing against this province; that the American Colonel, Samuel Hammond, is to have the command thereof; that Captain Hardy is one of the persons appointed to enrol the people residing in the county of Camden; that the troops so enlisted are to take an oath of fidelity (allegiance) to France; and that they have, also, a naval force ready to act in concert with them for the same purpose. Then I entreated your excellency what I expected from your well known zeal, that you would not neglect any exertion to counteract those wicked designs, that might disturb the intimate friendship subsisting between the court of Spain and the United States.

On the same date, I further informed you of my having charged the British vice consul, above mentioned, personally to appear in my name, and representing my person, and that of the King, my master, before your excellency, or before any other tribunal, with a petition to have the ringleaders of that premeditated attempt put under arrest, in order to obtain the satisfaction and redress due for the insults that were preparing for the royal flag and the dominions of his majesty. Subsequent to that information, I received further intelligence that the hostile project was on the eve of being executed; that, in the county of Camden, aforementioned, there is a body of sixteen hundred cavalry, in three divisions, under orders of the said Samuel Hammond, who has been appointed brigadier general in the French service; that the said divisions of cavalry are fully equipped and officered; that, in the fortified ports of Temple and Coleraine, lying in the neighborhood of that city, and adjacent to this province, there are formed two large magazines of provisions and ammunition of all kind, that were purchased by Mr. Abner Hammond, a brother of the commander-in-chief of that expedition, who is appointed colonel for the cavalry, both being inhabitants of that city; that there are three French frigates to sail from the port of Beaufort, having a thousand or eleven hundred men on board, in order to attack this province both by sea and land at the same time, which will be done in at least three weeks. Those advices not being of an indifferent nature, I had them proved by declarations of various subjects, and confirmed on oath; and, what is more still, I caused the same to be signed by the above mentioned Mr. Abner Hammond, one of the principal heads of the plot, whom I had the good fortune to seize within the limits of my jurisdiction, on the beach of the river St. Juan, whom I now keep under strict guard.

It is a matter incomprehensible to me how men of character and influence in that city, as both the brothers Hammond are, as well as others, suffered themselves to be seduced by the wicked insinuations of the French, even to such a degree as to compromise their own country, as it is well known to your excellency that the raising of troops within the territory of a neutral Power, as that of the United States is, or to sail from its bosom with land and sea forces, to carry the sword into this province, is an evident violation of the law of nations, and a breach of the neutrality so solemnly declared, and consequently insulting a powerful monarch in the most formal and unequivocal manner.

Your excellency received my former information, by which I communicated to you the whole of the machinations that were put in motion in that city under your protection against this province under my trust. Being fully persuaded that your excellency, actuated by your zeal in the service, have taken the most efficacious measures to put a stop to those designs by arresting the leaders, as I requested you before, and do now request you again by the

present requisition, which I transmit to you in the most formal terms; in consequence of which, you will please to exert your utmost efforts till the said plot shall be entirely destroyed; meanwhile, I make all possible dispositions to due defence to repel force by force; of all which I shall render an exact account to the King, my master, enclosing for his superior consideration all proofs I am possessed of, and which ascertain the imminent danger of an approaching invasion of the royal flag and his majesty's dominions, that his majesty may cause such steps to be taken as may secure due redress to his majesty. I have also enclosed them to his ministers to Congress, that a demand may be there made in requisite form. Repeating to your excellency the continuance of my affection to your person, I pray God will spare your life many years. Given at St. Augustine, in Florida, on the 22d of January, 1794.

Your most obedient humble servant,

His Excellency DON GEORGE MATHEWS.

JUAN NEPOMUCENO DE QUESADA.

Attest the copy to be conformable to its original.

VIAR,
JAUDENES.

3d CONGRESS.]

No. 85.

[1st Session.]

FRANCE.

COMMUNICATED TO CONGRESS, MARCH 18, 1794.

Message transmitting an application, by the Minister of France, for an advance of one million of dollars, on account of the debt due by the United States.

UNITED STATES, March 18, 1794.

Gentlemen of the Senate and of the House of Representatives:

The Minister Plenipotentiary of the French republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

The Minister Plenipotentiary of the republic of France to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, March 1, 1794, second year of the French republic.

SIR:

The necessities of the inhabitants of St. Domingo, who have taken refuge in the United States since the burning of the Cape, have been noticed by the mother country. She is eager to recall to her bosom her unfortunate children, for the purpose of consoling and relieving them. The executive council have charged me to furnish them the means of returning to France. I must address myself to the United States for an advancement of the sum requisite to defray the expenses and preparations of their voyage; that which has been voted by Congress being insufficient to fulfil the intention of the executive council, I have every reason to believe that the United States will readily concur in the completion of it. Suffering humanity is in question, and those who suffer are Frenchmen.

I greet you fraternally.

JH. FAUCHET.

PHILADELPHIA, March 2, 1794, second year of the French republic.

SIR:

I have reflected on the request you have made, to indicate to you, by approximation, the sum which would be necessary to fulfil the engagements contracted by the different agents of the republic, and find that I shall want at least a million of dollars, payable in six months, to satisfy the wants of Frenchmen at present in the United States, and to pay off debts, which, in whatever manner they may have been contracted, are sacred to the republic, because they have been contracted in her name.

The Minister Plenipotentiary of the republic of France.

JH. FAUCHET.

Mr. RANDOLPH, Secretary of State of the United States.

PHILADELPHIA, March 12, 1794.

SIR:

Your letters of 1st and 2d instant, requiring the advance of a million of dollars, have been laid before the President of the United States. He instructs me to inform you, that the sum of one million five hundred thousand livres shall be paid to your order as minister plenipotentiary of the French republic, on the 3d of September next, and an additional sum of one million of livres on the 5th of November next, (1794.) That, for the present, all claim for the anticipations which are understood to have been made by the United States, will be suspended; and that, in the mean time, any of your drafts within the above limits and epochs shall be registered at the treasury, in the order of their presentation. The President, in the determination now announced, has consulted a disposition to comply with your desire, as far as the situation and prospects of the United States have appeared to him at this juncture to permit.

I shall be happy to have a personal interview with you upon this occasion. As two o'clock this afternoon, and my office, seemed, from what passed between us yesterday, to be an agreeable hour and place, I beg leave to expect you.

I have the honor, sir, to be, with every consideration of respect, your most obedient servant,

EDM. RANDOLPH.

Mr. FAUCHET, Minister Plenipotentiary of the republic of France.

M. Fauchet, Minister Plenipotentiary from the republic of France, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, March 12, 1794, in the second year of the French republic.

SIR:

I have received your letter dated to-day, and I observe with chagrin the dispositions it contains.

When I asked for the advance of a million of dollars, I hoped that a part of that sum would be paid down to me, and the rest at different periods, the last of which should not exceed six months; but, contrary to my hope, the first term of payment is indicated at that epoch only, and the advance to be made to me confined to half the sum which I had requested.

I pray you, sir, to observe to the President of the United States, that this determination will obviate none of the embarrassments in which I find myself; that I must pay cash to the captains of the vessels which may take the colonists to France, and for the subsistence which those unfortunate people require; that I must advance to the latter for such stores at least as are of the first necessity. I request you, sir, to add also, that numerous drafts are drawn on me at sight, or within short periods of each other, by the different agents of the French republic, either for articles of provision for the crews of vessels ready to sail, or for expenses incurred antecedent to my administration, and which it is impossible for me to postpone satisfying immediately.

These various observations will, without doubt, operate a change in the resolution of the President, which you have communicated to me; and the sincere picture which I have traced to you, of my situation, will engage him to make an effort in favor of the allies of America.

And under this reflection, sir, I renew to you the assurance of the sentiments of esteem, so pleasing to me to testify to you.

JH. FAUCHET.

TREASURY DEPARTMENT, March 18, 1794.

To the President of the United States:

I certify that the instalments, which, according to the contracts respecting the debt to France, accrue in the present year, are one million five hundred thousand livres on the 3d of September, and one million of livres on the 5th of November; which, was there no anticipation, would be payable on those days, respectively. The amount anticipated, there being some unsettled items, cannot be pronounced until a definitive settlement shall have been had.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

3d CONGRESS.]

No. 86.

[1st Session.]

GREAT BRITAIN.

COMMUNICATED TO CONGRESS, ON THE 25TH OF MARCH, 1794.

Message communicating two letters from an American Consul, relative to the vexations committed on American Commerce.

UNITED STATES, March 25, 1794.

Gentlemen of the Senate and of the House of Representatives:

The two letters which I now forward to Congress were written by a consul of the United States, and contain information which will probably be thought to require some pecuniary provision.

G. WASHINGTON.

ST. EUSTATIA, March 1, 1794.

SIR:

On the 20th ultimo I had the honor of addressing you, and of expressing, with deep concern, my apprehensions of the design of the British nation upon the flag of the United States; and had not all communication have ceased, between Martinique and the British islands, for a month previous to my letter, I might, possibly, have derived such authentic information of the then prevailing symptoms of events, as would have justified my giving, to the American vessels in these seas, as well as to the Executive of the United States, an official and more satisfactory account; but, placed as I have been, I have done no more than to suggest to them, from time to time, my suspicions of a nation long used to committing acts of violence and of depredation.

The ship Delaware, in which I had taken passage for Philadelphia, was, on the 7th instant, captured by the Experiment privateer, of Bermudas, and carried into Monserat; on her arrival stripped of her sails; and, by order of the judge, the captain's papers and mine were peremptorily demanded: I waived a compliance, and at the instant waited on the judge; and, in the mildest terms, observed the impropriety of my exposing, by compulsion, public papers; which, if the United States were not at war with England, ought to be deemed sacred; or my private papers, which did not, in the most indirect manner, relate to the ship or cargo in question. Such assurances did not satisfy the curiosity of the judge; and, the next day, my desk was seized and forced. The ship Delaware, with thirty-three other American vessels, have been condemned, in the vice court of admiralty of Monserat; about the same number have been also in St. Kitts; and upwards of one hundred and fifty more have been arrested, and carried into the different ports of the English Windward Islands, and no doubt will share the same fate.

The judges of the courts of admiralty of these English and Dutch Islands pretend to derive their sole authority from Mr. Dundas's instructions, (a copy of which I have the honor herein to transmit you) and some of these gentlemen are so candid as to say, that the Powers combined against France mean to suppress every species of neutral commerce, with the people composing that nation, while at war.

This conduct, arbitrary and unauthorized, on the part of the coalesced despots, in my poor opinion, does not seem to satisfy the avarice and ambitious views of Great Britain; whose privateers, and even government vessels, have, in frequent instances, seized our flag; though cleared from America, for neutral and her own ports, or bound from such ports to America.

The ship Sidney, of Baltimore, cleared for this place, had arrived, two weeks since, under the cannon of one of its fortresses, and was there captured by a small English privateer, carried into St. Kitts, is libelled, and, in the general opinion of that island, will be condemned. Other vessels from America, cleared and actually on a direct passage to neutral and British ports, have been likewise taken and libelled, in British courts of admiralty; and judges, sir, have been heard to say, that although no documents could be found to prove that such vessels intended to trade with the French, yet it was reasonable to suppose that such might have been their designs.

Conceiving that it must be dear and interesting to the United States to secure the services and attachment of their seamen; I have made use of my feeble exertions to obtain them safe passages home; in part I have succeeded; and shall not hesitate, should the necessity of the case require, to charter a vessel for such as should experience a want of conveyance; but, it is with pride and gratification I have the pleasure of observing, sir, that these honest tars cannot be diverted from hastening to the arms of their much injured country.

Sir Charles Grey, with ten thousand men, have seized upon St. Pierre, and many other defenceless parts of Martinique, and is now menacing the formidable fortress of Fort Bourbon; Rochambeau has courage, ammunition, force, and provisions enough, in my opinion, to set him at defiance; and I venture to believe, and do most zealously hope, that he has virtue enough to teach Sir Charles that British gold is not capable of affording a key to every temple of liberty and virtue.

With sentiments of attachment and respect, sir, I have the honor to remain,

Your most obedient and most humble servant,

FULWAR SKIPWITH.

The SECRETARY OF STATE.

ST. EUSTATIA, *March 7, 1794.*

SIR:

My letter, of the 1st instant, will have afforded some detail of the situation of about two hundred and twenty sail of American vessels, seized upon by British vessels of war, and carried into different English Windward ports. The whole of those vessels, with thirty others, which have been captured since my last respects, were, immediately on their arrival in those different ports, libelled; but only those in Dominique, Antigua, Montserrat, and St. Kitts, have been condemned; making, in the whole, about one hundred and fifty sail. The greater part of the people, belonging to those vessels, have rendezvoused here, in order to obtain passages for America; and, having been stripped, many of them, of the little resources they had possessed, I have ventured to procure, on account of the United States, a sufficiency of bread, beef, and water, to support them to their respective homes; vouchers and receipts of which, I will have the honor to lay before the Executive of the United States, on my arrival in Philadelphia; and, I flatter myself that the step will meet their approbation, when they become satisfied that my sole motive for undertaking the measure has been to guard our seamen; many of whom would have entered into foreign service.

I have not heard as yet of any other official communication having been received from the combined Powers, maritime, than the instructions of Mr. Dundas, (a copy of which I had the honor to transmit, in my letter of the 1st instant) but, the prevailing Dutch and English opinion seem to be, that they mean to suppress not only all neutral commerce, directly carried on with the French, but that French manufactures and produce shall serve to contaminate any vessel in which they may be found.

Anticipating the honor of paying, personally, my respects, ere long, I have the pleasure of remaining, with sincere respect,

Your most obedient and most humble servant,

FULWAR SKIPWITH.

The SECRETARY OF STATE.

3d CONGRESS.]

No. 87.

[1st SESSION,

EMBARGO.

COMMUNICATED TO CONGRESS, MARCH 28, 1794.

Message suggesting the extension of the Embargo to Fishing Vessels, &c.

UNITED STATES, 28th March, 1794.

Gentlemen of the Senate and of the House of Representatives:

In the execution of the resolution of Congress, bearing date the 26th of March, 1794, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their militia, if it should be necessary for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the collectors have been instructed to refuse to receive the surrender of coasting licences for the purpose of taking out registers, and to require bond from registered vessels, bound from one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels; although their occupations lie generally in parts beyond the United States. But without further restrictions there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

3d CONGRESS.]

No. 88.

[1st SESSION.

GREAT BRITAIN, FRANCE, AND ALGIERS.

COMMUNICATED TO CONGRESS, APRIL 4, 1794.

Message transmitting letters from our Minister at London; advices from Algiers; and a letter from the Minister of France.

UNITED STATES, 4th April, 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before you three letters from our Minister in London; advices concerning the Algerine mission from our Minister at Lisbon and others; and a letter from the Minister Plenipotentiary of the French republic to the Secretary of State, with his answer.

G. WASHINGTON.

DEAR SIR:

LONDON, 26th December, 1793.

This serves to cover an *additional instruction, which, though dated the 6th of November, was made public at the admiralty but a few days ago. I only received it from our proctor last evening.

I am, with sincere respect, dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

I mention the circumstance of the dates because it appears to me of some importance.

DEAR SIR:

LONDON, January 2d, 1794.

At the moment when I was preparing to go to the conference with Lord Grenville this morning, I received a note from him excusing himself from the meeting. I then endeavored to see Mr. Burges, but without success; and, as this is the last hour for writing by the packet, I must send the enclosed additional instructions without any explanation obtained from the ministry. The Danish minister is sick and at Bath; but the Swedish minister appears alarmed at this measure; as I am informed the mercantile interest connected with America appear to be, from a committee of them having waited on Mr. Pitt. Upon this instruction, as it stands, it is unnecessary for me to make any comment. If a repeal or modification of it should take place, or if I can obtain the principles upon which this Government has issued it, I will immediately communicate. Toulon is again possessed by the French republic; we have not yet the particulars. I remain, &c.

THOMAS PINCKNEY.

The SECRETARY OF STATE.

G. R. *Additional instructions to the commanders of all our ships of war and privateers that have, or may have, letters of marque against France. Given at our Court at St. James's, the 6th day of November, 1793, L. S. and in the 34th year of our reign.*

That they shall stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and shall bring the same, with their cargoes, to legal adjudication in our courts of admiralty.

By his majesty's command.

H. DUNDAS.

MY DEAR SIR:

LONDON, 9th January, 1794.

You will receive, herewith, the copy of an instruction to the commanders of His Britannic Majesty's ships of war, &c., dated the 8th of this month, concerning which I had another conversation this morning with the Minister of the Foreign Department. On his saying, in the introduction of the subject, that he hoped I saw in it a manifestation of the good will of this Government towards the United States, I observed that it was certainly much less injurious to us than the instruction which it revoked, and might be as favorable as the principles upon which this Government acts would admit; but I reminded him that our ideas differed materially from theirs on this subject; and without repeating the arguments I had before addressed to him, both verbally and in writing, in support of our position, it was only necessary to say, that we did not admit the right of the belligerent Powers to interfere further in the commerce between neutral nations and their adversaries, than to prevent their carrying to them articles, which, by common usage, were established as contraband, and any articles to a place fairly blockaded; that, consequently, the two first articles, though founded upon their principles of not suffering in war a traffic which was not admitted by the same nations in time of peace, and of taking their enemies' property when found on board of neutral vessels, were, nevertheless, contrary to what we contended to be the just principles of the modern law of nations; that, indeed, I had some doubt of the first article being altogether supported by their own principle; but supposing that article, as well as the rest, to be consonant to their former usage, I wished to know whether their present republication imparted any thing more than was before practised. Lord Grenville answered that the only reason for renewing them was, lest the present instruction, being a revocation of that of the 6th of November, might also be deemed to revoke these articles which were connected with it. His Lordship then explained the motives which had induced this Government to issue the present instruction; the first, he said, was the sincere desire of the administration to maintain the best understanding and harmony with the United States; the second was, what he could not mention to me officially, but what he still thought it right I should be apprised of, that no misconception of their motives might be entertained; that he was aware of the delicacy of speaking to a foreign minister concerning the internal state of this country, neither could he expect an answer from me on the subject, but that their second reason was by this conduct to take away every pretext from evil disposed persons among us, who, according to the intelligence he had received, were endeavoring to irritate our people against Great Britain, as well as to oppose the measures of our own Government, and in short to reduce us to the present situation of France—a misfortune which they deprecated as well for our sakes as for the common welfare and tranquillity of mankind. He further took occasion to observe, with respect to the conduct of our Government in maintaining our neutrality, that, although there were some matters with which this Government was not perfectly satisfied, (and to which for the same reason they refrained from giving that opposition they thought they would be justified in doing) yet, from the general tenor of the conduct of our Government, they were convinced it was their desire to maintain a fair neutrality, which was an additional motive for their present conduct. I, of course, said nothing of our internal affairs, nor of those of France. I assured him, however, that our Government had been perfectly sincere in every measure relating to our neutrality; that they adopted it from a conviction that it was both just and politic, and had pursued it according to what they conceived to be just principles, knowing that such conduct alone could entitle us to the benefits to be derived from a neutral situation. I concluded by asking what explanation could be given of what was passed in this business; and of the effect of the instruction of the 6th of November upon such vessels as might, during the two months it had been in force, have fallen into the hands of their cruisers? Lord Grenville answered that the order of the 6th of November was intended to be temporary, and calculated to answer two purposes; one was to prevent the abuses which might take place in consequence of the whole of the St. Domingo fleet having gone to the United States; the other was on account of the attack designed upon the French West India Islands by the armament under Sir John Jervis and Sir Charles Grey, but that it was now no longer necessary to continue that regulation for those purposes. He added that the instruction of the 6th of November only authorized the vessels to be brought in for legal adjudication: and upon being told that, notwithstanding such were the terms made use of, yet that the officers who would have to act under it must conceive it to extend to condemnation, because otherwise the order was unnecessary, as without it they had been authorized to bring to adjudication all such vessels as they previously deemed liable to condemnation, he replied that the case of every vessel must be decided by its own merits, but that he conceived no vessel would be condemned under that instruction which would not have been previously liable to the same sentence. I informed Lord Grenville that I should communicate this instrument to you by the packet: he said he should likewise forward it by the same conveyance, and at the same time would send an answer to my memorial on the King's instruction of the 8th of June, to be communicated to you by Mr. Hammond.

I remain, with sincere respect, dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

* This follows the letter from Mr. Pinckney, of January 2d, 1794.

GEORGE, R.

Instructions to the commanders of our ships of war and privateers that have or may have letters of marque against France. Given at our Court at Saint James's, the 8th day of January, 1794.

Whereas by our former instruction to the commanders of our ships of war and of privateers, dated the 6th day of November, 1793, we signified that they should stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and should bring the same with their cargoes to legal adjudication: We are pleased to revoke the said instruction, and in lieu thereof, we have thought fit to issue these our instructions, to be duly observed by the commanders of all our ships of war and privateers that have or may have letters of marque against France:

1. That they shall bring in for lawful adjudication all vessels, with their cargoes, that are laden with goods the produce of the French West India Islands, and coming directly from any port of the said islands to any port in Europe.

2. That they shall bring in for lawful adjudication all ships, with their cargoes, that are laden with goods the produce of the said islands, the property of which goods shall belong to subjects of France, to whatsoever ports the same may be bound.

3. That they shall seize all ships that shall be found attempting to enter any port of the said islands, that is or shall be blockaded by the arms of His Majesty or his allies, and shall send them in with their cargoes for adjudication, according to the terms of the second article of the former instructions, bearing date the 8th day of June, 1793.

4. That they shall seize all vessels laden wholly or in part with naval or military stores, bound to any port of the said islands, and shall send them into some convenient port, belonging to His Majesty, in order that they, together with their cargoes, may be proceeded against according to the rules of nations.

PHILADELPHIA, the 7th Germinal, 2d year of the French republic, one and indivisible.

M. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State of the United States.

As you are about to lay before the President a statement of the claims relative to the vexations and spoliation which your commerce has experienced, you will doubtless receive with pleasure some éclaircissements on the complaints, well or ill founded, which have been brought against privateers and two ships of war of the French republic. You will not observe with less pleasure, in my reply, that the National Convention has already done justice to some of the demands of the merchants of the United States, and are now occupied in satisfying some others.

In the list of complaints against the republic of France, the complainants urge that the *French privateers do not less harass your commerce than those of the English.*

To this assertion I answer by two observations which I submit to your impartiality.

1. It is now some time since any more privateers have sailed out of the ports of France, and the number of those which have been armed in our islands, is not to be compared with those pirates which the islands of Bermuda alone send forth.

2. If any of your merchants have suffered any injury by the conduct of our privateers, (a thing which would be contrary to the intention and express orders of the republic) they may, with confidence, address themselves to the French Government, which will never refuse justice to those whose claims shall be legal.

I feel a pleasure in thinking, and saying to you, that it is not the fault of the French, if commercial property, even of enemy nations, has not been respected amidst the horrors of war.

This proposition of natural right was made by one of our legislative assemblies to the British, who rejected it.

2dly. It is imputed to *two of our ships of war that they have committed enormities on your vessels.*

Should the fact be proved, the captains of those two vessels are as culpable towards France as they are towards the United States, for having acted in a manner contrary to the instructions they have received. The Government, upon information of the crime, will most certainly punish the authors of it. It would be unjust to accuse a nation generally for the act of some individuals, when that nation disavows their conduct, and repairs the wrongs which they have committed.

3d. Certain acts of *oppression in the courts of admiralty are complained of.*

The oppressive acts of the admiralty courts need no longer be complained of, since, on the claims of merchants of the United States, the Convention, on the 8th November last, passed a decree giving to the executive council the power of judging of the validity or invalidity of prizes. It is as follows:

"The National Convention, after having heard the report of the Committee of Public Safety, decrees that all disputes arisen, or which may arise, on the validity or invalidity of prizes made by privateers, shall be decided, by way of administration, by the provisory executive council. The decree of the 14th February (O. S.) attributing the judgment of these matters to the commercial tribunals, is repealed.

"Copy agreeable to the original.

"JH. FAUCHET."

The 4th allegation would require a long discussion, which I shall not undertake here; I shall only indulge myself in this single reflection, that the horrible system of violating the law of nations, in order to starve a people who cannot be conquered by force of arms, has not been invented by France, and that it would be as unjust as barbarous to require that she should allow provisions to pass to her enemies, while those destined for her are taken by them.

As to the embargo on American vessels, imperious circumstances, the salvation of the country, have imposed that measure; and the interests of no one will be injured; and to convince you of this, I recite an extract of a letter which I have just received from citizen Fallien, representative of the people at Bordeaux.

It is possible, he writes me, "that some malevolent persons may make use of this pretext (the embargo) to disturb the harmony existing between the Americans and us, or might represent this measure as a violation of treaties between the two nations; the interests of individuals may for a moment cause the general interest to disappear. It is then, to you, brave republican and the true friend of your country, that we must consign the care of defending it to Congress, (should the measure happen there to be calumniated) say to our brethren that it is the intention of the Committee of Public Safety, the actual centre of the French Government, to indemnify all the owners or captains, who by the operation of the embargo, have been obliged to remain a length of time in France, and that the propositions which will soon be made to them in the name of the committee, will be advantageous to both nations. In short, my friend, use every means of a frank republican negotiator to convince our brethren, the Americans, that when occupied concerning the aggregate interests of the nation, we do not forget theirs, and they may be assured that they will always find in us faithful observers of the treaties made with nations worthy of liberty."

The 5th and last allegation is, *that a contract, the payment of which having been stipulated in cash, has been paid in assignats.* I am unacquainted with the fact, but I am assured that it is the intention of the National Convention not to permit any injustice, and to repair such as shall have been committed.

I conclude my reflections, not doubting, sir, that they will be received with the same interest as would be excited in France by the observations of our allies, to whom I always, with new pleasure, renew the assurance of the most perfect fraternity and eternal friendship, on the part of the people of France.

JH. FAUCHET.

SIR :

PHILADELPHIA, *April 3d*, 1794.

You do me no more than justice in believing that I receive with pleasure the explanations which your letter of the 29th ultimo contains. They inspire me with full confidence that my representations, on each complaint, will be treated with candor, and assure me of redress, as far as truth will support my demands.

On my part, permit me here to repeat what I have expressed in my letter on the vexations of our commerce, that my inquiry into the facts did not go beyond the allegations of the parties interested. My view was to present a summary only of the subjects of the remonstrances lodged in my office; reserving the proofs for our interviews on the adjustment of the claims of retribution; delivering no opinion how far the charges were supported by evidence; and, above all, not imputing to the French republic the unauthorized misconduct of its ships of war.

I have the honor, sir, to be, with great respect and esteem, your most obedient servant,

EDM. RANDOLPH.

The Minister Plenipotentiary of the French republic.

3d CONGRESS.]

No. 89.

[1st Session.]

GREAT BRITAIN AND SPAIN.

COMMUNICATED TO CONGRESS, ON THE 15TH APRIL, 1794.

Message transmitting to Congress a letter from the British Minister to the Secretary of State, and despatches from the American Commissioners at Madrid.

Gentlemen of the Senate and of the House of Representatives:

UNITED STATES, *15th April*, 1794.

I lay before you a letter from the Minister Plenipotentiary of His Britannic Majesty to the Secretary of State; and certain despatches lately received from our commissioners at Madrid. These despatches from Madrid being a part of a business which has been hitherto deemed confidential, they are forwarded under that view.

G. WASHINGTON.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, *April 11*, 1794.

SIR :

In a letter, which I had the honor of addressing to your predecessor on the 12th of September last, I communicated to him an additional instruction given, by His Majesty's order in council of the 8th of June, 1793, to the commanders of all British armed vessels, and accompanied it by some few observations, explanatory of the principles in which it had originated. But as Mr. Pinckney has recently presented to His Majesty's ministers a memorial relative to the instruction in question, I am directed to submit to you, sir, some further remarks on this subject, in reply to that gentleman's representations.

I have formerly stated, that, at the period of issuing this instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies, as one of the means of reducing it to reasonable terms of peace; and that this species of commerce being almost entirely prosecuted by the then ruling party of France, it could no longer be regarded as a mercantile speculation of individuals, but as an immediate operation of the very persons who had declared, and were carrying on war against Great Britain. Notwithstanding this situation, and these circumstances, His Majesty's Government, so far from proceeding to the extent which the law of nations would have warranted, adopted regulations by which its limits were contracted, and its rigor was qualified: for the instruction only prevented the French from being supplied with *corn*, omitting all mention of *other* provisions, and especially of *rice*, one of the staple agricultural productions of the United States; and even with regard to *corn*, the regulation, instead of a confiscation of the cargoes, assured to the neutral proprietors a full indemnification for any loss they could possibly sustain.

It is not essential to the present question to enter into an examination of the different definitions which, as you, sir, well know, have been given of the *law of nations*, and of the consequent diversity of sentiment that has prevailed, as well with respect to the principles on which it is established, as to the obligations which it prescribes. I shall, therefore, not hesitate to admit the broad basis which Mr. Pinckney has assigned to it—reason, and the usage of civilized countries. But I must premise that, though the principle of reason be immutable, its dictates are sometimes governed by circumstances, or liable to different interpretations; and that the usage of nations is fluctuating. Hence, then, in order to ascertain the real nature of the system which is established on this basis, it is necessary to recur to the result of the experience and wisdom of ages and of nations, as it is collected and exposed by those authors who have treated this subject. If it be examined by this criterion, it is manifest that the right of a belligerent Power to stop and even to seize supplies of provisions going to its enemies, is strongly inculcated in all the *ancient* authors, and is recognized by Vattel, whose writings contain a much more modified and limited system in these respects than that which is to be found in the books of authority on which the practice and law of nations rest; and, in point of fact, it would, I doubt not, be found, on investigation, that the milder usage with respect to provisions is of a recent date. In regard to the collateral argument which Mr. Pinckney deduces from the enumeration of articles, denominated *contrabande de guerre*, as contained in particular treaties, it is proper for me to observe that those treaties are not declaratory of the law of nations, but are restrictions and modifications of that law by special agreements between the contracting parties, and are, consequently, neither binding on other Powers, nor even on the parties themselves, in other cases. But, even conceding the argument to be well founded, the conclusion from it would be favorable to the regulation enforced by His Majesty's order of council: for of the two only existing treaties, by which His Majesty's conduct is regulated towards nations neutral in the present war, one (that with Sweden) expressly includes *provisions* in the enumeration of articles *contrabande de guerre*,* and Professor Martens, one of the most accurate, and unquestionably one of the most modern writers on the law of nations, asserts (page 390, vol. 2) that *corn* and *other provisions*, even *brandy and tobacco*, are comprehended under the denomination of *contrabande de guerre* in some treaties of commerce. The same author, in the section to which I have referred, adds, that the maritime Powers (especially since the end of the last century) have introduced a practice of declaring to the neutral nations, at the commencement of a war, the articles which would be regarded as contraband; and the sole limitation which he appears to assign to declarations of this nature, is, that they shall not operate to the prejudice of particular treaties which may subsist between the neutral nations and the belligerent Power promulgating such declarations. I shall certainly not controvert Mr. Pinckney's position, "that it is the common interest of mankind that a culture which, like that of the soil, fur-

* Vide the eleventh article of the treaty of alliance, concluded on the 21st of October, 1661, between King Charles the Second and his Swedish Majesty.

nishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war?" but I must, at the same time, be permitted to observe, that it is at least a questionable point, whether the interests of humanity be not best consulted by a recurrence, on the part of a belligerent Power, to all the *honorable* means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of thereby abridging the duration of the calamities of war. The expectation of imposing this necessity is the motive, under the influence of which this instruction has been issued, and is the *acknowledged* ground of my former explanations of it; is founded in justice and reason; is warranted by precedent; and is inculcated by those writers whose sentiments on questions of this kind are entitled to every degree of authority and respect.

The only part of Mr. Pinckney's representation upon which it remains for me to offer any further remarks is his apprehension lest the acquiescence of the United States in this instruction, being considered by France as a pretext and as a violation of neutrality, that nation might derive from those considerations the right of pursuing a similar course. But it is notorious that the conduct of the actually ruling party of France, with relation to provisions the property of a neutral Power, both *previously* (as it is, indeed, declared in the decree of the National Convention of the 9th of May) and subsequently to the instruction in question, has been such as that which Mr. Pinckney appears to imagine that this measure on the part of the British Government would have a tendency in future to produce.

Having now, sir, I hope, satisfactorily evinced that the right of a belligerent Power to detain, and even seize provisions, destined for its enemy, is not a *novel* doctrine, but is consonant to the law of nations, as explained by the best authors on the subject, and is even recognized by the stipulations of particular treaties, I cannot avoid expressing my conviction that the modification contained in the instruction of the 8th of June, to which it is the intention of the King's Government to adhere, will be regarded by this Government as more favorable to the commerce of America than the general principle of the law of nations, and consequently as a proof of His Majesty's sincere disposition to cultivate and maintain with the United States the most cordial harmony and good understanding.

I have the honor, &c.

GEORGE HAMMOND.

Messrs. Carmichael and Short to M. de Gardogui.

ST. LORENZO, October 1, 1793.

Sir:

Some of the communications lately made to our Government by your commissioners at Philadelphia, with respect to Indian affairs, having appeared under a disagreeable complexion, as well as to style as matter, the President of the United States has thought that it would be most proper to convey, through us, to your court, his sentiments on those subjects. We accordingly do ourselves the honor of addressing your excellency relatively thereto.

The President has hoped that those communications were not a just expression of the temper of this court; and the more so, because, in recurring to the dispositions and proceedings of our Government, nothing is to be found in them but those of peace and friendship for Spain, and of the most justifiable, moderate, and forbearing nature towards our Indian neighbors. Persuaded that this will appear from a full and true statement of facts, he has thought it proper that we should be furnished with such an one, beginning from an early period, to be communicated to your court.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly pressed it on them, urging that it was a family quarrel, with which they had nothing to do, and in which we wished them to take no part. And we strengthened these recommendations by doing them every act of friendship and good neighborhood in our power. With some these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women, and children, indiscriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by expeditions of considerable magnitude, which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretence of injury. They had added greatly to the cost of war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former Government were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors, by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled; and notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money, which have been regularly paid, and were equal to the prices for which they usually sold their lands.

Sensible as they were of the wrongs they had done, they expected to make some indemnification, and were for the most part satisfied with the mode and measure of it. In one or two instances, where a dissatisfaction was observed to remain as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be susceptible of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of land on their part, and by persons not duly representing their nation. They were, therefore, desired to appoint a proper deputation to revise their treaty, and that there might be no danger of any unfair practices, they were invited to come to the seat of the General Government, and to treat with that directly. They accordingly came. A considerable proportion of what had been ceded was yielded back to them, and nothing required in lieu of it; and though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation too would have been satisfied, for they were conscious of their aggressions, and of the moderation of the indemnity with which we had been contented. But at that time came among them an adventurer, of the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign interference, which should undo what had been done, and force us to consider the naked grant of their peace as a sufficient satisfaction for their having made war on us. Of this adventurer your Government rid us. But we are obliged to say, that the same practices and excitements against us were continued by the officers commanding at New Orleans and Pensacola, and by agents employed by them, and bearing their commission. We have already had the honor of communicating with your excellency on these subjects, and we were desirous to renew them as seldom as possible, because we flattered ourselves with your excellency that the final settlement of the limits would eradicate all grounds of difference on these heads. In the mean time it cannot be doubted that those officers called assemblies of the southern Indians, openly persuaded them to disavow their treaties, and the limits therein established, promised to support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities, for the avowed purpose of committing hostilities on us, and promised them future supplies to their utmost need. The Chickasaws, the most steady and faithful friends to the United States, have remained unshaken by these practices; so, also, have the Choctaws, for the most part. The Cherokees have been teased into some expressions of discontent, delivered only to the Spanish governors, or their agents, while to us they have continued to speak the language of peace and friendship. One part of the nation only, settled at Chuckamoggan, and mixed with banditti and outcasts from the Shawanese and other tribes, acknowledging control from none, and never in a state of peace, have violently engaged in the hostilities against us, to which they were encouraged. But what was

much more important, great numbers of the Creeks, chiefly their young men, have yielded to these incitements, and have now for more than a twelve month been committing murders and desolations on our frontiers. Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, inasmuch that few instances of retaliation have occurred even from our suffering citizens. We have multiplied our gratifications to them; fed them, when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried into their country and distributed among them, gratuitously, ten thousand bushels of corn, and that too at the very time when their young men were daily committing murders on helpless women and children on our frontiers. And though these depredations now involve more considerable parts of the nation, we are still demanding the punishment of the guilty individuals, and shall be contented with it. These acts of neighborly kindness and support on our part have not been confined to the Creeks, though extended to them in much the greatest degree. Like wants among the Chickasaws have induced us to send to them also, at first five hundred bushels of corn, and afterwards fifteen hundred more. Our language to all the tribes of Indians has constantly been, to live in peace with one another; and in a most especial manner we have used our endeavors with those in the neighborhood of the Spanish colonies to be peaceable towards those colonies. We have formerly had the honor of mentioning to your excellency the instructions given to the agents of the United States on these heads; and we are now authorized and instructed to declare, that such has hitherto been the candid and zealous endeavor of our Government, that, if its agents have in any instance acted in another way, it has been equally unknown and unauthorized; and that, were even probable proofs of it produced, they should be marked with the disapprobation of Government.

In this state of things, in such dispositions towards Spain, and towards the Indians, and in such a course of proceedings with respect to them, the late communications were made from your commissaries at Philadelphia. In their last, of the 18th of June, they exhibited the several following charges against the United States, and in the most disrespectful style. We beg leave to offer to your excellency short observations on each of them (first stating that we are authorized to disavow, in the most unquestionable terms, the proposition said, in their letter of the 25th of May, to have been made by Governor Blount, to the Indian chiefs.)

The United States are charged, 1st. With exciting the Chickasaws to war on the Creeks. Were this true, it would not be unjustifiable. The Creeks have now, a second time, commenced against us a wanton and unprovoked war; and the present one, in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding, then, for us to engage allies, if we needed any, for their punishment. But we neither need, nor have sought them. The fact itself is without foundation; and we defy the world to produce a single proof of it. The declaration of the war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people, by a party of Creeks, and produced so instantaneously as to give nobody time to interfere, either to promote or prevent a rupture. We had, on the contrary, most particularly exhorted that nation to preserve peace, because, in truth, we have a most particular friendship for them. This will be evident from the copy of a message of the President to them, which we do ourselves the honor to enclose to your excellency.

2d. With furnishing the Chickasaws with provisions and arms. The gift of provisions was but an act of that friendship to them, when in the same distress which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and this for purposes of avowed hostility on us, and they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain, but to defend themselves from the atrocities of a vastly more numerous and powerful people, and one who, by a series of unprovoked and even unrepelled attacks on us, is obliging us to look towards war as the only means left of curbing their insolence.

3d. With aiming at the occupation of a post at the Ecores Amargos. Considering the measures of this nature which have been adopted by Spain (having, since the proposition made to the United States to treat with them on the subject of limits, established posts on the Walnut-hills, and other places for two hundred miles upwards) it would not have been wonderful if the United States had taken countervailing measures. But the truth is, they have not done it. They thought it right to give a fair chance to the negotiation going on, and to make no innovation, pending the negotiation. In this spirit they forbid, and deterred, even by military force, a large association of their citizens, under the name of the Yazoo companies, which had been formed to settle themselves at those very Walnut-hills which Spain has since occupied. And so far are our Government from meditating the particular establishment so boldly charged in the letter of your commissaries, that they know not what place is meant by the Ecores Amargos. This charge, then, is without foundation also.

4th. With giving medals, and marks of distinction to the Indian chiefs. This has been a custom from time immemorial. These medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good will towards us, and not designed to produce a contrary disposition towards others. They confer no power, and seem to have taken their origin in the European practice of giving medals, or other marks of friendship, to the negotiators of treaties, and other diplomatic characters, and visitors of distinction. The British Government, while it prevailed in the United States, practised the giving medals, gorgets, and bracelets, to the savages, invariably. Our Government has continued it, and did imagine, without pretending to know, that Spain also did the same.

5th. The United States are charged, also, with meddling with the affairs of Indians in alliance with Spain. It is difficult to know precisely what this charge means. The Indians on our frontiers have treaties both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and exhortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain too has made them presents, traded with them, kept agents among them. We hardly, therefore, can suppose, that this kind of meddling on our part can be seriously objected to; and we consequently pass over the complaint made of the United States having not used efficacious means to prevent it, and the other practices charged on them, which we have now shown either to have not existed, or to have been justifiable.

We have forbore to make any observations ourselves, with respect to the style and expressions of the communications above mentioned, because we take it for granted that copies of them must have been forwarded by your commissaries, and are willing that they should be simply referred to the animadversion and superior judgment of your excellency.

The commissaries finally concluded with observing what your excellency will readily see could not but have been sensibly felt by our Government, that, on a review of the proceedings of the United States with respect to Spain, and the Indians her allies, they foresaw that our peace with Spain was very problematical in future. After the faithful picture which we have thus presented to your excellency of what those proceedings have been, the most natural inference from this conclusion of the commissaries was, that, unless the United States submitted still longer, without resistance, to the sanguinary incursions and devastations of the Creeks, their peace with Spain would be endangered. Such an intimation, whilst it was notorious to all that the United States, who, from inclination as well as interest, cherish peace with all the world, had been for years exhausting all the means in their power of procuring it from the Creeks in particular, and that with a degree of forbearance and moderation, of which, we believe, there are few examples in any country, whilst our citizens were bleeding under the wanton hand of savage cruelty such an intimation, we sincerely hope, will be considered by your Government as untimely and improper, as it appears extraordinary and inexplicable to ours.

Still, when considered as the sequel of the communications which had been previously made at different times, it appeared to the President of a nature not to admit of his concealing the impression it made on him, and particularly in comparing it with the constant dispositions which our Government has uniformly felt and manifested towards Spain. We trust that the measure the President has adopted, of transferring this subject here, and of having it presented in its fullest extent to the immediate view of His Majesty, will be considered as a new proof of the high sense

which is entertained in the United States of His Majesty's sentiments, of the important consideration which they annex to whatever may proceed from so magnanimous a sovereign, and of their real desire to cultivate, by all possible means, the most perfect cordiality and friendship between the two countries.

We have received extracts from the instructions of our Government, to their agents on the frontiers, and among the Indians, which being indicative of their dispositions as well towards Spain as our Indian neighbors, we do ourselves the honor of enclosing copies of them to your excellency, and beg you to be persuaded of the sentiments, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency Don DIEGO DE GARDOQUI, &c.

Messrs. Carmichael and Short to the Duke de la Alcadia.

ST. LORENZO, October 20, 1793.

SIR:

We have the honor of addressing your excellency in consequence of our now learning from his Excellency Don Diego de Gardoqui, that it has been judged proper that the subject contained in our letter to him of the 1st instant, should be treated with your excellency. If, in carrying it in the first instance to another department, we have committed an error of form, we hope your excellency will have the goodness to excuse it, as we were led to it from the instructions on that subject having been addressed to us jointly.

We beg leave to refer your excellency to our above mentioned letter, as we were informed that it had been lately transferred to the hands of your excellency, with the other papers accompanying it. We conceive nothing need be added to what was there said, to show how invariable the endeavors of our Government have been to bring their southern Indian neighbors to the ways of peace by all the possible means of justice, humanity, and moderation; and to leave no doubt, if they should be brought to adopt other measures with respect to them, that it can proceed only from their own wanton continuance of such depredations and cruelties as to admit no hopes of their being put an end to but by force.

Under this idea we allow ourselves to hope that your excellency will consider it as corresponding to those sentiments which the United States have ever manifested towards His Catholic Majesty, and particularly in this instance, to remove those ideas, which have been given to our Government in the manner we have mentioned, of an intended interference of Spain between the United States and their Indian neighbors.

We hope your excellency will be assured of the pleasure we shall receive, in being made the organ of so agreeable a communication, in whatever manner may appear proper to the superior intelligence of your excellency; and we beg leave to add assurances of the profound respect, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency the Duke DE LA ALCUDIA, &c.

Messrs. Carmichael and Short to the Duke de la Alcadia.

ST. LORENZO, November 12, 1793.

SIR:

We had the honor of addressing your excellency on the 20th of October, on the subject which we had previously expressed fully, in our letter of the 1st of the same month, to his Excellency Don Diego de Gardoqui. As yet we have not had the honor of receiving an answer of any kind.

The circumstances which gave rise to these letters are known to your excellency. Communications made by the commissaries of His Majesty at Philadelphia, were understood to contain a menace of interference on the part of this country in favor of our Indian neighbors, who were then committing daily acts of hostility on our frontier. As this exhibited doubts as to the dispositions of a sovereign whose friendship has been ever placed in the highest rank by the United States, the President determined to have this subject laid fully before this court; and, that there might be the least possible delay on his part, he sent a special messenger from America, trusting that he would carry back such assurances as would entirely remove the doubts which had been excited. This messenger has hitherto been detained by us in that hope, and waits now only for the answer which your excellency may judge proper to give to the letters above mentioned, as has been repeated, also, in the audiences which one of us has had the honor to have of your excellency.

After the delay which has already taken place, with the cause of which we are unacquainted, and, consequently, ignorant of the time when it will cease, we hope your excellency will excuse our renewing this subject, and expressing our anxiety to despatch the messenger, whose embarkation is rendered every day more precarious, by the advancing season.

We forbear troubling your excellency with a repetition of the several articles contained in our precedent letters, to which we beg leave to refer. We have, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency the Duke DE LA ALCUDIA, &c.

The Duke of Alcadia to Messrs. Carmichael and Short.

ST. LORENZO, November 15, 1793.

GENTLEMEN:

Don Diego de Gardoqui has, on the 18th ultimo, delivered to me the memoir that you transmitted to him on the first of October, last past, conveying complaints, in the name of the President of the United States, on account of some official papers, as disagreeable respecting their form as their contents, that were presented by Don Josef de Jaudenes, and Don Josef Ignacio de Viar, charges des affaires for the King, at Philadelphia. To that end, you have entered into an historical recapitulation of all that has occurred between the United States and the Indian nations, who border on those United States and the dominions of the King, from the beginning of the late war with England to the present period, in order to prove the justice, moderation, and temper, with which they have always proceeded towards the Indians, by sacrificing, in many instances, their own interest, in order to preserve peace, as also to evince the inclination manifested by the United States, on all occasions, and especially of late, for maintaining perfect harmony with Spain. You continue to declare how strange the tenure of the different memoirs presented on the 25th of May, and 18th of June, of this year, by Don Josef de Jaudenes, and Don J. Ignacio de Viar, appeared, on which, having added some remarks, you conclude by citing that paragraph of the memoir of the 18th of June, which has been most felt by the President of the United States, and occasioned the despatch of an express, in order to lay a circumstantial account of the whole transaction before the King my master. In compliance with the request of the President, I have intimated to His Majesty the several points of which you treat, and, in consideration thereof, His Majesty has ordered me to declare to you, that he is fully convinced of the truth and good friendship with which the United States proceed, and does not doubt the sincerity of their answers, nor the dispositions they profess, to cultivate, by all possible means, the most perfect harmony with Spain.

That the charges des affaires of His Majesty have acted in strict conformity to their orders; however, as those orders never had in view to prescribe to them a captious manner of proceeding, but, on the contrary, a faithful and frank conduct, it is solely owing to that very frankness that they made use of that expression of which the President complains, without having any other object in view than to conciliate the interests of both nations.

And finally, that the ideas of His Majesty are, to draw closer the ties of friendship connecting both nations, and by discussing, in the negotiations opened upon the boundary questions, concerning the property of the soil, limits, and other Indian concerns, to establish solid principles of a friendly intercourse and future tranquillity between the United States and the dominions of His Majesty. I avail myself, &c.

THE DUKE OF ALCUDIA.

Messrs. CARMICHAEL and SHORT.

Messrs. Carmichael and Short to the Duke de la Alcludia.

MADRID, November 21, 1793.

SIR:

From the letters which we had the honor of addressing to your excellency, the 20th of October and 12th inst. referring to that which had been previously written to his Excellency Don Diego de Gardoqui, it resulted that grounds had been given by the Spanish agents in America, for supposing that this court intended to interfere in favor of the Indians, if the United States should proceed to repel their hostile aggressions; that the President of the United States conceived, that, if such were the intention of this court, it must be in consequence of a misrepresentation of what had taken place between the United States and those Indians; and that, if such were not the intention of this court, that it was for the interest and dignity of both countries, and conducive to that harmony which he has ever desired to cultivate, that the doubts excited should not be allowed to exist; and, finally, that, in consequence of this disposition, he determined to send a messenger for the purpose of removing, by a full statement of the conduct of the United States towards their Indian neighbors, any misrepresentation which might have been given thereof; and in the hope of receiving assurances that it was not the intention of this court, as had been suggested by their *chargés des affaires*, to make the peace and harmony between the two countries dependent on what might take place between the United States and the Indians.

The letter which we have had the honor of receiving from your excellency having made no particular mention of this object of our communication, we think it our duty to renew it to your excellency. We hope, under the circumstances above mentioned, it will be considered proper, and consonant to that frank mode of proceeding which both countries desire to see established, that it should be expressed whether it be the intention of this court to interfere in the case, rendered highly probable, of the United States being obliged to repel, by force, the hostile aggressions of the southern Indians. In this hope, we have determined still to detain the messenger, rather than despatch him without being enabled, at the same time, to send such answer as your excellency may judge proper to be given to this object of the President's inquiry, trusting a very short delay will suffice.

The sentiments of His Majesty towards the United States, which your excellency has done us the honor to communicate to us, we shall lose no time in transmitting, well knowing with how much pleasure they will be received, as well as whatever may indicate a desire in His Majesty to strengthen the friendship between the two countries. Being firmly persuaded, ourselves, that nothing can more sensibly contribute to so desirable an object than a full and candid examination of the rights of the respective parties, as to the objects which have hitherto been in discussion, we can assure your excellency we will leave nothing undone, on our part, to give them the most complete and satisfactory investigation. With these assurances, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency the Duke DE LA ALCUDIA, &c.

The Duke of Alcludia to Messrs. Carmichael and Short.

ST. LORENZO, November 26, 1793.

GENTLEMEN:

After acknowledging, in your communication of the 21st instant, my official letter of the 15th, you endeavor again to express, with more precision than was done in your former letters, that our *chargés des affaires* gave occasion to the President of the United States to suspect that Spain intended to favor the Indians, in case the United States should proceed in their measures for repelling, by force, the hostile intentions of those nations. You repeat the information, that, in order to clear up those doubts, so prejudicial to the good harmony the President is desirous of maintaining with us, he had despatched an express, in hopes to receive positive information that the intentions of His Majesty are not such as had been supposed to render the peace and friendship between the United States and Spain dependent upon the events that might take place between the United States and the Indian nations. You further observe that, as respecting that point, no particular mention had been made in my said official letter of the 15th, you have detained the express, wishing, previously to his departure, to know whether this court intends to interfere, in case (as it was highly probable) the United States should find themselves obliged to repel, by force, the hostile intentions of the southern Indians, in order that you may be enabled to transmit satisfactory information to the President.

There is no possibility to return a categorical answer at the present moment, His Majesty being deprived of information of what has occurred between those nations and the United States within these seven months last past, consequently the facts are wanting that are requisite to form a just conclusion whether those nations be the aggressors, with which His Majesty has concluded treaties of friendship and alliance, which have been communicated to the President of the United States by our *chargés des affaires*.

Therefore I can only declare, that His Majesty will never grant protection to violences, and will cheerfully listen to any proposals that may be made, on the part of the United States, for preventing hostilities, by specifying each of those points on which His Majesty's resolutions are to be taken, so that, in the negotiation opened for that purpose, all matters may finally be decided with knowledge.

I expect you will please to communicate the above frank and amicable declaration of His Majesty to the President of the United States; and rest assured, &c.

THE DUKE OF ALCUDIA.

Messrs. CARMICHAEL and SHORT.

Messrs. Carmichael and Short to the Duke de la Alcludia.

MADRID, December 7, 1793.

SIR:

The letter which your excellency did us the honor to address us, on the 26th of November, has been received. In conformity to the desire of your excellency we shall transmit it to the President of the United States, as well as every other communication we shall have the honor of receiving from your excellency.

It would seem, from the letter of your excellency, that it had been supposed that we had not expressed ourselves as clearly in our preceding communications as in our last of the 21st of November, with respect to the explanations hoped for by the President, as to the apprehensions of the interference of this country in favor of the Indians. Our first communication on this subject was addressed to his Excellency Don Diego de Gardoqui. The verbal conferences with that minister, which immediately preceded it, left no doubt as to the apprehensions excited, and the explanation expected. As soon as we learned that this subject had passed into the hands of your excellency, we did ourselves the honor of addressing your excellency on the 20th of October respecting it; and as the same verbal explanations had not taken place with your excellency, we there expressed, after referring to the contents of our letter above mentioned, our hopes that your excellency would "remove those ideas which have been given to our

Government in the manner we have mentioned, of an intended interference of Spain between the United States and their *Indian neighbors*.²²

We only mention this circumstance incidentally, that there may be no doubt as to our desire of expressing, with the utmost clearness and precision, whatever communication we may have the honor of making to this court, being persuaded that it will contribute to that mutual esteem and friendship which both countries desire to cultivate, that their respective ideas and wishes should be unreservedly communicated and fully understood.

It is in pursuance thereof that we think it our duty to make some observations to your excellency on the letter above mentioned, which we have had the honor of receiving.

Your excellency therein informs us that it is not possible, at present, to give a categorical answer to our demand as to the interference of Spain, because His Majesty is without information of what has passed during the last seven months between the Indian nations and the United States, and consequently cannot decide whether those nations be the aggressors with whom His Majesty has treaties of friendship and alliance.

The natural inference from hence would seem to be, that there are cases in which the interference of Spain in favor of the Indians would take place. If, indeed, these cases be only where the Indians should not be the aggressors, we might rely fully that they would never occur, from what we know of the fixed and invariable determination of the United States, to be, in no instance, the first aggressor towards any of their Indian neighbors. Still we cannot conceal from your excellency, that it appears to us, that this subject admitted of a much more positive solution on the part of Spain; and we should have hoped that the measure adopted by the President towards this court, on this occasion, and the cordiality with which it was done, would have entitled him to it.

The Indians in question inhabit either within the limits of the United States or those of the dominions of His Majesty. As to the first, we take it for granted, the treaties mentioned cannot regard them, and that, for the reasons which we had the honor of adducing, in our letter of the 11th of August last, on the same subject, to his Excellency Don Diego de Gardoqui, namely, that one sovereign can have no right to treat with persons inhabiting within the territory of another, and take those persons under his sovereignty and protection; that such a system being adopted by one sovereign would give the other an unquestionable right to make use of it also; and that this would be so contrary to the established laws of nations, and lead to consequences of so destructive a nature, that we supposed that this court would be less disposed than any other to admit of such a precedent.

We do not see, therefore, from whence could arise any difficulty, on the part of Spain, to declare that they had no intention of interfering between the United States and the Indians, if they inhabited within the limits of the United States, in any case whatsoever; and if they inhabited within the limits of the dominions of His Majesty, that they would not protect their aggressions. Such a declaration as this, on the part of this Government, would have removed those impressions which the conduct of their agents in America had left; and as we are persuaded it would have been given by the United States, under similar circumstances, we had hoped they would have received it from Spain.

We must observe, also, to your excellency, that the circumstances which have given rise to the President's sending the messenger here, and which were the object of our letters, have none of them taken place within these last seven months. All that passed prior to that epoch is, of course, known to your excellency, and, consequently, it is known, also, whether the Indians were, or were not, the aggressors at that time; and whether, being attacked by the United States for what had then taken place, this court would interfere in their favor, as was given clearly to be understood by the chargé des affaires of His Majesty.

So far, at least, as credit is to be given to the statement made by our Government, nothing can be wanting on this subject. We had the honor of laying before this court, by the order of the President, a full statement of what had taken place between the United States and the Indians, from a remote period, until the time of the messenger being despatched; and we trust, for justice, moderation, humanity, and forbearance, it will bear fully a comparison with the conduct of any other of the civilized nations towards those Indians who inhabit within their dominions, or on their frontiers.

The object of the United States was really, as is still, their desire to induce those Indians to cultivate the arts of civilization, and by thus bringing them to the ways of peace, render them more quiet, and consequently better neighbors. Had the Indians been left to themselves, and their own dispositions at that time, to comply with the stipulations of the treaty of New York, and the mode of living there agreed on, there can be little doubt that object would have been attained, and the blood of the defenceless women and children, which they have been since shedding on our frontiers, would have been spared.

After all that has taken place, and under present circumstances, we submit it to the superior intelligence of your excellency whether it be not for the mutual interest of both countries, and of the Indians themselves, and whether it be not necessary, under the desire which both Governments have manifested, of strengthening their mutual friendship, that they should be, without delay, fully and unreservedly informed of the intentions of each other, with respect to a subject so much under the influence of agents employed at a distance from their Government, and of neighbors who, whilst they remain in their savage state, can have no other rule of conduct but rapine and plunder.

Hitherto we have found the uncertainty which has prevailed on those subjects imputed to the limits between the two countries not being finally settled. We now do ourselves the honor of transmitting to his Excellency Don Diego de Gardoqui a memorial on that subject; inferring from the letter of your excellency, of the 15th of November, that it is the intention of His Majesty that the general negotiation should continue in the channel in which it was begun.

When your excellency shall see from it that those limits were established so long ago as the year 1763; that the acts, by which they were established and confirmed, are pointed out, and are lawful and indisputable; in fine, are as precise, and as valid, as those establishing the right of the United States to any other part of their territory; and that Spain has no title whatever to produce; no document of any kind giving even the color of a right to the territory claimed within the limits of the United States; we trust your excellency will think it just that that uncertainty should no longer remain.

It cannot be unknown to your excellency that the difficulties which have been raised as to the rights of the United States on the subject of limits and the navigation of the Mississippi, have retarded the negotiation set on foot. After all that had passed between the two countries relative thereto, the United States were far from expecting these difficulties would have existed at the opening of the negotiation. We have hoped that time and a more accurate examination of the subject would remove them. We now present the claims of the United States on these subjects in such a form, exhibiting the titles from which they are derived, that we hope they will appear rigorously just; and in that case we rely, from the known character of his Catholic Majesty, and his attachment to the strictest principles of justice, that they will no longer be withheld; and that thus, all obstacles being removed, the two countries may, without further delay, proceed to settle other objects of mutual concern, conformably to their mutual wishes and interest. In this hope, we have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency the Duke DE LA ALICUDIA, &c.

Messrs. Carmichael and Short to Don Diego de Gardoqui.

MADRID, December 7, 1793.

SIR:

The memorial which we have the honor of transmitting to your excellency is intended to remove that difference of opinion which we have found here, as to the limits of the United States, and their right to the navigation of the Mississippi, and which has hitherto retarded the negotiation with which we have the honor to be charged.

On the one hand, your excellency has regarded the claims of the United States on these subjects as unfounded, and has considered them as asking important cessions of Spain without offering any thing in return, whilst, on the

other, they consider themselves as claiming only their strict and indisputable right. It is evident that such a variation of sentiment on these heads, whilst it exists, must render it difficult to attain that degree of reciprocity in the negotiation they wish to carry on, which is the only permanent basis of real friendship between the two countries. The measure we have taken will leave nothing undone on our part to remove it.

It would be conformable to usage in similar cases that we should receive, in exchange from your excellency, the same precise statement of the claims of Spain in opposition to those of the United States. And should those rights of the United States be still contested, on the supposition that those of Spain are better founded, we hope your excellency will do us the honor to communicate them to us in the same form, that we may have an opportunity of knowing what these claims are, and of giving them the same full and candid examination to which we wish those of the United States to be submitted; our object being really to ascertain the rights of both countries, so as that they may proceed with a proper understanding to settle those arrangements of convenience which may contribute to advance their mutual interests and strengthen their mutual friendship.

With the sincerest wishes for the progress of a negotiation in which we have ever informed your excellency that we considered both our countries as highly and permanently interested; and with assurances of the most profound respect, we have the honor to be, &c.

His Excellency DON DIEGO DE GARDUQUÍ, &c.

WM. CARMICHAEL,
W. SHORT.

MADRID, December 7, 1793.

The conferences which the commissioners plenipotentiary of the United States have hitherto had with his excellency the plenipotentiary of his Catholic Majesty, on the subject of limits, and the navigation of the Mississippi, have not had the issue expected. It is hoped that a more perfect and full examination of the rights of the respective parties, and a comparison of the documents on which they are founded, may give a different result.

We, the commissioners plenipotentiary of the United States, therefore, proceed to reduce to a more permanent form the claims of the United States, which we have heretofore stated and supported in the conferences, and to show the titles from which they are derived.

The several States now composing the United States of America were, from their first establishment, dependent on no other society of men whatever. They continued at the head of their respective Governments the executive magistrate who presided over the one they had left, and thereby secured in effect a constant amity with that nation during the time of that connexion. In this stage of their Government, the several boundaries were fixed, and particularly the southern boundary of Georgia, the one now brought into question by Spain. This boundary was fixed by the proclamation of the King of Great Britain, their chief magistrate in the year 1763, at a time when no other Power pretended any claim whatever to any part of the country through which it run, all the territory on the left side of the Mississippi, except the town of New Orleans, and the island in which it is situated, having been previously yielded by the treaty of Paris, to which his Catholic Majesty was one of the high contracting parties.

The boundary of Georgia was thus established to begin on the Mississippi, in 31 degrees of latitude north of the equator, and running eastwardly to the Apalachicola, thence along the said river to the mouth of the Flint, thence in a direct line to the source of St. Mary's river, and down the same to the ocean. The western boundary, originally the Pacific ocean, was by the treaty of Paris reduced to the middle of the Mississippi.

In the late war which took place between Great Britain and the confederated States, (and in the course of which we were joined by France as an ally, and by Spain and Holland as associates, having a common enemy) this boundary was the line of demarcation to the south, between the country which engaged in the war against Great Britain and that which continued under British Government; Georgia having entered into the confederation, and Florida having remained in its former state. At the conclusion of hostilities, Great Britain (the only Power against whom the United States had been engaged in war) acknowledged their boundary, and that without extending it to the prejudice of Spain, as is pretended, but on the contrary confirming that of Georgia, in particular, as it had existed from the year 1763.

In the treaty afterwards made with Spain, Great Britain ceded the two Floridas (which had been defined in the proclamation of 1763) and Minorca; and, by an express article of the treaty, Spain agreed to restore, without compensation, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions—that is to say, all except Minorca and the Floridas.

According to this stipulation, Spain was expressly bound to have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States, or rather Spain should have delivered them to the United States themselves, as standing, *quoad hoc*, in the place of Great Britain. Spain was bound also by natural right to deliver them to the United States, on a still stronger ground, as the real and only proprietors of those places which she had taken possession of, without having had any cause of war with the United States, to whom they belonged, and without having declared any, but on the contrary conducting herself, in other respects, as a friend and associate in a war against a common enemy.

It is an established principle that conquest gives only an inchoate right, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment of the former proprietor. Had Great Britain been that former proprietor, she was so far from confirming to Spain the right to the territory of Georgia invaded by Spain, that she expressly relinquished to the United States any right that might remain in her; and afterwards completed that relinquishment, by further procuring and consolidating the agreement with Spain herself to restore such territory, if comprehended within the conquests of Spain, without compensation.

It is still more palpable that a war existing between two nations, as Spain and Great Britain, can give to neither the right to seize and appropriate the territory of a third, which is even neutral, much less which is an associate in the war, as the United States were with Spain.

On the conclusion of the general peace, the United States lost no time in requiring from Spain an evacuation of their territory. This has hitherto been delayed, by means which need not be explained here, but which have been equally contrary to the right and to the consent of the United States.

From what has been said, it results—

1. That the boundary of Georgia, now forming the southern limits of the United States, was lawfully established in the year 1763.

2. That it has been since confirmed by the only Power who could at any time have had pretensions to contest it, founded on a state of war.

3. That Great Britain, by the late treaty of peace, obtained of Spain a renunciation to all pretensions within this boundary, so as to have removed every pretext for questioning the right of Great Britain to have confirmed that boundary to the United States.

4. That Spain can have no right to any claim by conquest, within the limits of the United States, having never been in a state of war with them.

The right of the United States to participate in the navigation of the Mississippi rests on two separate and distinct foundations, either of which would suffice to establish it clearly. These are—

I. The treaties of Paris of 1763, and of 1762-3; the latter between the United States and Great Britain.

II. The law of nature and nations.

I. The war of 1755-1763 was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. By the treaty of peace, which was negotiated by our common chief magistrate, and to which, as has been observed, his Catholic Majesty was one of the high contracting parties, a right was secured to the subjects of Great Britain (the common designation of all those under his Government) to navigate this river, in the terms following: "The navigation of the river Mississippi shall be equally free to the subjects of Great Britain and those of France, in all its breadth and extent, from its source to the sea; and especially that part of it which is between the above mentioned island of New Orleans and the right bank of this river, as well as the entrance

and passage out through its mouth. It is moreover stipulated, that vessels belonging to the subjects of the one or the other nation, shall not be arrested, visited, or subjected to the payment of any duty whatsoever."

Spain soon after received from France a cession of the island of New Orleans, and all the country she held westward of the Mississippi, subject, of course, to our right of navigating between that country and the island previously granted to us by France. Thus stood our right to navigate the Mississippi, under the treaty of Paris.

In the course of the late war, in which the United States, Spain, and France, were opposed to Great Britain, Spain took possession of several posts held by the British in Florida. It is unnecessary to examine whether the possession of half a dozen posts, scattered through a country of seven or eight hundred miles extent, could be considered as the possession and conquest of that country. If it were, it gave still but an inchoate right, as was explained above, which could not be perfected but by the relinquishment of the former proprietor, as was explained above. But certainly it could not be considered as a conquest of the river, even against Great Britain, since the possession of the shores, to wit, of the island of New Orleans on one side, and Louisiana on the other, had undergone

Still less can Spain be considered as having conquered the river, as against the United States, with whom she was not at war. When this war commenced, we had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank; and nothing which passed between Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of November, 1782, Great Britain confirmed the rights of the United States to the navigation of the river from its source to its mouth, and in January, 1783, completed the right of Spain to the territory of Florida, by an absolute relinquishment of all her rights in it. This relinquishment could not include the navigation held by the United States in their own right, because this right existed in themselves only, and was not in Great Britain. It could only transfer that portion of right which Great Britain had retained to herself, in the treaty with the United States, held seven weeks before, to wit, a right of using it in common with the United States.

So that as, by the treaty of 1763, the United States had obtained a common right of navigating the whole river, from its source to its mouth, so, by the treaty of 1782, that common right was confirmed to them by the only Power who could pretend claims against them, founded on a state of war. Nor has that common right been transferred to Spain, either by conquest or cession.

II. Independent of the right of the United States to navigate the Mississippi, as above established, they are entitled to it also by that code which is founded in natural justice, sanctioned by the usage of all civilized countries, and strengthened by the morality of sovereigns: the law of nature and nations.

There is no principle of natural justice more strongly marked than that seas are free to all men, and rivers to all their inhabitants. There is no man, savage or civilized, unbiassed by habit, who does not feel and attest this truth. Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected, by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream be in any case obstructed, it is an abridgment of the natural right effected by some act of society. Such an abridgment will necessarily be considered, by impartial observers, with reference to the comparative numbers of persons above and those below the limits of the two countries, the nature and extent of the river, and other attending circumstances. It is easy to see that there are cases in which such an abridgment could be only by an act of force, in a stronger society, against a weaker one, which would be condemned by the judgment of mankind.

Such an act of force is, in some cases, supposed to be modified by the upper inhabitants having bound themselves, for some valuable consideration, to renounce their natural right of navigating the river. It is unnecessary to examine, here, how far this right be an alienable one, and what circumstances of necessity can justify such an alienation, so as to be binding on themselves and their posterity. The examples of history leave no doubt that this will unavoidably depend, in some degree, on the progressive relations of times and countries.

Whenever it be pretended, however, that an alienation, so contrary to natural justice, has been made, it may be at least expected that the act of renunciation should be produced. Such an act would, of course, have been a solemn one, negotiated by those duly authorized to act in the name of the society, and, therefore, easy to be produced, if it existed. Until it be produced, it is fair to suppose that the rights of the upper inhabitants, antecedent thereto, and founded in natural justice, exist in all their integrity.

With respect to the United States, they have been so far from alienating this right, that the only acts in which the subject has been mentioned as respecting them, have, as has been shown above, expressly secured and confirmed to them, by treaty, the rights of navigation to which they were entitled by natural law.

So far as this sentiment of right in favor of the upper inhabitants depends on a comparison of the numbers above and below the limits, or, in other words, of those certainly to be benefited, and those supposed to be liable to injury, from the freedom of the navigation, there is no case in which it can be more strongly marked than in the present. The United States hold six hundred thousand square miles of habitable territory on the Mississippi and its branches, and this river and its branches afford many thousands of miles of navigable waters, penetrating this territory in all its parts. The inhabitable grounds of Spain, below our boundary, and bordering on the river, which alone can pretend any fear of being incommoded by our use of the river, are not the thousandth part of that extent. This vast portion of the territory of the United States has no other outlet for its productions, and these productions are of the bulkiest kind. And, in truth, their passage down the river may not only be innocent, as to the Spanish subjects on the river, but, from their nature, might be made really advantageous to the commercial interests of Spain.

If we appeal to the law of nature and nations, as expressed by those writers on the subject whose authority is admitted by all, it is agreed by them, that, were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still, innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise would depend, in a considerable degree, on the convenience of the nation through which they are to pass. But it is still a right as real as any other right, however well defined; and were it to be refused, or to be shackled by regulations not necessary for the peace or safety of its inhabitants, so as to render its use impracticable, it would then be an injury of which they would be entitled to demand redress.

The right of the upper inhabitants to use this navigation is the counterpart to that of those possessing the shores below, and founded in the same natural relations with the soil and water; and the line at which their rights meet is to be advanced or withdrawn so as to equalize the inconveniences resulting to each party from the exercise of the right by the other. This estimate is to be fairly made, with a mutual disposition to make equal sacrifices, and the numbers on each side are to have their due weight in the estimate. Spain holds so very small a tract of habitable land on either side below our boundary, that it may, in fact, be considered as a strait of the sea. For though it is eighty leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the land rises above the level of the water in times of inundation. There are, then, and ever must be, so few inhabitants on her part of the river, that the freest use of its navigation may be allowed to us, without inconvenience to Spain.

WM. CARMICHAEL,
W. SHORT.

The Duke of Alcudia to Messrs. Carmichael and Short.

GENTLEMEN:

St. LORENZO, December 18, 1793.

I have perused attentively your letter of the 7th instant, by which you acknowledge my letter directed to you on the 26th of November last past, it being an answer to yours of the 21st of the said month.

I fully accede to your opinion, that it is a matter of the greatest importance to establish between the United States and Spain the wished-for good understanding and friendship, and that both Governments ought, without re-

serve, to communicate their mutual sentiments, and that it will, in consequence, be indispensable that they be explained clearly.

However, that very principle points out to me the propriety to call your mind, that the demand made in your letter of the 31st principally purports to be informed "whether this court intends to interfere, in case (as it was highly probable) the United States should find themselves obliged to repel by force the hostile aggressions of the Southern Indian nations."

As, on your part, there has not been made in your communications transmitted to me, till this day, a distinction between the Indians residing within the territory of the United States and those living in His Majesty's dominions, I therefore do not see why you should in the least expect it in my answer. As little do I conceive how you could doubt that, in that letter, those Indians alone were treated of who reside within the territory of Spain, with whom His Majesty has concluded a treaty of friendship, and that in no manner can be comprehended those Indians who live within the boundaries of the United States. Therefore Spain does not propose to herself any other object than the maintaining of the legal right in the territories which belong to her, and will not take a decided part in favor of the Indians, except when justice and equity call for the same.

I am as firmly persuaded as you are, that the uncertainty that has prevailed heretofore in those Indian affairs originated from the want of fixing positively the limits between the United States and Spain; and I can assure you, that His Majesty is likewise convinced of the same truth, and being desirous to give to the United States an unequivocal proof of his sincere wishes to draw closer the bonds of friendship and of good understanding between the two countries, he will not permit the discussion of the limits to be retarded, but will cause the same to be carried on with the utmost despatch.

I participate in the professions of your letter of the 7th instant, and repeat the assurances of my zeal to oblige you, remaining under prayers to God to preserve you many years.

THE DUKE OF ALCUDIA.

Messrs. CARMICHAEL and SHORT.

Messrs. Carmichael and Short to the Duke de la Alcudia.

MADRID, December 22, 1793.

SIR:

The letter which your excellency did us the honor to address to us, in answer to that which we wrote on the 7th, was received by us on the 19th instant.

After the just and equitable principles which your excellency therein does us the honor to inform us are adopted by Spain with respect to the Indians, as well within the Spanish as the American limits, and which will be fully reciprocated by the United States, nothing remains to eradicate all possibility of difference on the subject of Indian affairs but the settlement of the limits between the two countries. And it is therefore with singular pleasure that we remark the dispositions of His Majesty towards the United States, announced by your excellency in admitting no delay in the examination of so interesting a point.

That nothing may be left undone on our part to accelerate it, we do ourselves the honor of enclosing herein an extract of what concerned limits, in particular in the memorial which we informed your excellency in our last we transmitted to his Excellency Don Diego de Gardoqui. The subject being thus put immediately under the inspection of your excellency, detached from the other parts of the negotiation, we hope will require little time to be fully examined and decided on its own merits.

We add nothing thereto, because nothing is wanted to establish the several points respecting the limits which we had the honor of mentioning in our last; and we therefore allow ourselves to hope that it is reserved for the administration of your excellency to do that justice to the United States which it is evident there were never any proper grounds for withholding from them; and thus remove an obstacle to those relations between our two countries in which their mutual interests and wishes combine.

With sentiments, &c.

WM. CARMICHAEL,
W. SHORT.

His Excellency the Duke DE LA ALCUDIA, &c.

Extract of a letter from Messrs. Carmichael and Short to the Secretary of State.

MADRID, January 7, 1794.

Our very prolix letters of April 18th, May 5th, and June 6th, will have made you fully acquainted with what had taken place at their respective dates. You will have seen, from them, that, from the first conference, we were fully confirmed in what we had suspected from the time of our commission arriving at Madrid, namely, that this court would not acknowledge our rights either as to limits or the navigation of the Mississippi.

Under the then circumstances of European politics, our situation became from that moment embarrassing. Two lines of conduct presented themselves to our view; the first, to trench ourselves behind the instructions we had received from you, and pursue the negotiation; the second, to temporize, in order to admit of (what we then counted on as morally certain) the receiving further advices from you after you had become acquainted with the changes which had taken place in the political relations of this country posterior to your original instructions being given.

It would be impossible to comprehend, within the space of a letter, and perhaps imprudent, in the present situation of even the surest conveyances, to commit to one all the circumstances of the moment which came to our knowledge, all the various considerations which presented themselves to our mind at that time, and which weighed with us in determining the line to pursue. One of the principal, however, and in which the event has shown that we were mistaken, was the certainty which we felt that we should receive further instructions from you immediately on your being informed that Spain and England had got into the same scale, and were joined to the general league against France. This situation of affairs was so different from that which existed at the time of your instructions being formed, or even at the time of your last letter to us being written, that we could not doubt you would do us the honor to write to us, if it were only to confirm the original instructions, which could not but be considered as having occasion of it after so great a change.

As we were then situated, it appeared to us that the pursuing the first line could do no possible good, and might do much harm, whilst the second, if it did no good, at least avoided all harm, except that of delay, which we then supposed would be short. We therefore determined to adopt it, and give time for receiving further instructions from you; and in the mean while to avoid whatever might tend to excite any kind of alarm in this court with respect to the United States, at the time they were forming their arrangements with England against a common enemy, and during which the greater their apprehensions of us the more they would be likely to enter into arrangements which both Spain and the United States might have cause to repent of when too late.

This leading principle has directed us in all the steps we have taken; and if it has induced us to hold a less expressive language than you may have wished and expected—if to be less bold and decisive in the manner in which we have conducted ourselves; we hope you will take into consideration the position of those who find themselves acting in so critical times at so great a distance from their Government, at so great intervals without hearing from them, and under so perfect an ignorance of their intentions and real situation with respect to the leading and domineering power of Europe.

After remaining some time in the manner above mentioned, and being fully convinced that the business of our joint commission could not be accomplished under existing circumstances, we took the liberty, in our letter of June 6th, of indicating to you our sentiments with respect to it. The measure which then appeared to us most for the honor

and interest of the United States was to put an end to the joint and express commission in such a manner as to avoid alarm here, and at the same time to leave the door constantly open to a resumption of the negotiation at the moment any favorable contingency might occur. We still remain of the same opinion, and we should take the liberty of going more fully into it at present if we did not flatter ourselves that our precedent letter will have rendered it useless, at least as far as our opinion may be considered worthy of attention.

For some time yet, no particular circumstance took place to induce us to change the line we had adopted. Still, in proportion as the time elapsed without our hearing from you, the greater the presumption became that we had been mistaken in counting on it as above mentioned. From the delay and miscarriage which sometimes take place in letter conveyance across the Atlantic, it was possible, however, you might have written without our having received the letters; and therefore, our uncertainty and anxiety still continued.

During the residence of the court at Madrid, previous to their setting out for St. Ildefonso, some circumstances induced us to believe that there was less union between the two courts than it was first imagined there would be, and that our coming forward might be less prejudicial, under the then circumstances, than those which existed at the opening of the conferences. We determined, therefore, to bring forward the discussion of our business, not as the measure which appeared to us the best, but as not thinking ourselves authorized, after so long a silence from you, to delay it longer. Of this, we did ourselves the honor to inform you in our letter of August 15th, on setting out to follow the court to St. Ildefonso.

On our arrival there, we proposed to M. de Gardoqui to commence the business by each party stating their respective claims, and communicating them to each other conformably to usage in similar cases, and particularly to what was practised by the French and English commissaries, in their conferences for setting limits in America. This was declined by M. de Gardoqui, in a manner which showed how little ground there was for negotiating on that subject with him. Under ordinary circumstances we should have been justifiable in there terminating our joint commission; but, in the critical situation of European affairs, we continued to think it our duty not to do it without your special orders. And from a part of your letter of July 12th, this manner of our viewing that point, seems conformable to your intentions.

As we had determined, however, to bring on the discussion, so we did not think we ought to be prevented from it merely by M. de Gardoqui's refusing to adopt the proper form. Accordingly, we prepared a memorial, stating the rights of the United States to limits and the navigation of the Mississippi, which we purposed presenting to him as the basis of discussion.

During this time accounts were received from England, and confirmed by different ways, that the United States and that country were engaged in close altercation, and probably on the eve of hostilities. Our only information from you, posterior to your letter of November 3, 1792, was a circular enclosing the President's proclamation. We were, therefore, delivered up absolutely to vague conjecture under these circumstances, but with presumption of the account from England being true. The English ambassador came to St. Ildefonso, and from several circumstances, it was seen evidently that his business was at that moment of an important and pressing nature. It was possible that England, having determined to be the aggressor in a war with the United States, might be endeavoring to prevail on Spain to come into it. It was possible Spain might be then hesitating on the subject. It appeared to us advisable, therefore, to suspend again the measure we were about to take until the uncertainty should be removed.

Things remained in this situation when we learned that a person had arrived at Cadiz with letters for us from Government. The court went to the Escorial about the same time; and our letter of September the 29th will have informed you of our meeting there, and receiving the despatches by Mr. Blake.

These despatches showed us that you had expected that the change of affairs in Europe, after your instructions were formed, should have made no change in our prosecuting the negotiation; that you wished it to be pushed so as that we might be able to give you, by the return of Mr. Blake, some certain opinion of what we believe would be the issue; and that he should leave Madrid by the middle of October. Another object of the despatches, also, was to remove the impressions which it was apprehended the agents of this court had given with respect to the conduct of the United States; to ascertain whether it were really their intention to interfere in favor of the Indians; and to prepare them to meet, with a just eye, the measures which the United States might find it necessary to take with respect to those Indians.

We had, therefore, to regret that our view of the subject in the commencement of the business had induced us to have adopted the line we did, in order to give time for further instructions; and the more so as we had foreseen that our situation here, under that commission, for various reasons, with which it is useless at present to trouble you, would be far from agreeable.

As matters stood, however, it was evidently impossible that, by the middle of October, the time at which Mr. Blake was to set out, any thing could be done in the general negotiation so as to give you more certain information with respect to it than what had been contained in our first letters, and which we hoped must, some of them at least, have at length got to your hands, although we had the mortification to find they had not done so at the time of Mr. Blake's departure. We determined, therefore, not to clog the communications on Indian affairs with the general negotiation, as it would certainly delay our answer from this court, but to endeavor to ascertain their ideas with respect to those affairs in the shortest time possible; to despatch Mr. Blake therewith; and immediately afterwards to bring forward the discussion of the general business, without further regard to our own ideas, after being informed of yours; although we still remained convinced our rights would be refused.

It should be observed, also, that the belief of the United States being at the eve of war with Great Britain still remained in all its force, after the arrival of Mr. Blake. Accounts continued to be received here, both from England and Holland, to that effect. As they were grounded on the supposed situation of affairs in America, later than Mr. Blake's departure, and as by him we received from you no indication of what would probably be the sentiments of America in certain cases, and particularly with respect to the conduct of the belligerent Powers opposed to the principles of the President's proclamation, nor any information of what had passed between the American and British Governments with respect to their prizes carried into our ports, we were as much at conjecture after, as before the receipt of the despatches by Mr. Blake. The assiduity of the English ambassador continued; his departure from hence was delayed far beyond his determination; and every circumstance indicated the pressure of his business.

Under these circumstances we brought forward the subject of the communications of the Spanish commissaries, in a verbal conference with M. de Gardoqui; and he promised us immediately that all doubts as to the interference of Spain should be removed, and without delay. As from the conference he understood clearly what kind of an answer would be expected, we thought it best to avoid, as much as possible, in our first letter to him, grounded thereon, the appearance of dictating it. Our letter of October 22 will have informed you that, before M. de Gardoqui gave us the promised answer, and, as he informed us, at the very moment he was about to do it, the Duke de la Alcudia determined to take that subject into his hands.

Since then, several letters have passed between that minister and us, of which we do ourselves the honor to forward herein copies enclosed, as well as those to M. de Gardoqui, according to the list annexed. They will show you that his first answer being absolutely different from what M. de Gardoqui had promised us, and evasive of the point in question, we wrote to ask for one more explicit; that the correspondence which ensued thereon had induced us to lay the basis of the general discussion with M. de Gardoqui, by presenting him a memorial on limits and navigation, (in which we adhered to the substance, and as far as we could to the expressions, of your report on those subjects) and also to enter on the subject of limits with the Duke de la Alcudia, as he had placed the settlement of Indian affairs on that point, and given hopes that there should be no delay in treating of it.

The answer which we shall receive from him to our last on that subject, will show whether this be really the case; and we hope will indicate, more clearly than we know at present, what is to be expected from this court, under the circumstances of the present moment. We shall despatch Mr. Blake with it as soon as it is received, and, in the mean time, shall do whatever may depend on us, to hasten it, so that there may be the least possible added to the delay of his departure, which has been now so much extended beyond our first intention announced to you in our letter of October 22.

We do not think ourselves authorized to give you ground to expect that, in this answer, he will come forward with candor, and acknowledge the rights of the United States. We have, from the beginning, had sufficient proofs that this court would not be induced thereto by the mere force of argument; and if they should do it before force of another kind be used, it will be only because they may begin to consider their situation, in other respects, such as that our friendship would be worth purchasing at that price.

The present moment is pregnant with great events, and may produce great changes in the situation of this and the other countries of Europe with whom the United States are most concerned. We still think, therefore, they should wait for events which it is not in their power to control. The distrust of this country towards England has certainly risen already to a very considerable height; and their relative situation is such, that good or bad fortune, in their joint efforts, seem equally calculated to augment it. Their getting possession of Toulon, and their being forced to fly from it, have alike augmented the dissatisfaction of the two Powers with each other, and consequently the distrust of the weaker one. What is taking and will take place in St. Domingo, and the other parts of the East and West Indies, will, unavoidably, also become food for jealousy and discord. It should be observed, however, that the danger of this country from France increases also with time; and that this circumstance may prevent their showing too strong signs of displeasure with respect to Great Britain, and may even force them to conceal it altogether, so long as they may hope for aid and protection from them. The evacuation of Toulon leaves so great a disposable force in the hands of the French, that if, as is probable, they should judge proper to employ it in Roussillon, it will be difficult to calculate the effect it might have.

The present situation, then, of this country, with respect to England and France, is distrust of the one, and danger from the other. At a time when it would seem they had no naval enemy in the Mediterranean, and that all their efforts would be wanted to defend their frontier against land force, they have given orders for sending several ships of the line from Cadiz to join their Mediterranean fleet, and for augmenting the crews of those already under the command of Langara. Their army is much diminished by loss and sickness. The Government is probably now near the end of such resources as they have been able to command, without new taxes or loans. It is uncertain how far the first could be hazarded, or the second obtained; and it is therefore thought that their intention is to apply to the resource of *vales reales*. These as yet keep above par, but that is hardly to be expected after a new emission. The plan seems to be to form the Cedula for about sixteen millions of dollars, and to begin with issuing only a part, about five or six millions.

If, under these circumstances, this Government supposed the United States would be able to keep out of the present war, and saw them seriously commencing a navy, they might consider it proper to begin now to remove any cause of ill humor on our part. It is probable, however, they think we shall become a party in the war, and perhaps entertain doubts of the real desire of the citizens of the United States to keep out of it. Their commissaries have free scope in representing these things as they please. Our last letters were by Mr. Blake; theirs come down to November the 6th. In them they represent our Government at that date as pressed both by England and France to declare for the one or the other, and pressed in a manner which it will be difficult to evade. Should this Government adopt that opinion, and at the same time believe in the continuance of their union with Great Britain, they will of course consider themselves as near being opposed in war to the United States; and, therefore, would see no reason for beginning at present to give up any thing to us.

We have thought it our duty, by the present conveyance, to say thus much of the prospect as to the general negotiation. As to Indian affairs in particular, we think, under the present circumstances, no interference is to be apprehended from this court; and that the United States may, without regard thereto, take such measures on those subjects as they may judge proper, although the letter of the duke is not absolutely conclusive during the uncertainty of the limits. This Government might, and probably would, aid them in a clandestine way, whether we be the aggressors or not. But we cannot suppose they would risk their peace with the United States by taking an active part, if there were no other cause of war between them.

We think it our duty to add, by this conveyance, the substance of a conversation which we had some time ago with M. de Gardoqui, whilst speaking with him on Indian affairs. To the general assurances which he gave us of the desire of the King his master to cultivate the friendship of the United States, (and to which the persisting to withhold from us our manifest rights was a contradiction) he added, for the first time, that His Majesty, as a proof of these dispositions, desired to form with them an alliance offensive and defensive, or at least defensive. He expressed his regret that we had not powers adequate thereto, and desired we would communicate to the President this desire of His Majesty. He would not agree, however, to communicate it to us in writing, saying that there were many things which men of honor could say to each other, but which it would be imprudent to express by writing, and particularly to convey across the sea in such times as these. We must add, however, that experience has convinced us that M. de Gardoqui sometimes forgets his verbal assurances, or interprets them so differently from what we understood them, as to make them very different things.

We observed to him, without being acquainted with the sentiments of the President as to transatlantic alliances, we could venture to say that he set the highest price on the friendship of His Catholic Majesty, and that we conceived he had in the case in question given a convincing proof of it; that it appeared to us that the surest and the best ground for an alliance with the United States was to place it in the affections of all their citizens; and that the most certain means of doing this would be to begin by restoring what justly belonged to them. He said the settlement of disputed rights, and the establishing an alliance, ought to go hand in hand, and would aid each other. We think it useless at this moment to add any thing further on that subject, leaving you to make what use you may judge proper of so informal an overture.

The letter which you sent to Colonel Humphreys for us, by Mr. Cutting, is still at Lisbon; no proper conveyance having presented itself. As your letters by Mr. Blake alluded to none later than November 3, 1792, and as Mr. Cutting left America before Mr. Blake, we suppose the letter he had must be a copy of the last you mentioned. It will therefore remain at Lisbon, unless some confidential conveyance should be found, according to your instructions to Colonel Humphreys thereon.

Extract of a letter from Mr. Short to the Secretary of State.

MADRID, January 9, 1794.

The last accounts left Lord Hood at the Hieres Islands. Admiral Langara is arrived with his fleet at Carthage. There is no doubt that much ill blood is fermenting between them; and from the nature of things, it could not be otherwise. The public of Madrid are in an ill humor, also, on the subject. They say that Spain is duped by England; and many boast their foresight in having foreseen it from the beginning. These things get to the ears of ministry; but under present circumstances they can produce little effect. It is said, and believed here, that the English refused to receive on board of their fleet the inhabitants of Toulon who wished to fly, and that the Spanish fleet was therefore encumbered with them all, whilst Lord Hood retains the vessels which were brought off. It is certain that Langara has landed several thousands of those refugees at Carthage, who are objects of the most perfect nakedness and distress.

Under the circumstances of the present moment, it is not extraordinary that frequent and long councils are held by the King, out of the ordinary hours; but what excites attention, is the order mentioned in our letter of the 7th for reinforcing their fleet in the Mediterranean. I can add nothing further respecting it as yet. Whatever may be the distrust of this country, which is unquestionably great, their present pressing and imminent danger from France is greater, and must keep them yet within the embraces of England. If they had now the road to go over again, they would no doubt make still greater efforts to keep out of the war, or at least have avoided binding themselves in the manner they have done to carry it on during the will of Great Britain. I have full evidence of this from a member

of the council. The English ambassador is still here, but it is believed will set out in a few days. He is evidently much less in favor than formerly; but in the present situation of things, he will probably do more by other means than by favor. The nature of his business, however, since his being stopped here in the manner I mentioned, or the prospect of his success in it, is not known; and you will probably learn it with certainty from the communications to the British Parliament, sooner than by any other way equally to be relied on.

I will add here nothing to what is contained in our letter of the 7th, as to the internal situation of this country. You will not think it surprising that they should begin now to be in want of extraordinary resources. It is much more so that they should have been able to do without them so long, and keep up their credit as well as they have done, seeing the circumstances in which they were before the war begun. The amount of voluntary offers, like every thing else here, is kept a mystery, viz. the amount actually received. I have heard it estimated, including that of America, by some, at between three and four millions of dollars, and by others at thirty. This shows that it is not known with any degree of certainty worthy of attention. From their American possessions they have been immense on paper, and realized in as great a proportion probably as those made here, but the amount is uncertain.

The state of probatation of this country which I formerly announced to you, you will see is not [at] an end, and their situation at this moment as critical as it has ever been. Supposing their credit to decline by the issuing of *vales-reales* in such a manner as that they should begin a rapid depreciation, and the French troops arriving from Toulon and breaking into Catalonia, their position would be truly alarming. These cases are not certain, but still they are supposable cases, notwithstanding the resources which Government have hitherto found, and notwithstanding Catalonia is one of the most populous and warlike provinces of Spain.

England and Spain continued longer the plan, at least ostensibly, of restoring the dethroned family. Spain was probably in earnest, and it would seem had been persuaded that England was also. What took place at Toulon, during their possession and at the time of abandoning it, may have convinced them of the contrary; but if they were convinced now, it is hard to say how they could extirpate themselves from their present situation. Whatever they may think in other respects, they must probably see now that contending by arms for Louis XVII. is not rendering him any service more than the first efforts of the league did to his father, whose fate impartial observers will attribute to those who pretended to serve him.

It remains to be seen now whether England and Spain will persist in this quarter in that line. As far as we can judge here, England seems to have abandoned it in other quarters, viz. the East and West Indies, and to have followed there the example set by the Emperor, of conquering for themselves.

It may be fairly concluded, after the issue of the present campaign, that all the powers of the league actually at war would be satisfied to set down at present, and leave to France the right of modelling their own Government as they pleased. If there is any exception it is England, who, from hopes of extending their East and West India possessions, may perhaps prefer a continuance of the war in that hope, to quitting the table under present circumstances. I speak here of the ministry; what the people and parliament think of it will be seen with much more certainty on their meeting. I do not comprehend among those actually at war, the Empress of Russia. She has contrived to be an honorary member only of the league; and of course would have no objection to the continuance of a war which costs her nothing, and weakens the other Powers.

Notwithstanding the desire, I suppose, of peace among so many of the belligerent Powers, I own, however, I do not expect to see it soon. Many difficulties present themselves. One only need be mentioned, and that is, that the belligerent Powers would have no confidence in the power remaining in the hands of any permanent body with whom they might treat, and of course, of the terms being observed. If they were to treat with the Committee of Public Safety, for instance, and to suppose that, so long as the present members remain in it, their engagements would be kept, (which would be a great step for the belligerent Powers in their state of animosity) yet they would say the committee may not exist, itself, a month; and new men may produce new measures. England, from its insular situation, and Prussia, perhaps, from its distance, except of a small part of its possessions, might expect to remain at peace notwithstanding any thing that might take place in France; but they are held by their engagements (as far as those kind of engagements can hold) to protect others who are under the grasp of France.

It remains to be seen also how far peace would suit the present situation of France. Those who govern by means of the irresistible energy and force which a foreign pressure always gives to the Power it cannot destroy, are getting into the hands of Government all the valuable and disposable property in France. If it be a political truth, that property is power, the government in France is becoming every day more strong and powerful. Will they sit down quietly at home, after so much heat and animosity, with all the instruments of war in their hands, whilst they see those of their foe diminishing? Or will they, like Rome of old, find it indispensable to march to foreign conquest in order to preserve their government and tranquillity at home? These questions are to be solved by time; and for the present I think it may be supposed that peace will not take place so long as the powers at war can find any means of carrying it on; and also, that the duration of those means will depend much on the measures to be taken by the ensuing Parliament; and to them I should refer you as the strongest indication of what will take place with respect to peace or war.

One thing which seems highly probable, should the war continue, is, that the efforts will be renewed to destroy the rights of neutral Powers and bring them into it. Sweden and Denmark are the principals; and as their principal influence is in their mercantile navigation, you will readily see that it is England which will be most desirous of putting them, in that respect, on a level with themselves. Spain is perhaps not far from believing that it is an advantage for them, during their war, that there should be the greatest number possible of neutral vessels. England feels, and will continue to feel, differently, so long as their aim be the carrying trade.

The ministers of Sweden and Denmark here would have it believed that their respective courts will continue to resist any efforts made to induce them to renounce their rights of neutrality; but each expresses his persuasion that the other will not. They have evidently no reliance on each other for prosecuting their system; and it would probably be unsafe for any other to rely on either of them. It is generally thought that their having persevered so long proceeds more from the disposition of Russia, with respect to England, than any firmness of their own.

There have been several ebbs and flows between Russia and England. A few months ago there seemed the glimmering of a hope that Russia, from her degree of dissatisfaction on account of the tampering of England with the Porte, would really separate from her present apparent connexion, and revive the former system of the armed neutrality by way of revenge. In that case, Sweden and Denmark would unquestionably have enlisted under her banners. I have this from a party concerned, and to be relied on. From the same source I learn there is less hope of it at present; that England, having acquired much influence with the Porte, and convinced Russia thereof, has said she will make use of that influence or not, according to the conduct of Russia on the subject of neutrality; and that Russia has not yet decided whether she will subscribe or not to the wishes of Great Britain.

It is said also that England, making use of the present uncertainty in the conduct of Russia, is negotiating with Sweden to detach her from the principles of neutrality, and that some of the conditions will be subsidy; advantages in commerce; and the marriage of a Princess of England to the young King of Sweden.

With respect to Genoa, the answer from England, as we understand here, was, that the subject should be discussed at Toulon; and that the Senate were to apply there for their answer. The scene of discussion at least must now be changed; and it is for time to show what the issue will be.

After so long a letter I will not add to it by saying any thing on the subject of a concert of measures with that republic against the Algerines, which you will be informed of from Colonel Humphreys. Should peace take place in Europe, and that republic resume its tranquillity, there would be more probability of their contributing to subsidize us for cruising against the Algerines, than of Spain or any other Power doing it who make an object of their own marine. You will learn from Colonel Humphreys, also, what Portugal has done in the present fashionable track of convention with the belligerent Powers.

We have heard here that the Spanish islands, in consequence of the war, have been opened to American vessels and productions. M. de Gardoqui has never said any thing to us upon that subject, but to assure us that it should never be done; and that the Spanish islands could never have need of our provisions; adding, that what was done during

the last war, in that case, proceeded from motives in the governors, which were well known to him, and that he would take care to prevent it in future.

I mentioned some time ago what had been mentioned to me as to Logie's interference to procure the Portugal truce being a mere private speculation, and that I should inform Colonel Humphreys thereof, although I did not think it to be relied on, merely that he might make the use he pleased of it. I did not mention to you then who the person was, because my letter went by post. Since Colonel Humphrey's arrival here we have brought on the same conversation with the person, (Lord St. Helens) and he fell into so palpable a contradiction as to the object of Portugal in the truce, with what he had formerly told me, as showed his first information was not to be relied on. His object had been to do away any opinion that it was the cabinet of England which had negotiated the truce, in order to let loose the Algerines on us, and thus abridge the advantages of our navigation during the present war.

The minister of Portugal here says, openly, that his court is determined not to pay any thing whatever for a peace with Algiers; and that they will treat only on terms of reciprocity. If so, we may count on their not obtaining it; but at the same time it would be certainly a misfortune for the United States to be obliged to count longer on so precarious a ground for the protection of their flag.

Extract of a letter from Mr. Short to the Secretary of State.

MADRID, January 17, 1794.

SIR:

I had last the honor of writing to you by Colonel Humphreys, who was the bearer also of a joint letter from Mr. Carmichael and myself, and who left this place a few days ago for Lisbon. Since that time we have heard nothing further from the Duke de la Alcudia, and are waiting still for his answer to our last of the 22d ultimo, in order to despatch Mr. Blake with it. During the unsettled state of the court at Madrid, preparatory to its departure for Aranjuez, it was thought, from the usage established, improper to press for that answer. The minister is now settled in the Sitio since the day before yesterday, and we therefore shall think ourselves authorized to remind him of it, if he do not very soon hear from him.

The Spanish forces continue to suffer extremely with disease; although it does not appear to be generally fatal, it disables them from service. The number of Ricardo's army in that situation at present is supposed to surpass fifteen thousand.

It is said that, amongst the extraordinary resources to be applied to for present contingencies here, is that of the King's taking into his hands all sums in deposit, which are considerable in this country, and to pay an annual interest of three per cent. You have been already informed of an operation, somewhat similar to this, made with respect to the funds of different commonalties previous to the war. Although it is within a few days only that this project has been considered as determined on, it is said the ordinance is dated in October last. I have not seen it myself, however; but it is not unusual here to keep as a profound secret, an ordinance after it is passed, and even to attempt to do it after it is printed.

The idea amongst the best informed is, that Government have determined that forty millions of dollars will be necessary for the present year; that sixteen millions are to be raised by vales reales; and that the taking at interest the sums in deposit, is to be one of the means for raising the balance; the ordinary revenue, of course, to be applied to the ordinary expenses.

I have the honor of enclosing a statement of the vessels which arrived at Cadiz during the last year; those from the Spanish possessions in America, with the value of the gold and silver on board, being particularized. The number of vessels which entered Barcelona is also added.

The number of American vessels which came to Cadiz, you will find to be one hundred and sixty-two; and as you will no doubt have been informed of their number for the year preceding, you will be able to ascertain the progress of that valuable branch of navigation which seems at present so much menaced by the Algerine cruisers. Among the vessels marked as English, there was a considerable number from Quebec, loaded with wheat. That branch of English navigation augmented considerably during the last year, and will probably continue augmenting with the population and agriculture of Canada. The more this object becomes considerable, and attracts the attention of the British Government, the more will they be disposed to render our navigation, in the southern parts of Europe, precarious, by all the means in their power.

One of the effects of the present war to Spain has been to raise the price of all the productions of industry in a considerable degree; so great a proportion of productive labor is consumed, either in the army, or in providing for the army, as would necessarily have produced that effect to a considerable degree. Government augmented it by banishing so great a number of the French settled in this country, and who were unquestionably the most industrious of its inhabitants. The sum of labor lost thereby is incalculable; as it is not only their immediate handiwork, but that which their industry and capitals kept a-going among the Spaniards themselves. This loss of productive labor, and the effect produced thereby, makes less noise than the loss of a battle, or of a camp; but is probably much more prejudicial, and exhausts much more the public resources.

Independent of the cause abovementioned operating on all articles, the bad season of the last year contributes also to an increase in the price of the essential article of wheat, to a degree which is well worthy the attention of this Government. This will appear from the comparative state, which I have the honor of enclosing, of the prices of that article in the principal markets of Spain for the months of January, 1793, and January, 1794.

One circumstance which will strike you is the great difference between the highest and lowest price of wheat on the same day, in some of the southern markets, and particularly at Cadiz, being, at that place, from fifty-nine to eighty-seven reals the fanega, in January, 1793; and from seventy to one hundred and twenty-eight in January, 1794. This has been explained to me in a manner which shows that it is a subject of much importance for the farmers and exporters of the United States, and should be made known to them, if it is not so already. It depends on the preference given by the inhabitants of Cadiz to the hard red grained wheat. This is either produced in Spain, or imported from Sicily or Africa. The soft white grained wheat, which they import from the north, or from America, is considered so far inferior to it, that the rich of Cadiz make no use of it for their own particular consumption, but when the other is not to be had, or is at too high a price. This preference seems to be the effect merely of taste; as at Barcelona, on the contrary, the soft white grained wheat is preferred. Consequently, whilst the highest price of wheat is much greater at Cadiz than at Barcelona, the white soft grained commands a price at Barcelona superior to what it does at Cadiz. Proper information on this subject, taken from the different parts of Spain, might induce the American farmers, perhaps, to conform the kind of wheat they cultivate to the taste of the greatest number of consumers, or at least would enable the exporters to destine the kind they export to the market where it is preferred. In order to acquire this kind of information, however, so as to be fully relied on, there should be some person of confidence in each of the Spanish ports, with whom the permanent agent of the United States might correspond. A continued course of observation would be necessary, also, in order to avoid error. And if the same measure were to be adopted, with respect to the principal ports of Europe, to which this article of the production of the United States is exported, very useful information probably would result. This, however, cannot be done but with time, and by a proper correspondence with persons of confidence in those ports.

Statement of the Ships and Vessels which entered the Bay of Cadiz in the year 1793, with the value of Gold and Silver, coined and uncoined, brought in them from the ports of America, for the King, and for individuals.

SPANISH.		FOR THE KING.		FOR INDIVIDUALS.	
		Hard Dollars.	Reals of Plate.	Hard Dollars.	Reals of Plate.
From Vera Cruz, -	33	5,888,506	6 & 1 qlo.	6,653,054	$\frac{1}{2}$
The Havana, -	58				
Campeche, -	5				
Cuba, -	1				
Trinidad, -	2				
St. Domingo, -	1	-	-	11,325	5
New Orleans, -	1	-	-	-	-
Honduras, -	2	-	-	13,354	0
Carthagena, -	8	207,382	0 0	934,826	4
Guayra, -	22	305	1 qlo.	5,275	0
Cumana, -	3	-	-	8,812	0
Guagana, -	1	-	-	-	-
Maracaybo, -	1	-	-	5,465	0
Montevideo, -	34	7,159	2 & 1 oct.	1,206,917	8
Lima, -	6	690,857	-	3,540,194	0
Total,* -	178	6,794,209	8 5 oct.	12,397,802	7 3 qlos.
		Total, - \$19,192,012 6 and 3 octs. reals of plate.			
During the same year one hundred and nine vessels sailed from Cadiz for the several ports of Spanish America.					
The coasters are not included in the above statement. They are said to have much increased of late years in all the Spanish ports. This increase is attributed, for the most part, to the peace with the Algerines. In the port of Barcelona, during the year 1793, the merchant vessels which entered, amounted to 1,614: of which—Spanish, 1,225; French, 16; Genoese, 46; Neapolitan, 4; Venetian, 8; Tuscan, 5; Ragusan, 22; Tunisian, 1; American, 1; English, 96; Dutch, 12; Swedish, 45; Danish, 133.					
* N. B. There were, besides, imported in the same vessels, ninety-six portions of silver and four of gold, and also pearls for the King; and several articles of gold, silver, and precious stones, for individuals; the value of which was not expressed.					
Spanish, from Europe, -	116				
French, including eight prizes, 12					
Portuguese, including two ships of war, -	92				
Swedish, -	42				
Danish, -	47				
Ragusan, -	4				
Genoese, -	12				
Venetian, -	2				
Imperial, -	1				
Russian, -	1				
American, -	162				
Dutch, including 2 ships of war, 47					
English, including 29 do. 330					
Morocco, -	3				
Total, 1,049					

Prices of Wheat, by the fanega, in several markets of Spain, in the month of January of the year 1793; and the same month of the present year, 1794.

N. B. Five fanegas are equal to about eight bushels English measure.

	January, 1793.	January, 1794.
Avila, - - -	33 to 35 reals the fanega.	48 to 50 reals the fanega.
Zaragoza, - - -	47 to 00 " " "	67 to 00 " " "
Burgos, - - -	29 to 30 " " "	57 to 58 " " "
Barcelona, - - -	60 to 00 " " "	76 to 00 " " "
Corunna, - - -	52 to 00 " " "	60 to 00 " " "
Segovia, - - -	30 to 33 " " "	48 to 50 " " "
Valladolid, - - -	25 to 28 " " "	40 to 00 " " "
Salamanca, - - -	23 to 27 " " "	44 to 00 " " "
Leon, - - -	28 to 30 " " "	40 to 46 " " "
Oviedo, - - -	58 to 64 " " "	80 to 00 " " "
Madrid, - - -	38 to 43 " " "	52 to 60 " " "
Toledo, - - -	35 to 40 " " "	60 to 00 " " "
Badajoz, - - -	- - - - -	93 to 00 " " "
Jaen, - - -	43 to 00 " " "	70 to 00 " " "
Granada, - - -	46 to 52 $\frac{1}{2}$ " " "	68 to 00 " " "
Malaga, - - -	- - - - -	94 to 103 " " "
Cordova, - - -	- - - - -	78 to 82 " " "
Murcia, - - -	53 to 58 " " "	73 to 76 " " "
Sevilla, - - -	49 to 67 " " "	78 to 108 " " "
Cadiz, - - -	59 to 87 " " "	70 to 128 " " "
Valencia, - - -	63 to 00 " " "	74 to 00 " " "

Explication of the letter of Mr. Short to the Secretary of State.

MADRID, January 21, 1794.

We received yesterday a letter from the Duke of Alcudia, saying, that since his last of the 26th November and 18th December, the letters so long expected from Louisiana and the Floridas had arrived; and that, by the intelligence given in them by the governors of those provinces, His Majesty was satisfied that the Indians bordering on Spain and the United States had been really the aggressors against the peaceable inhabitants of Georgia, on whom they had exercised their cruelty and barbarity; and that, in consequence thereof, His Majesty had given orders to

those governors to give no assistance to the Indians; and had charged him to inform us thereof, that we might communicate it to the President as a new proof of the justice and impartiality of His Majesty, and of his desire to strengthen his friendship with the United States. I have thought not a moment should be lost to give you notice of this; and, therefore, without waiting for the delay of a joint letter, I send this by the several channels of this day's post. No mention was made by the duke of our letter of December 22d, and therefore nothing furnished on the limits. We have written to-day to ask an answer on that subject; beg leave to refer you to our joint letter of January 7th, by Colonel Humphreys. I have the honor to be, &c.

W. SHORT.

P. S. I have this moment learned that the port of Genoa is so completely blocked by the British, that they refused a Genoese vessel, charged with the mail established between the Kings of Spain and Naples, permission to sail, and that the mail was therefore taken out and sent by a Spanish frigate. This account comes by that frigate, which has arrived at Barcelona. The letters of the public, brought by the same mail, will not be distributed until to-morrow morning, so that nothing further is as yet known here.

Note presented to Lord Grenville, November 9, 1793.

The serene republic of Genoa has seen with a lively grief the violation of her territory and sovereignty by the combined squadron of their majesties, the Kings of England and Spain. She hopes with so much the more confidence to obtain a just reparation, as her conduct, very far from exciting the displeasure of the allied Powers, has always merited their approbation.

When the war broke out, the serene republic, on the 2d June, 1792, decreed that she should observe the most perfect neutrality between the belligerent Powers. The conquest of Savoy, and of the country of Nice, by the French, in no respect changed her dispositions. She knew how to make her neutrality and territory respected, although the latter be open and defenceless, on the side of Nice. Nor had the appearance of a formidable squadron before the ports of the republic, and the fear of compromising the fortune of a great number of her citizens, whose property is in France, a greater influence on her conduct. She refused every sort of passage through her territory, and thus saved Piedmont and Lombardy, which then presented no obstacle to the invasion of the French. This firm, loyal, and generous conduct, by the serene republic of Genoa, merited the most formal approbation of the court of Vienna, and the open acknowledgments of that of Turin. These two courts then gave the most positive assurances that they would always respect her neutrality.

If the serene republic has religiously observed her neutrality, at a time when she had every thing to fear from France; if she then avoided giving the least reason for discontent to the allied Powers, it cannot be presumed that she would wish to provoke their resentment, since these same Powers reign predominant in the Mediterranean, and since the progress of the French is no longer to be feared. Besides, the transactions alleged to justify the violation of the territory of the republic are destitute of foundation, or cannot be imputed to her government. A rapid discussion of these transactions, such as they have been presented by the minister plenipotentiary of his Britannic Majesty, Mr. Drake, and by Rear Admiral Gell, suffice to prove that they have been led into an error by unfaithful reports: 1st. The most serious of these transactions is the seizure of a French tartane* who, it is said, "did not acknowledge the pretended National Convention of France, and was under the immediate protection of his Britannic Majesty." The most authentic documents prove that this tartane had sailed from Marseilles; had entered the port of Genoa with a tri-colored flag; that the captain obtained regular licences; that, having been ordered on board of the frigate Modesty, he readily went; and therefore acknowledged the rightful jurisdiction of vessels of war over those of merchants of the same nation. It is, in like manner, proved that there were found on board the tartane no other papers than letters for Travega and Navira, merchants of Genoa; that the crew remained at liberty; and that the captain was not massacred. The minister plenipotentiary, Mr. Drake, in one of the conferences which he had with deputies appointed by the serene government, pretended that the tartane could no longer be considered as French, because, at the time she sailed from Marseilles, *that city was under the dependence of England*. It was observed to the minister plenipotentiary, that these facts were not and could not be known at Genoa, and that the conduct of the tartane must necessarily lead to her being considered as belonging to France.

2d. The serene government is reproached for having permitted the *British flag to be insulted, by suffering two French frigates to take measures for following an English frigate, called the Eagle, Captain Ingfield, who was preparing to sail*. This charge is destitute of foundation. The serene government, jealous of causing her edict of neutrality to be observed, exacted from the French captains their word of honor, that, during the space of twenty-four hours, they would not disturb any of the vessels which sailed out, or which should be in sight of the port. The English consul was informed of this precaution taken by the serene government. It observed the same vigilance with regard to a Sardinian frigate which had anchored in the port of Genoa.

3d. Nor is it with more foundation that the same thing is alleged against the serene government, on the subject of the Rose cutter. *She was, it is said, immediately followed, on going out of the port, by two French gunboats, which obliged her to return. Having gone out again, three days after, she perceived the same boats, which had hidden behind a cape in the vicinity, where they watched for the favorable moment of attack*: The serene government, conformably to its edict of neutrality, had required of the captains of the gunboats, previous to their departure, their word of honor without restriction, and that word had always been observed with the greatest exactness. These vessels anchored at Portofino, where health guards were given them. The government could not deprive them of the asylum of the port, because Portofino is a short distance from Genoa, and behind a cape.

4th. *As to the reiterated outrages of which the crew of the Modesty have been guilty, it is said, to the individuals belonging to the marine of His Britannic Majesty, as well as to several others, these outrages have never been proved, nor have they been the subject of any claim*. In the assault which took place on the 10th of August, between the British subjects and some Frenchmen, the former were defended and protected by the soldiers of the republic, although they had evidently been the aggressors. So far from having suffered individuals of the English marine to be insulted, the serene government procured to them all the facility—all the succor that could be expected from a friendly nation. A considerable number of them have been received in the public hospitals, and have there been treated with that attention which has merited the expression of their gratitude to the people of Genoa.

These facts, related with exactness, can neither warrant nor excuse the most manifest violation of the sovereignty of a State, whose neutrality has been so beneficial to the allied Powers.

It is impossible to regard as *reprisals as just as indispensable*, the invasion of the port of Genoa by a squadron of His Britannic Majesty's ships of war; the hostilities which sullied this port with blood, at the moment of its entering; the seizure of the French vessels, and the prompt carrying of them off; the illegal visitation of the other vessels in the port of Genoa; the seizure of the Imperious, in the Gulf of Spezia, *under the cannon of Fort St. Mary*; the carrying off several effects belonging to that frigate, deposited in the stores, the keys of which were in the hands of commissioners of the republic.

The serene government, convinced that justice presides in the councils of His Britannic Majesty, hopes to obtain a reparation for the acts of violence which have so grievously affected her. The minister plenipotentiary, Drake, has acknowledged the legality of these claims, and proposed to declare that *neither he, Admiral Hood, nor Rear Admiral Gell, had had any intention of committing the least insult on the republic, but that they had only punished the guilty*. Contenting itself with such a declaration would be to acknowledge the complaints alleged against the republic, the nullity of which have been proved.

The serene government solicits a reparation proportioned to the object of its complaints; which it claims with so much the more confidence, as it has been jealous of meriting the good will of His Britannic Majesty.

* A small vessel used in the Mediterranean.

3d CONGRESS.]

No. 90.

[1st SESSION.]

GREAT BRITAIN.

COMMUNICATED TO THE SENATE, ON THE 16TH DAY OF APRIL, 1794.

Message nominating John Jay as Envoy to Great Britain.

UNITED STATES, April 16, 1794.

Gentlemen of the Senate:

The communications which I have made to you, during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain. But, as peace ought to be pursued with unremitted zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated, I have thought proper to nominate, and do hereby nominate, John Jay as envoy extraordinary of the United States to His Britannic Majesty.

My confidence in our minister plenipotentiary in London continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion will announce, to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country, and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

G. WASHINGTON.

3d CONGRESS.]

No. 91.

[1st SESSION.]

FRANCE.

REPORTED TO THE HOUSE OF REPRESENTATIVES, APRIL 17, 1794.

MR. WILLIAM SMITH, from the committee to whom was referred the message from the President of the United States, of the 18th of March last, relative to an advance of money required by the minister of the French republic, made the following report:

That, on inquiry into the subject referred to them, they find that the President is already fully authorized, without the intervention of Congress, to make any arrangements which may accommodate the minister of the French republic, by way of anticipation on the accruing instalments, as far as the existing revenues and resources will permit, and that, in the opinion of the committee, the present circumstances and exigencies of the United States will not permit a recurrence to any further revenues or resources for the purposes mentioned in the said message.

3d CONGRESS.]

No. 92.

[1st SESSION.]

FRANCE.

COMMUNICATED TO THE SENATE, APRIL 23, 1794.

Letter from the Secretary of State transmitting a letter to Congress from the Committee of Public Safety of France.

PHILADELPHIA, April 22, 1794.

SIR:

I do myself the honor of transmitting to the Senate the translation of a French letter, the original of which was addressed to Congress, and was delivered to me yesterday by the Speaker of the House of Representatives.

I have the honor, sir, to be, with the highest respect, your most obedient servant,

EDM. RANDOLPH.

The VICE PRESIDENT of the United States
and PRESIDENT of the Senate.

LIBERTY—EQUALITY—OR DEATH.

The representatives of the French people, members of the Committee of Public Safety, to the citizens, members of the Congress of the United States of America.

After having laid the foundation of our liberty, it became incumbent on us to secure it. A national government is born, and with it victory. Emanating from the will of the people, it has their energy. For the salvation of the State it has been resorted to, and the State is saved. At its voice fifteen armies are in motion, and triumph; at its signal, interior order is restored—fruitful industry is expanded—the conspirators fall.

We impart the news of the success of our armies to a people who, having obtained liberty in a similar manner with ourselves, cannot learn, but with enthusiasm, of the victories of republicans, and the downfall of tyrants.

Policy already appreciates the advantage of the retaking of Toulon. Already have the neutral Powers proclaimed themselves; and Genoa, indignant at the atrocity of our enemies, who have sullied her territory by the vilest and blackest of crimes—Genoa has resumed all her energy, and driven the English and Spaniards from her ports.

In the North, our triumphs, not less brilliant, have given the combined Powers some severe shocks. They had dared to menace Dunkirk, Maubeuge, and Landau. Every where they have been beaten; every where they have been put to flight; and even towards the Rhine, our army, in pursuit of them, had advanced to the very gates of Mayence.

Such is the long catalogue of success which unfolds itself, at the same moment, at every point to which the French republic sends her invincible phalanxes.

So many victories will convey nothing astonishing to you—you, magnanimous republicans, who will easily conceive the prodigies which liberty is capable of performing, after having, in this vast career, left to the defenders of the people memorable examples.

You had already participated in our triumphs, as well in thought as political union. Our successes reverberate on you, and the fall of our eternal and implacable enemies will be as satisfactory to America, as to outraged France. Our cause is reciprocal; it is that of every people who honor humanity.

It is under these glorious auspices that the representatives of the French people are pressed by the desire of drawing closer, more than ever, the bonds of friendship, which unite two great, generous, and free nations.

Thus liberty will have two points of fixture on the world; and being an immoveable colossus, she will rest one foot on each hemisphere.

At her voice let agriculture and commerce, those two sources of national prosperity, pouring out under our hands their mutual exchanges, multiply, aggrandise, and cement our friendly relations and public felicity.

Let us discard every thing which may disturb that necessary harmony pointed out by the nature of things, still more than by a reciprocal interest; that harmony which has not a cautious, selfish, mercantile policy for its principle, but the esteem, the fraternity, all the social and beneficent virtues, which flow from liberty.

Honor, Prosperity, Safety, and Fraternity.

The Representatives of the French people, members of the Committee of Public Safety.

Jean Cont. André,	Billaud Varenne,	Couthon,
C. A. Prieu,	R. Luidet,	Carnot,
P. Barrere,	Robespierre,	Collot d'Herboie.

PARIS, 22d Pluviose, 2d year of the French republic, one and indivisible, (10th February, 1794.)

3d CONGRESS.]

No. 93.

[1st SESSION.]

SPAIN,

REPORTED TO THE HOUSE OF REPRESENTATIVES, APRIL 23, 1794.

Mr. LEE, from the committee to whom were referred several remonstrances from the citizens of the United States west of the Alleghany mountains, respecting the navigation of the river Mississippi, made the following report:

That measures having been taken, and being still pursued by the Executive, by negotiations with the court of Spain, to obtain, by peaceable means, the free navigation of the said river, to which the United States are entitled by treaty, and having full confidence that the desirable object will be speedily and vigilantly pursued by the proper constitutional authority till it shall be accomplished; and viewing the subject as falling peculiarly within the limits of the Executive Department, they are of opinion that the said remonstrance ought to be sent to the President of the United States for his information, having no doubt that all due attention will, as heretofore, be paid by him to the subject, and every practicable measure pursued to obtain redress of the grievance complained of.

That, as it appears from the communications of the Executive, that the right of the United States to the free navigation of the Mississippi, is now the subject of negotiation with the court of Spain, and as it is the interest of the United States, and every part thereof, to come to an amicable adjustment of their right in that mode, rather than resort to any means constitutionally belonging to the Legislature, no further proceeding should be had on the said remonstrance, during the present session of Congress.

3d CONGRESS.]

No. 94.

[1st SESSION.]

GREAT BRITAIN.

COMMUNICATED TO CONGRESS, MAY 12, 1794.

UNITED STATES, May 12, 1794.

Gentlemen of the Senate and of the House of Representatives:

As the letter, which I forwarded to Congress on the 15th day of April last, from the minister plenipotentiary of His Britannic Majesty to the Secretary of State, in answer to a memorial of our minister in London, related to a very interesting subject. I thought it proper not to delay its communication. But since that time the memorial itself has been received, in a letter from our minister, and a reply has been made to that answer by the Secretary of State. Copies of them are therefore now transmitted.

G. WASHINGTON.

LONDON, January 28, 1794.

DEAR SIR:

Lord Grenville having told me that he would send the answer to my memorial on the grain trade to Mr. Hammond, to be by him stated to you, I enclose a copy of that representation, that you may have them both before you at the same time.

I remain, &c.

THOMAS PINCKNEY.

The SECRETARY OF STATE.

Representation, by Mr. Pinckney, to Lord Grenville.

The undersigned, minister plenipotentiary of the United States of America, has the honor of representing to Lord Grenville, that the President of the United States has received information of the additional instructions to His Majesty's ships of war and privateers, dated the 8th of June, 1793, and that it is with great concern he finds they authorize measures which must materially injure the United States and abridge the rights to which, as a neutral nation, they are entitled. He has, therefore, directed the undersigned to expose to His Majesty's Government the demonstrations of the injury done to the United States by this act, firmly relying on the justice and friendship of His Majesty for its discontinuance. The article of the additional instructions, which is deemed peculiarly injurious to the United States, is that which permits all vessels laden wholly, or in part, with corn, flour, or meal, bound to any port in France, to be stopped and sent into such port as may be most convenient, to be purchased by Government, or to be released only on condition of security being given by the master that he will proceed to dispose of his cargo in the port of some country in amity with His Majesty. It is conceived that this article is in opposition to the law of nations, which has for its basis reason, and the usage of civilized countries: for reason and usage have established that, when two nations are at war, those who choose to live in peace, retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual; to go and come freely without injury or molestation; and, in short, that the war among others shall be for them as if it did not exist. One restriction on their natural rights has been submitted to by nations at peace, which is that of not furnishing to either party implements merely of war, for the annoyance of the other; nor any thing whatever, to a place blockaded by its enemy. What these implements of war are, has been so often agreed, and is so well understood, as to leave little question about them at this day: there does not perhaps exist a civilized nation in our common hemisphere, which has not made a particular enumeration of them in some of their treaties, under the name of contraband; from whence it clearly appears, that corn, flour, and meal, are not of the class of contraband, and consequently remain articles of free commerce. It is the common interest of mankind, that a culture which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war. It is also the interest of humanity that those articles which are destined for the destruction of mankind should not be classed with those intended for their subsistence. If any nation has a right to shut up to the produce of another all the ports of the earth, except her own and those of her friends, she may shut them up also, whereby the neutral nation would be confined to her own ports: or if, from motives of policy, she were to abstain from this last exclusion, yet the opposite party would certainly have an equal right to pursue the same measure, whereby the same consequence would ensue. But for a nation to have its peaceable industry suspended, and its citizens reduced to idleness and want, by the act of another, is a restriction which reason and justice do not authorize. Neither can it be deemed sufficient for the belligerent Powers to say, "we aid our friends will purchase your produce;" because it is obvious that this effectually destroys the right all people have of judging for themselves what market best suits them, and precludes them from the enjoyment of the necessities and comforts which might be obtained in return from any other independent country.

It being evident, therefore, that the state of war existing between Great Britain and France furnishes no legitimate right to either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations, the exercise of it will be as lawful hereafter as now, in peace as in war: for no ground acknowledged by the common reason of mankind authorizing the act now, unacknowledged ground may be taken at any time; and a practice is hereby begun, to which no time, no circumstances, prescribe any limits, and which strikes at the root of the agriculture of the United States—that branch of industry which gives food, clothing, and comfort, to the bulk of their inhabitants.

This act, too, tends directly to draw the United States from that state of peace in which they wish to remain: for, it is an essential character of neutrality to furnish no aids (not stipulated by previous treaty) to one party which are not furnished with equal readiness to the other. If the United States permit corn to be sent to Great Britain and her friends, they are equally bound to permit it to France. To restrain it would lead to war with France; and between restraining it themselves, and acquiescing in the restraint by her enemies is no difference; she might consider this acquiescence as a pretext, and the United States would see themselves plunged by this measure into a war with which they meddle not, and which they wish to avoid, if justice to all parties, and from all parties, will enable them to avoid it. In the case where they found themselves obliged by treaty to withhold from the enemies of France the right of arming in their ports, they thought themselves in justice bound to withhold the same right from France also, and they did it. Were they to withhold supplies of provisions, they would, by the same principle of impartial neutrality, be bound to withhold them from her enemies also; and thus, either shut to themselves all the ports of Europe, where corn is in demand, or make themselves parties in the war. This is a dilemma to which the President trusts the justice and friendly disposition of His Majesty will not permit him to reduce the United States, especially as he is conscious that they have given no cause for it by any part of their conduct; he therefore doubts not that, on this exposition of the injury resulting to the United States, a measure so detrimental to them will be discontinued, and compensation made to such of their citizens as may have suffered thereby.

In thus unfolding to His Majesty's Government the objections to this measure, the undersigned is particularly instructed to declare that the United States found their expectation of justice from His Majesty's Government on a strict observance of it on their parts, and to offer the most explicit assurance of their earnest desire to live on terms of the best friendship with this country.

THOMAS PINCKNEY.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, April 11, 1794.

Sir:

In a letter which I had the honor of addressing to your predecessor, on the 12th of September last, I communicated to him an additional instruction, given by His Majesty's order in council, of the 8th of June, 1793, to the commanders of all British armed vessels, and accompanied it by some few observations, explanatory of the principles in which it had originated. But as Mr. Pinckney has recently presented to His Majesty's ministers a memorial relative to the instruction in question, I am directed to submit to you, sir, some further remarks on this subject, in reply to that gentleman's representation.

I have formerly stated that, at the period of issuing this instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies as one of the means of reducing it to reasonable terms of peace, and that this species of commerce being almost entirely prosecuted by the then ruling party of France, it could no longer be regarded as a mercantile speculation of individuals, but as an immediate operation of the very persons who had declared, and were carrying on, war against Great Britain. Notwithstanding this situation and these circumstances, His Majesty's Government, so far from proceeding to the extent which the law of nations would have warranted, adopted regulations, by which its limits were contracted, and its rigor was qualified: for the instruction only prevented the French from being supplied with corn, omitting all mention of other provisions, and especially of rice, one of the staple agricultural productions of the United States; and even with regard to corn, the regulation, instead of a confiscation of the cargoes, assured to the neutral proprietors a full indemnification for any loss they could possibly sustain.

It is not essential to the present question to enter into an examination of the different definitions, which, as you, sir, well know, have been given of the *law of nations*, and of the consequent diversity of sentiment that has prevailed, as well with respect to the principles on which it is established, as to the obligations which it prescribes. I shall therefore not hesitate to admit the broad basis which Mr. Pinckney has assigned to it—reason, and the usage of civilized countries; but I must premise, that, though the principle of reason be immutable, its dictates are sometimes governed by circumstances, or liable to different interpretations; and that the usage of nations is fluctuating. Hence, then, in order to ascertain the real nature of the system which is established on this basis, it is necessary to recur to the result of the experience and wisdom of ages and of nations, as it is collected and exposed by those

authors who have treated this subject. If it be examined by this criterion, it is manifest that the right of a belligerent Power to stop, and even to seize, supplies of provisions going to its enemies, is strongly inculcated in all the ancient authors, and is recognized by Vattel, whose writings contain a much more modified and limited system in these respects, than that which is to be found in the books of authority, on which the practice and law of nations rest; and, in point of fact, it would, I doubt not, be found, on investigation, that the milder usage, with respect to provisions, is of a recent date. In regard to the collateral argument which Mr. Pinckney deduces from the enumeration of articles denominated *contrebande de guerre*, as contained in particular treaties, it is proper for me to observe, that those treaties are not declaratory of the law of nations, but are restrictions and modifications of that law by special agreements between the contracting parties; and are consequently neither binding on other Powers, nor even on the parties themselves in other cases. But even conceding the argument to be well founded, the conclusion from it would be favorable to the regulation enforced by His Majesty's order of council: for, of the two only existing treaties, by which His Majesty's conduct is regulated towards nations neutral in the present war, one (that with Sweden) expressly includes *provisions* in the enumeration of articles *contrebande de guerre*.^{*} And Professor Martens, one of the most accurate, and unquestionably one of the most modern writers on the law of nations, asserts (page 390, vol. 2.) that *corn* and other *provisions*, even *brandy* and *tobacco*, are comprehended under the denomination of *contrebande de guerre*, in some treaties of commerce. The same author, in the section to which I have referred, adds that the maritime Powers (especially since the end of the last century) have introduced a practice of declaring to the neutral nations, at the commencement of a war, the articles which would be regarded as contraband: and the sole limitation, which he appears to assign to declarations of this nature, is, that they shall not operate to the prejudice of particular treaties which may subsist between the neutral nations and the belligerent Power promulgating such declarations. I shall certainly not controvert Mr. Pinckney's position, "that it is the common interest of mankind, that a culture which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war;" but I must, at the same time, be permitted to observe that it is at least a questionable point whether the "interests of humanity" be not best consulted by a recurrence, on the part of a belligerent Power, to all the *honorable* means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of thereby abridging the duration of the calamities of war. The expectation of imposing this necessity is the motive, under the influence of which this instruction has been issued, and is the "*acknowledged ground*" of my former explanations of it; is founded in justice and reason; is warranted by precedent; and is inculcated by those writers whose sentiments on questions of this kind are entitled to every degree of authority and respect.

The only part of Mr. Pinckney's representation, upon which it remains for me to offer any farther remarks, is his apprehension lest the acquiescence of the United States in this instruction, being considered by France as a pretext and as a violation of neutrality, that nation might derive from those considerations the right of pursuing a similar course. But it is notorious that the conduct of the actually ruling party of France with relation to provisions the property of a neutral Power, both *previously* (as it is indeed declared in the decree of the National Convention of the 9th of May) and subsequently to the instruction in question, has been such as that which Mr. Pinckney appears to imagine that this measure on the part of the British Government would have a tendency in future to produce.

Having now, sir, I hope satisfactorily, evinced that the right of a belligerent Power to detain and even seize provisions destined for its enemy, is not a *novel* doctrine, but is consonant to the law of nations, as explained by the best authors on the subject, and is even recognized by the stipulations of particular treaties, I cannot avoid expressing my conviction that the modification contained in the instruction of the 8th of June, to which it is the intention of the King's Government to adhere, will be regarded by this Government as more favorable to the commerce of America than the general principle of the law of nations, and consequently as a proof of His Majesty's sincere disposition to cultivate and maintain with the United States the most cordial harmony and good understanding.

I have the honor to be, &c.

MR. RANDOLPH, *Secretary of State*.

GEO. HAMMOND.

The Secretary of State to Mr. Hammond.

PHILADELPHIA, May 1, 1794.

SIR:

Your letter of the 11th ultimo renews a discussion here, which was supposed to be committed, with greater convenience, to the ministers of our respective nations in London. For my own part, as the additional instructions of June 8th, 1793, are essentially connected with that system, which has since appeared in more ample form, I wished to consign to our envoy extraordinary, as well the representations against them, as those truly serious remonstrances which the instructions of November 6th, 1793, and the vexations and spoiliations, lately experienced, cannot fail to produce. But, with the deep conviction which I feel, that the United States have pursued with honor the path of neutrality; that His Britannic Majesty cannot with justice upbraid our conduct; and that the opinions which you are pleased to avow, tend to wrest from us the benefits due to our impartiality and love of peace; it is impossible to pass over the doctrines contained in your letter, which seem to have been the germ of subsequent harsher measures.

In your exposition of the instructions of the 8th of June, as collected from your letter to my predecessor, on the 12th of September last, and from your remarks on Mr. Pinckney's memorial, you rely on two principal arguments: 1st. That, by the strictness of the right derived from the law of nations respecting contraband, and the actual situation of France, vessels of the United States, loaded wholly or in part with corn, meal, or flour, bound to any port in France, or any port occupied by the armies of France, may at least be lawfully stopped and detained; and 2d, that the rigor of this right has been softened, not only by exempting other provisions, and especially *rice*, but, also, by assuring to the neutral proprietors even of cargoes of *corn*, a full indemnification, instead of confiscating them. You next endeavor to remove the discontents excited by the preference established against the United States in favor of Denmark and Sweden, in the case of a blockaded or besieged port, by ascribing it entirely to the stipulation of treaties; and to repel the apprehension expressed by Mr. Pinckney, that these instructions would become a precedent for a similar severity from France, by affirming that France had begun it before they were formed.

1st. The epoch at which the distinction between a contraband and lawful commerce was first settled among nations, is, perhaps, neither known nor material. We have no reason to presume that it originated in treaty, because it is deducible from the internal law of nations, as denominated by Vattel, independently of treaty. For, as one Government, by carrying the instruments of war to the enemies of another, without an obligation, contracted prior to the commencement of hostilities, would thereby abandon its neutrality; so could not the individuals who are the members of the former Government, be free of offence towards the latter, in carrying like supplies. Such a fitness for war, then, as is indicated by what are called *instruments of war*, is the original criterion of contraband. Corn, meal, and flour, do indeed support men; and men wield arms. But they support men no less in peace than in war; and if, by a circuit of construction, food can be *universally* ranked among military engines, what article, to which human comfort of any kind can be traced, is not to be registered as contraband? In some peculiar circumstances, it must be confessed, corn, meal, and flour, are so; as in a blockade, siege, or investment. There the exclusion of them directly and obviously goes to the reduction of the place; but neutral commerce is, in this instance, infringed only, where the exclusion, if continued without interruption, would be decisive in its effect. Should it be replied, that this position would withdraw naval stores, as being suited to peace or war, from the list of contraband, I shall be ready to examine whether, upon principle, they partake not the qualities of ordinary merchandise; whether the ancient writers who first pronounced against them, did not live (to use the language of a high British

^{*} Vide the eleventh article of the treaty of alliance, concluded on the 21st of October, 1661, between King Charles the second and his Swedish Majesty.

† Jenkinson, p. 8.

authority on the same occasion) when commerce was but little understood; its rights were not sufficiently regarded; war was too much a season of rapine; they who entered into it, meant less to conquer than to plunder; and when naval stores were destined to hostile uses only; whether their dictum has not been the basis on which some later writers have proceeded; whether the modern usage of nations has not cast away the opinion as obsolete; and above all, whether corn, meal, and flour, do not hold a pre-eminence over naval stores, by being for the most part incapable of any immediate application, but to the sustenance of life.

When Mr. Pinckney refers to treaties for the enumeration of contraband, you answer that "they are not declaratory of the law of nations, but are restrictions and modifications of that law by special agreements between the parties"—"not binding on other Powers, nor even on the parties themselves in other cases;" and that, in the treaty of England with Sweden, on the 21st of October, 1661, *provisions* are expressly included as contraband.

After premising that treaties as well as statutes often re-enact a pre-existing law, a few of the English treaties, most important to the present purpose, shall be consulted.

We are at a loss to determine why, in 1645, Cromwell omitted provisions from his treaty with the United Provinces, if they were contraband. The nerve of his character was not apt to stop short of his rights, or to discard any possibility, by which he might accomplish his designs.

In the treaty of commerce between France and England, in 1667, corn, barley, other grain, and every thing tending to the nourishment of life, are said not to be contraband.

In the treaty of commerce between Charles II. King of England, and the States of Holland, in 1668, the liberty of trade is granted to all goods which are not called contraband; and no goods are there so called but arms, and things which serve for the use of war; those serving for sustenance and the support of life being excluded in terms.

By the treaty of Utrecht, in 1713, between England and Spain, wheat, rye, barley, other grain, and generally whatsoever belongs to the sustaining and nourishing of life, are excepted from contraband.

In the treaty of commerce and navigation between England and Russia, in 1766, only military stores are contraband.

In 1782, Denmark as well as Russia concur in the same ideas.

And the last expression of the sense of Great Britain, in the year 1786, in the treaty with France, was, that wheat, barley, and any other kind of corn, were not to be reckoned contraband.

In these treaties, grain, being nearer the boundary between contraband and lawful articles, was more liable to dispute; and, therefore, for greater caution, and greater caution only, was specified: Jenkinson in some degree favors this latter idea, as to the more early treaties, the model of those which followed. He observes that, "about the middle of the last century, when the commercial regulations, which at present subsist between the European Powers, first began to be formed, it became absolutely necessary to call back the attention of Governments to those principles of neutral right, from whence they had strayed; and to fix and determine what was the law of nations by the articles of their respective treaties."

But let this be otherwise, these treaties are powerful in another direction. For many years more than a century has Great Britain been in the habit of allowing, in her commercial treaties, a free scope, even in the season of war, to the means of human subsistence. The period between the years 1668 and 1786 was a witness to changes in manners, in learning, and in politics. England went through her revolutions in all. She has been seen in the field of negotiation with Powers of different orders; with one against whom she has been employed in perpetual rivalry and war; with others whose bias of commerce and the fruits of whose agriculture could most annoy her by supplies to her enemies; with Holland, with France, with Spain, and with Russia. I pretend not to assert that England has been immutable in conceding and excepting this immunity in her treaties. But if, in that period, she has deviated, without any mixture of those considerations which weigh at the moment only, your access to her archives, and consequently to better information, will enable you to correct me. If, however, you appeal to the convention between England and Holland in 1689, as a proof of the contrary, I must cite the animadversions of Jenkinson and Vattel. "Such therefore at this time was the avowed opinion of Holland, and England was induced to join with her in this convention, exceeding thereby those bounds of equity and moderation which she had almost always practised in this point before, and which she will, I hope, most faithfully observe for the future. The northern Crowns, who were particularly affected by this prohibition, contended very vehemently against it: in answer to their objections were urged the circumstances of affairs, the danger of Europe, and the mighty strength of that ambitious Power, which, if some extraordinary effort was not made, would bring mankind under its subjection. It is remarkable that Puffendorf, who owed his fortune and employments to one of those northern Crowns, was of opinion in this case against them; and thought that the convention might be justified. It is not meant here, at present, either to censure or commend it: circumstances may sometimes make a thing to be lawful, which, considered by itself, would be unjust; but such times are truly unhappy, when necessity must be pleaded in support of a right."

"England and the United Provinces having agreed in the treaty of Whitehall, signed on the 22d August, 1689, to notify to all States, not at war with France, that they would attack, and previously declared every ship bound to, or coming out of, the harbors of that kingdom, to be a lawful prize, Sweden and Denmark, from whom some ships had been taken, entered into a counter treaty on the 17th of March, 1693; for maintaining their rights, and procuring just satisfaction. And the maritime Powers, perceiving that the complaints of the two Crowns were well grounded, did them justice."

All the major nations of Europe, and in addition to these, Denmark and Sweden, have followed the same practice in their treaties—I shall not say *exclusively*, because this would imply a greater intimacy with their foreign relations than at this distance we possess. But, if it will not be too assuming to conjecture under what influence they may have occasionally departed from these tenets, permit me to hazard a belief that the examples of such a departure, and especially in certain high-toned declarations of Holland, in the last century, and of Louis the Fourteenth of France, will be found in motives, which bear no affinity to, and can neither illustrate nor weaken, the principle.

These, then, are striking features of the *customary* law of nations, as defined by Vattel. "When, says he, a custom is generally established, either between all the polished nations in the world, or only between those of a certain continent, as of Europe, for example, or those who have a more frequent correspondence, if that is custom in its own nature indifferent, and much more, if it be a wise and useful one, it ought to be obligatory on all those nations who are considered as having given their assent to it, and they are bound to observe it towards each other while they have not expressly declared that they will not adhere to it. But if that custom contains any thing unjust, or illegal, it is of no force, and every nation is under an obligation to abandon it; nothing being able to oblige or permit a nation to violate a natural law."

Although the United States be without the European circle, they not only have a frequent correspondence with Europe, but in various public acts have proclaimed their abhorrence of enlarging the catalogue of contraband. I appeal to their treaty with France, to their treaty with Holland, to their treaty with Sweden, and to their treaty with Prussia. A passage in the last has abolished much of the embarrassment to which contracts are exposed—"And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels or by the subjects or citizens of the parties to the enemies of the other shall be deemed contraband, so as to induce confiscation, or condemnation, and a loss of property to individuals." &c.

That such a provision is wise and useful your own candor admits. You express yourself thus: "I shall certainly not controvert Mr. Pinckney's position, that it is the common interest of mankind, that a culture, which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended, because two nations are involved in war."

But what if these evidences of custom were less forcible than they are? When I review the events of Europe for more than a century past, and remark how much they have been crowded and diversified; how strong mercan-

*Jenkinson, vol. i. p. 15.

†Vattel, liv. 3. chap. vii. § 112.

tile enterprise has been; how seldom other nations have suffered, and that Great Britain has not suffered at all, from this burthen on neutral commerce, I must be indulged with the inquiry, if, upon the supposition of the ancient law of nations being as you contend, its modern mitigations, by the refinement of society, towards the rest of the world, are to be dead to them? If they are, is it because they are sovereignties of a recent date, and in the Western hemisphere, although, whensoever they might, they have narrowed the sphere of contraband? Would not the nations of Europe deem the United States indelicately refractory if they should assume the privilege of dispensing with any prevailing modification of that law? Would Great Britain herself be silent? Let then the inconveniences and advantages of these alterations be to us reciprocal.

As you have selected the treaty of England with Sweden, in 1661, in opposition to Mr. Pinckney, it has been reserved for a test of the preceding doctrines. I acknowledge that provisions are contraband, according to that treaty; but in what manner? Does it recognize them as contraband under the law of nations? This cannot be maintained, because the treaties, for more than a hundred years past, announcing them not to be contraband, are more numerous than those of a different complexion, and, therefore, enjoy a better title to be declaratory of the law of nations. Does it break the uniformity of the English treaties on this head? One instance and no more being exhibited, it is presumable that no more can be quoted, unless it be between England and Holland, in February, 1673—4, which may be accounted for on different grounds, and was quickly cancelled by the treaty of December, 1674, or that in 1689, of which we have already spoken. If this be true, it deserves attention, that, in two treaties, immediately preceding this of 1661, to wit, in 1654 and 1656, between the same parties, the definition of contraband does not embrace provisions. If this variation has not been wrought by peculiar causes, it is at any rate overwhelmed by the mass of conflicting authorities, to which England has herself given birth, at different stages of her commerce.

You next resort to the civilians, as being friends to the instructions.

Until Grotius, in 1625, published his work on war and peace, the subject had been much neglected. "He," says Vattel, "broke up the land, and it is not surprising that his mind, overcharged by an immense variety of objects and citations which entered into his plan, could not always acquire those distinct ideas, so necessary in the sciences." He admits, I own, that, if a nation cannot defend itself without those things which are sent to its enemy, such as money, provisions, ships, and naval stores, *necessity* will give that nation a good right to them, upon condition of restitution, if there be no just cause to the contrary. This is no palliative for the instructions, because Great Britain not only abounded in corn, meal, and flour, but her European ports were shut, by prohibitory duties, against their importations from the United States.

He afterwards treats of the right of one enemy to intercept provisions going to another. "If the supplies sent thither hinder the execution of my designs, and the sender might have known as much; as, if I have besieged a town, or blockaded a port, and thereupon I quickly expect a surrender or a peace, that sender is obliged to make me satisfaction for the damage that I suffer on his account." Upon what data the citizens of the United States could calculate that their accustomed trade would hinder the execution of the designs of Great Britain, will be hereafter touched upon. But let their speculative opinion be such. Barbeyrac, the commentator of Grotius, whose notes enhance the dignity of the text, and are the efforts of an enlightened pen, in an enlightened age, when the law of nations had been critically investigated, liberates us from every dilemma in this respect.

"Provided, that, in furnishing corn, for instance, to an enemy besieged and pressed by another, it is not done with design to deliver him from that unhappy extremity, and the party is ready to sell the same goods also to the other enemy, the state of neutrality and liberty of commerce leave the besieger no room for complaint."

"There is the more reason for this, if the seller had been accustomed to the traffic in the same goods before the war."

He puts the strongest possible case, that of a siege, and yet decides for the neutral. Your West Indies are conscious that we have been always ready to sell to them our corn, meal, and flour: your merchants have enjoyed full liberty of purchase. Your own inquiry into our trade must have convinced you, that long before the war, we were in the habit of exporting those commodities to France.

You are certainly correct in your estimate of Martens' elementary treatise on the modern law of nations, but are you equally so in inferring, from his 274th section, that he regards corn as contraband? That we may discover his genuine sense, it may be well to present together all the important sections on neutral commerce.

§ 270.

"Of neutral commerce, according to the universal law of nations.

"One of the most important points relatively to the conduct which the neutral Powers are to hold, is the commerce to be carried on with the enemy. Now, in considering the thing on the part of the neutral Power, the right which that Power has, in time of peace, to sell and transport every sort of merchandise to each nation which is willing to carry on this commerce with it, also remains to it, when a war takes place between two Powers, so that it may permit its subjects to transport every sort of merchandise, and even arms or warlike stores, to the two Powers engaged in the war, or to that one of them with which this commerce may be continued or established most advantageously; as long as the State does not meddle itself with it, either by prohibiting the commerce with one or both the parties who are at war, it would seem that she does not, by that, deviate from the duties of neutrality. However the belligerent Power, having a right to hinder its enemy from being reinforced by whatever serves for the use of war, the necessity of its situation may authorize it to prevent these merchandizes arriving to the enemy, still it ought to confine itself to the holding of these merchandises during the war, or to the appropriating of them to herself on paying the value of them to the neutral proprietor. But this right to confiscate such merchandise, or even the vessels carrying them, seems not to belong to the enemy, except when the neutral Power has violated the laws of neutrality, or when this confiscation is made at a place amenable to the laws of the sovereign exercising it."

§ 271.

"Entire prohibition of commerce.

"In consequence of this last principle, and of the rights of every sovereign in general, the belligerent Power may even prohibit all commerce with the enemy throughout the extent of its territory and maritime dominion, in the places and provinces of the enemy of which it has rendered itself the master, and even with the places which it holds so blockaded as to be able to prohibit the entry therein of every stranger. In all these cases, it may subjoin to its prohibitions the penalties either of confiscation of the effects, or of the vessels, or the corporal punishment of those who exercise this commerce."

§ 274.

"Principles of the modern law with regard to neutral commerce. Contraband merchandise.

"But the modern law of nations differently disposes of several points which concern the commerce of neutral Powers with the enemy. In the first place, it is generally acknowledged that a neutral Power should abstain from transporting to the enemy the merchandises which serve directly for war,† and the use of which is not doubtful. The catalogue of these contraband merchandises is differently formed by the treaties of commerce, and, in some,

* "The pretext of depriving, by this confiscation, the neutral subjects of the desire of carrying on such a commerce, seems not in strictness sufficient to justify the punishment of those who do not offend us; nor does the right of necessity appear to extend to that."

† "Such as arms, ships of war," &c."

it has even been extended to certain merchandises, which do not serve directly or solely for war, inasmuch as they might be useful to the enemy;* whilst, in others, the latter are expressly ranged among merchandises, the commerce of which is lawful, which must also be presumed, when nothing has been regulated concerning it.

"Besides this, the maritime Powers have begun, particularly since the end of the last century, to make, at the commencement of war, declarations, in order to notify to the neutral Powers the merchandises which they would regard as contraband, and to prevent them from the penalties they should exercise on those who might transport them to the enemy. These declarations are less laws than notices; but their effect cannot be extended to the Powers with whom treaties subsist, which cannot be injured by them."

§ 275.

"Penalty attached to contraband commerce.

"A nation which authorizes this contraband commerce is deemed to violate the obligations of neutrality; and the belligerent Power is permitted to confiscate such merchandises and even, sometimes, the vessels. This latter point seems hitherto to have formed a rule, when the proprietor of the vessel had voluntarily loaded her with contraband, either in the whole or in part. At present, however, almost all the commercial treaties have abolished this custom entirely, or, at least, they do not admit it, except in some cases. But where no treaties exist, the conduct observed by the belligerent Powers is rather inconstant."

§ 276.

"Freedom of neutral commerce acknowledged in Europe.

"But as to merchandises which are not contraband, it is generally adopted that it is permitted to the neutral Powers to trade in them with the enemy, and to transport them to the enemy, except in places blockaded, with which all commerce is interdicted. However, neutral merchant vessels ought, in open sea, to submit to the customary visitation, or that which is fixed by treaties in almost an uniform manner."

The deductions from this author are,

1. That the neutral rights extend to every sort of merchandise, and even to arms or military stores, with certain restrictions, which do not affect grain.
2. That the places of an enemy with which commerce is interdicted, are those only which are possessed by the adversary Power, or blocked up, so as to prevent the entrance of every stranger.
3. That treaties of commerce have sometimes classed provisions among contraband, and sometimes among lawful merchandise; and,
4. That a commerce in merchandises, which do not serve directly or solely for war, is to be presumed lawful, when nothing has been regulated concerning it.

Which, sir, of these deductions confront the doctrines now advanced?

I anticipate, from a passage in your letter, the answer which will be made—that there is no other limitation upon the will of a nation to increase the number of contraband, than that treaties shall not be violated. If this were tenable, the law of nations, instead of being a stable rule, would fluctuate, according to the caprice and force of the belligerent parties. But Martens obviates such a consequence by observing that "these declarations are not so much laws as notices or warnings." The law is, therefore, to be sought for elsewhere than in those notices; it must have existed before.

Let us now turn from the question of contraband to your second vindication of the instruction, namely, the probability of its successful operation against France. To this end, you state that, "at the period of issuing the instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies, as one of the means of reducing it to reasonable terms of peace." And, again, that "it is, at least, a questionable point whether the interests of humanity be not best consulted by a recurrence, on the part of the belligerent Power, to all honorable means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of thereby abridging the duration of the calamities of war," and that "the expectation of imposing this necessity is the motive under the influence of which this instruction has been issued, and is the acknowledged ground of your former explanations of it," &c.

You will not conceive, sir, that I meddle with this branch of the subject further than the stress which you lay upon it demands. In defence, therefore, of the commercial rights of the United States, I must be pardoned for asking if the actual situation of France does, in truth, afford a clear and unequivocal prospect of defeat by famine? The soil, the climate, the population, which can spare from war a quota for labor, the agriculture, the total of the internal resources of France, induce so much of doubt, at least, as to sanction our complaints against the check to our commerce. If the two seas which wash her territory and her coasts, for many hundred miles, can be so guarded as to render the importation of subsistence impracticable; if she cannot send forth naval convoys competent to protect her transports of provisions from abroad; still, who can pronounce, upon firm ground, that she can be starved? If, for the possible difficulty which a scantiness of external supplies might create—if, from the possible clamors and tumult which the want of imported bread might stir up; or if from any other speculation, a neutral trade, of many years standing, is to be suppressed, some of the belligerent parties, in every war, will seize pretexts for harassing neutrals.

To counterbalance the innocence of individuals, and drive all from the course of their commerce, upon the vague suspicion that the ruling power of France is gathering supplies under their names, as you seem to intimate, is to humiliate and to punish.

Vattel remains to be examined. "Commodities," he says, "particularly used in war, and the importation of which to an enemy is prohibited, are called contraband goods; such are arms, military and naval stores, timber, horses, and even provisions, in *certain junctures*, when there are hopes of reducing the enemy by famine."

Well might the principle which has been canvassed, the usage of nations, and the opinions of other respectable writers, be repeated, to controvert this dictum. But, without dwelling longer on such considerations, if the judge of these hopes of reducing the enemy by famine be one of the warring Powers, it must be guided, upon this, as upon every other occasion affecting an independent people, by the great duty that "each nation ought to contribute all in its power to the happiness and perfection of other nations." It ought not to thwart, without demonstrable justice, the rights of another nation. It ought not to be seduced, by sanguine expectations of advantage, to forget our full claim to whatsoever neutrals can reasonably require. At the very moment when our citizens were navigating the ocean, ignorant of any penalty which they had to avoid, as soon as the instructions had undergone the forms of office, they were the victims. Those who undertake to judge for us should remember what the impression must be, if the proclamation of the President of the United States reached London before they were published; that we were not advised of Great Britain having associated herself in the war, through any official channel, for months after it had been brought hither by report; and that the instructions of the 8th of June, operating immediately, and not handed to us by you until the 12th of September, were disturbing our commerce for more than three months before we were admonished of our danger.

Denmark and Sweden, it is true, are involved in the words of the first clause in the instructions. But if the late tables of Arnould are to be believed, the interest of those nations, in the direct exports of corn, meal, and flour, to France, and the carrying trade in those articles thither, has received no wound, of which they greatly complain. So that, in fact, "of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation," the instructions essentially interfere with the United States alone.

* "Such as ship timber, cables, hemp, specie, grain, brandy, tobacco, and other articles of life," &c.

2. With our rights thus fortified, we have no room for discussing the moderation which you attribute to the exercise of your pretensions. We are not free from injury by the exemption of rice, or the forbearance to confiscate corn, meal, and flour. We are not compensated for our injuries, because no more than two out of three of our agricultural productions are wrested from the channels chosen for them by ourselves. Compute, sir, the value of those prohibited goods, and their importance to the growth of our shipping. Although it will always be a serious object to keep our rice markets unclogged, the losses by the instructions are neither covered nor concealed by the indulgence to rice. Its freedom plainly speaks that France was not presumed to be relieved by it; or else the belief of a famine by arresting corn, meal, and flour, was vain. Hence the profit of this exportation would be an inadequate atonement, even upon your own scale, for the other wrongs. Further, the original destination of the corn, meal, and flour, to France, was dictated by France being notoriously a better market than any other to which they had access; especially when they were to be conducted into the British ports under the stigma of being culprit property. It will be necessary, therefore, before the temper of the instructions be fairly appreciated, to compare the actual allowance in the English ports with the prices in the true port: to determine what the degree of damage is to a merchant, whose agent lives in France, to have his ship compelled into England; how long it may be before she can be accommodated to this unlooked for situation; what capital may be rendered for some time inactive; what preparations for a return cargo may be ruined at the intended port; and what derangements may overtake an individual whose study and fortune have been fixed to one scheme. When all these items shall be assembled, then, and not till then, shall we know the rate of compensation which is afforded by the omission to confiscate. But, after all, the real question is, whether any belligerent Power can thus fetter neutral trade? Nay, if the instructions had terminated only in the demand of security, one of the conditions upon which vessels may be rescued from the admiralty, even this would have been vexatious. It is very rare that security can be obtained in a foreign land, where neither an owner nor a correspondent resides, without an hypothecation of the vessel.

3. In your letter of the 12th of September, 1793, you contend that the exception in favor of Denmark and Sweden has reference to existing treaties with those Powers, and cannot, therefore, give just grounds of umbrage or jealousy to other Powers, between whom and Great Britain no such treaties subsist. As the instructions in the instance of a blockade light upon the United States alone, of all the Atlantic nations, when our remonstrances upon the captures shall be heard, it will probably be again propounded, as it has already been, without any reply in your last letter; "What might not we, on the same ground, have withheld from Great Britain during the whole course of the present war, as well as the peace which has preceded it." Reluctant as I am to kindle fresh contests, this topic will not, at present, be dilated. But surely to exact the last iota of a right awakens an unsocial feeling.

4. It is of no consequence, nor do I pretend to ascertain, from whom we have received the first injury. Complaints against one nation cannot be discharged by severity from another. But Mr. Pinckney argued with fitness, that, if the United States acquiesced in the instructions of Great Britain, as being consonant to the law of nations, they must acquiesce in the pleasure of all the world, who, by waging war, may destroy every foreign market. From any other people, whose acts offend us, we shall expect satisfaction. We expect no more from you.

No, sir, we have labored to cultivate with the British nation perfect harmony. We have not attempted, by a revival of maxims, which, if ever countenanced, are now antiquated, to blast your agriculture or commerce. To be persuaded, as you wish, that the instructions of the 8th of June, 1793, are in a conciliatory spirit, is impossible. And be assured, sir, that it is a matter of sincere regret to learn the intention of your Government to adhere to them, notwithstanding our representations, which utter, as we flatter ourselves, the decent but firm language of right. I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. HAMMOND, *Minister Plenipotentiary.*

[3d CONGRESS.]

No. 95.

1st SESSION.]

SPAIN.

REPORTED TO THE SENATE, MAY 15, 1794.

Mr. ELLSWORTH, from the committee to whom was referred a number of resolutions moved in the Senate, relating to the navigation of the Mississippi, and the negotiation at the court of Spain, submitted the following report:

That, in the negotiation now carrying on at Madrid, between the United States and Spain, the right of the former to the free navigation of the Mississippi is well asserted and demonstrated, and their claim to its enjoyment is pursued with all the assiduity and firmness which the magnitude of the subject demands, and will doubtless continue to be so pursued, until the object shall be obtained, or adverse circumstances shall render the further progress of the negotiation impracticable. That, in the present state of the business, it would be improper for Congress to interfere. But the committee recommend, that, in order to satisfy the citizens of the United States more immediately interested in the event of this negotiation, that the United States have uniformly asserted their right to the free use of the navigation of the river Mississippi, and have employed, and will continue to pursue, such measures as are best adapted to obtain the enjoyment of this important territorial right, it be

Resolved by the Senate, That the President of the United States be, and he hereby is, requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the course of negotiations.

3d CONGRESS.]

No. 96.

1st SESSION.]

SPAIN.

COMMUNICATED TO CONGRESS, MAY 20, 1794.

UNITED STATES, 20th May, 1794.

Gentlemen of the Senate and of the House of Representatives:

In the communications which I have made to Congress, during the present session, relative to foreign nations, I have omitted no opportunity of testifying my anxiety to preserve the United States in peace. It is peculiarly, therefore, my duty, at this time, to lay before you the present state of certain hostile threats against the territories of Spain in our neighborhood.

The documents which accompany this message develop the measures which I have taken to suppress them, and the intelligence which has been lately received.

It will be seen from thence, that the subject has not been neglected; that every power vested in the Executive, on such occasions, has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished.

But it appears to have been revived, upon principles which set public order at defiance, and place the peace of the United States at the discretion of unauthorized individuals. The means already deposited in the different Departments of Government are shown by experience not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws as they now stand.

G. WASHINGTON.

PHILADELPHIA, *August 29, 1793.*

SIR: The commissioners of Spain, residing here, have complained to the President of the United States, that certain persons at this place are taking measures to excite the inhabitants of Kentucky to join in an enterprise against the Spanish dominions on the Mississippi; and in evidence of it, have produced the printed address now enclosed. I have it, therefore, in charge from the President, to desire you to be particularly attentive to any attempts of this kind, among the citizens of Kentucky, and if you shall have reason to believe any such enterprise meditated, that you put them on their guard against the consequence, as all acts of hostility committed by them on nations at peace with the United States are forbidden by the laws, and will expose them to punishment: and that, in every event, you take those legal measures which shall be necessary to prevent any such enterprise.

In addition to considerations respecting the peace of the general union, the special interests of the State of Kentucky would be particularly committed, as nothing could be more inauspicious to them than such a movement, at the very moment when those interests are under negotiation between Spain and the United States.

I have the honor to be, &c.

TH: JEFFERSON.

To His Excellency the GOVERNOR of Kentucky.

KENTUCKY, *October 5, 1793.*

SIR: I have just now been honored with your favor of the 29th of August, wherein you observe, that the Spanish commissioners have complained to the President of the United States, that certain persons are taking measures to excite the inhabitants of Kentucky to join in an enterprise against the Spanish dominions on the Mississippi. I think it my duty to take this early opportunity to assure you, that I shall be particularly attentive to prevent any attempts of that nature from this country. I am well persuaded, at present, none such is in contemplation in this State. The citizens of Kentucky possess too just a sense of the obligations they owe the General Government, to embark in any enterprise that would be so injurious to the United States.

I have the honor to be, &c.

ISAAC SHELBY.

The Hon. THOMAS JEFFERSON, *Secretary of State.*

GERMANTOWN, *November 6, 1793.*

SIR: I have received from the representatives of Spain here, information, of which the following is the substance: That, on the 2d of October, four Frenchmen, of the names of La Chaise, Charles Delpeau, Mathurin, and Gignoux, set out in the stage from Philadelphia for Kentucky; that they were authorized by the minister of France here to excite and engage as many as they could, whether of our citizens or others, on the road or within your Government, or any where else, to undertake an expedition against the Spanish settlements within our neighborhood, and, in event, to descend the Ohio and Mississippi and attack New Orleans, where they expected some naval co-operation; that they were furnished with money for these purposes, and with blank commissions, to be filled up at their discretion. I enclose you the description of these four persons in the very words in which it has been communicated to me.

Having laid this information before the President of the United States, I have it in charge from him to desire your particular attention to these persons, that they may not be permitted to excite within our territories, or carry from thence, any hostilities into the territory of Spain. For this purpose, it is more desirable that those peaceable means of coercion should be used which have been provided by the laws, such as the binding to the good behavior these, or any other persons exciting or engaging in these unlawful enterprises, indicting them, or resorting to such other legal process, as those learned in the laws of your State may advise. Where these fail, or are inadequate, a suppression by the militia of the State has been ordered and practised in the other States. I hope that the citizens of Kentucky will not be decoyed into any participation in these illegal enterprises against the peace of their country, by any effect they may expect from them on the navigation of the Mississippi. Their good sense will tell them, that that is not to be effected by half measures of this kind, and that their surest dependence is on those regular measures which are pursuing, and will be pursued, by the General Government, and which flow from the united authority of all the States.

I have the honor to be, &c.

TH: JEFFERSON.

To His Excellency the GOVERNOR of Kentucky.

Le signalement du Sieur La Chaise, taille de 5 pieds 9½ pouces, figure allongée, cheveux rond, grand favorisé, taille bien faite.

Signalement de Delpeau, taille de 5 pieds 9 pouces, figure allongée, les yeux enfoncées, grand cheveux allongé, un peu blondin, pale de la figure.

Signale de Gignoux, taille de 5 pieds 6 pouces, cheveux et sourcils châtains, nez gros, bouche moyenne, menton rond.

January 13, 1794.

SIR: After the date of my last letter to you, I received information that a commission had been sent to General Clarke with powers to name and commission other officers, and to raise a body of men. No steps having been taken by him (as far as has come to my knowledge) to carry this plan into execution, I did not conceive it was either proper or necessary for me to do any thing in the business.

Two Frenchmen, La Chaise and Delpeau, have lately come into this State. I am told they declare, publicly, they are in daily expectation of receiving a supply of money, and that, as soon as they do receive it, they shall raise

a body of men and proceed with them down the river. Whether they have any sufficient reason to expect to get such a supply, or any serious intention of applying it in that manner, if they do receive it, I can form no opinion.

I judged it proper, as the President had directed you to write to me on this subject, to give you this information, that he may be apprized, as fully as I am, of the steps which have been and are now taking here in this matter. If the President should, hereafter, think it necessary to hold any further communication with the Executive of this State on this subject, I wish him to be full and explicit as to the part which he wishes and expects me to act. That, if what is required of me should, in my opinion, be within my constitutional powers, and in the line of my duty, I may hereafter have it in my power to show that the steps which I may take were not only within my legal powers, but were also required by him.

I have great doubts, even if they do attempt to carry their plan into execution, (provided they manage their business with prudence) whether there is any legal authority to restrain or punish them, at least before they have actually accomplished it: for, if it is lawful for any one citizen of this State to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry with them any quantity of provisions, arms, and ammunition; and, if the act is lawful in itself, there is nothing but the particular intention with which it is done that can possibly make it unlawful; but I know of no law which inflicts a punishment on intention, only, or any criterion by which to decide what would be sufficient evidence of that intention, if it was a proper subject of legal censure.

I shall, upon all occasions, be averse to the exercise of any power which I do not consider myself as being clearly and explicitly invested with, much less would I assume a power to exercise it against men who I consider as friends and brethren, in favor of a man whom I view as an enemy and a tyrant. I shall also feel but little inclination to take an active part in punishing or restraining any of my fellow-citizens for a supposed intention only to gratify or remove the fears of the minister of a prince, who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy.

But, whatever may be my private opinion as a man, as a friend to liberty, an American citizen, and an inhabitant of the Western waters, I shall, at all times, hold it as my duty to perform whatever may be constitutionally required of me, as Governor of Kentucky, by the President of the United States.

I have the honor to be, &c.

ISAAC SHELBY,

THOMAS JEFFERSON, Esq. *Secretary of State.*

PHILADELPHIA, *March 29, 1794.*

SIR:

The letter which your excellency addressed to my predecessor, on the 13th of January, 1794, has been laid before the President of the United States, and I have it in charge from him to recall to your view the state of things with which it is connected.

You were informed, sir, on the 29th of August, 1793, that the commissioners of Spain had complained of attempts to excite the inhabitants of Kentucky to an enterprise against the Spanish dominions on the Mississippi; that the President requested you to be attentive to circumstances of this kind; that if such an enterprise was meditated, your citizens ought to be put on their guard against the consequences; and that you should adopt the necessary legal measures for preventing it; as, acts of hostility committed by our citizens against nations at peace with the United States, were forbidden by the laws, and would subject the offenders to punishment.

That every effectual exhortation might be combined with a sense of duty, it was, at the same time, represented to you that, "in addition to considerations respecting the peace of the general union, the special interests of the State of Kentucky would be particularly committed; as nothing could be more inauspicious to them than such a movement, at the very moment when those interests were under negotiation between Spain and the United States."

Your excellency's answer, on the 5th October, 1793, gave a satisfactory assurance of your readiness to counteract any design from Kentucky against the Spanish dominions on the Mississippi; of your persuasion that none such was then in contemplation in your State; and of your citizens possessing too just a sense of the obligations which they owe to the General Government, to embark in any enterprise so injurious to the United States.

It was, therefore, with full confidence in your zeal, that, on the 6th of November, 1793, upon the representation of the commissioners of Spain, you were further informed that, on the 2d of October, 1793, four Frenchmen, of the names of La Chaise, Charles Delpau, Mathurin, and Gignoux, had set out in the stage from Philadelphia to Kentucky, authorized by the then minister of France here to engage as many as they could, whether of our citizens or others, on the road, or within your State, or elsewhere, to undertake an expedition against the Spanish settlements within our neighborhood, and in event, to descend the Ohio and Mississippi, and to attack New Orleans, where naval co-operation was expected; and that they were furnished with money for these purposes, and with blank commissions, to be filled up at their discretion. Your excellency was requested to check these hostilities, and in doing so, to prefer those peaceable means of coercion which had been provided by the laws, (such as the binding to good behavior or indicting) or to resort to such other legal process as those learned in the laws of your State might advise. The letter conveying the foregoing intelligence, proceeds thus: "Where these fail, or are inadequate, a suppression by the militia of the State has been ordered and practised in other States. I hope that the citizens of Kentucky will not be decoyed into any participation in these illegal enterprises against the peace of their country, by any effect which they may expect from them on the navigation of the Mississippi. Their good sense will tell them that is not to be effected by half measures of this kind; and that their surest dependence is on those regular measures which are pursued, and will be pursued, by the General Government, and which flow from the united authority of all the States."

After the impression made by your letter of the 5th of October, 1793, you will naturally conclude how difficult it was to reconcile it with your last, of the 13th of January, 1794.

As the constitution and laws of the United States are to govern the conduct of all, so cannot it be well imagined that the President intended to impose upon your excellency any departure from them. You were asked to prefer peaceable means of coercion; and, for that purpose, to consult those who were learned in the laws of your State, to designate legal process. I shall not presume, upon the imperfect knowledge which can be obtained here, of the jurisprudence of Kentucky, to determine whether any, or what, species of process was admissible. I beg leave, however, to observe that if, in the opinion of the judges, no preventive or other step could be supported, the President required none. My predecessor, in his letter of November 6, 1793, arguing from what is usual in the United States, and recollecting what prevails in Virginia, many of the laws of which are understood to be incorporated in your code, naturally suggested the propriety of binding to the good behavior and indicting. And, indeed, what Government can be so destitute of the means of self-defence, as to suffer, with impunity, its peace to be drawn into jeopardy by hostilities levied within its territory against a foreign nation, order to be prostrated at the will of tumultuous individuals, and scenes of bloodshed and civil war to be introduced?

You intimate a doubt, sir, whether the two Frenchmen, La Chaise and Delpau, can be restrained or punished, before they have actually accomplished their plan, and assign as a reason for the doubt, that any number of your citizens may lawfully leave your State, and carry with them any quantity of provisions, arms, and ammunition. Hence you conclude that these acts, being lawful, a particular intention cannot render them unlawful, and that no criterion exists for deciding such an intention. If there be no peculiarity in the laws of Kentucky, and it be allowable to reason from general principles, or an analogy to the practice of other States, we might expect, from a candid revision of these sentiments, that a contrary result would arise in your mind. That foreigners should meddle in the affairs of a Government where they happen to be, has scarcely ever been tolerated, and is often severely punished. That foreigners should point the force of a nation, against its will, to objects of hostility, is an invasion of its dignity, its tranquillity, and even safety. Upon no principle can the individuals on whom such guilt shall be fixed, bid the Government to wait, as your excellency would seem to suppose, until their numbers shall defy the ordinary animadversions of law; and until they are incapable of being subdued, but by force of arms. To prevent the

extremity of crimes, is wise and humane, and steps of precaution have, therefore, been found in the laws of most societies.

Nor is this offence of foreigners expiated or lessened by an appeal to a presumed right in the citizens of Kentucky to enlist under such banners without the approbation of their country. In a Government instituted for the happiness of the whole, with a clear delineation of the channels in which the authority derived from them must flow, can a part only of the citizens wrest the sword from the hands of those magistrates whom the whole have invested with the direction of the military power? They may, it is true, leave their country; they may take arms and provisions with them; but, if these acts be done, not on the ground of mere personal liberty, but of being retained in a foreign service, for purposes of enmity against another people, satisfaction will be demanded, and the State to which they belong cannot connive at their conduct, without hazarding a rupture. The evidence of a culpable intention is perhaps not so difficult as your excellency imagines; it is at least a familiar inquiry in penal prosecutions, and ought not to be an objection to your interference on this occasion. But here suffer me to repeat, that the President wishes you to do nothing more than the laws themselves permit. Let them have their free course, by such instructions as you may think adequate and advisable, and I trust that they will prove competent to rescue the United States from a painful altercation with a foreign sovereign.

As these unlawful assemblages of military force may assume various forms, Congress have not been unmindful that the civil arm may sometimes be unequal to the task of sustaining civil authority. They have, therefore, by an act of May 2, 1792, conferred on the marshals and their deputies the same power, in executing the laws of the United States, as sheriffs and their deputies in the several States have by law in executing the laws of their respective States. They have rendered it lawful for the President, in case of invasion, to call forth the militia, or to issue his orders for that purpose to such officer of the militia as he shall think proper. They have empowered him to call forth the militia of one State for the suppression of an insurrection in another, under certain circumstances; and to subdue, by the militia, any combinations against the laws which may be too powerful for ordinary judicial proceedings.

Thus far have I addressed your excellency upon the constitutional and legal rights of the Government, which perhaps are in strictness the only topics belonging to the present occasion. But, as it may not be known that the navigation of the Mississippi has occupied the earliest labors of the Executive, and has been pursued with an unremitted sincerity, I will lay before you such a sketch of the pending negotiation as may be communicated consistently with the respect due to the nation in treaty with us, and the rules observed in such cases.

The primary subject in the instructions to Mr. Carmichael, who has resided for a considerable time at Madrid, as chargé des affaires of the United States, has been to throw open to your commerce that river to its very mouth. In December, 1791, it was verbally communicated to the Secretary of State, by one of the commissioners of Spain here, that His Catholic Majesty, apprised of our solicitude to have some arrangements made respecting our free navigation of the Mississippi, and the use of a port thereon, was ready to enter into a treaty at Madrid. And great, indeed, was that solicitude. For although this overture was not, as to the place, what might have been desired, yet was it attended to without delay, and accepted.

As a proof of the interest taken by the Government on this subject, I might mention that, not only was Mr. Carmichael, who had acquired an acquaintance with persons and circumstances in Spain, made a member of the commission, but Mr. Short was added, as being more particularly informed of the navigation to be treated of.

Instructions, comprehensive, accurate, and forcible, were prepared by my predecessor; and if at this stage of the business it were proper to develop them to public view, I should expect, with certainty, that those who are the most ardent for the main object would pronounce that the Executive has been deficient neither in vigilance nor exertions.

For many months have our commissioners been employed in this important affair, at Madrid. At this moment they are probably so employed. The delays which forms may have created, the events of Europe, and other considerations, which at this season cannot with propriety be detailed, dictate a peaceable expectation of the result.

Let this communication, then, be received, sir, as a warning against the dangers to which these unauthorized schemes of war may expose the United States, and particularly the State of Kentucky. Let not unfounded suspicions of a tardiness in Government prompt individuals to rash efforts, in which they cannot be countenanced, which may thwart any favorable advances of their cause, and which, by seizing the direction of the military force, must be repressed by law, or they will terminate in anarchy. Under whatsoever auspices of a foreign agent these commotions were at first raised, the present minister plenipotentiary of the French republic has publicly disavowed and recalled the commissions which have been granted.

I cannot, therefore, doubt that, when your excellency shall revise this subject, you will come to this conclusion, that the resentments which you profess as a private man, a friend to liberty, an American citizen, and an inhabitant of the Western waters, ought not to interfere with your duty as Governor of Kentucky; and that, on the other hand, the contemplation of those several characters, under which you have considered yourself, ought to produce a compliance with those measures which the President of the United States has consigned to your discretion and execution.

I have the honor to be, &c.

EDM. RANDOLPH.

His Excellency the GOVERNOR of Kentucky.

Copy of the first, second, and ninth sections of "An act to provide for calling forth the militia," &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion; and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State, against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened) to call forth such number of the militia of any other State or States, as may be applied for, or as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted,* That, whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice, or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a State where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto, as may be necessary; and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. *And be it further enacted,* That the marshals of the several districts, and their deputies, shall have the same powers, in executing the laws of the United States, as sheriffs and their deputies in the several States have by law in executing the laws of their respective States.

Copy of a letter from the Secretary of War to His Excellency Arthur St. Clair, Governor of the Northwestern Territory, dated

GERMANTOWN, NEAR PHILADELPHIA, November 9, 1793.

SIR:

I have the honor to transmit a copy of a letter written by the Secretary of State to the Governor of Kentucky, relative to the design of certain Frenchmen, mentioned therein, to excite some military enterprise against the possessions of Spain upon the Mississippi, with which Power the United States are at peace.

The President of the United States has instructed me to request that you would consider the letter to the Governor of Kentucky as written to yourself, and that you take all the measures in the course of the laws for the prevention of the design, in the manner suggested by the Secretary of State. But if the design should have assumed such an aspect as to bid defiance to the operation of the laws, that then you use the militia of your Government to prevent the progress of the design; or that you request the officer commanding the troops of the United States in your neighborhood, in the name of the President of the United States, to afford you such assistance in the effectual suppression of such design, and apprehension of the offenders, as the nature of the case may require. You will please to report any proceedings of yours which may occur in consequence of this letter, in order that the same may be submitted to the President of the United States.

Copy of a letter from the Secretary of War to His Excellency the Governor of Kentucky, dated

GERMANTOWN, NEAR PHILADELPHIA, November 9, 1793.

SIR:

I have the honor to enclose your excellency a letter from the Secretary of State, relatively to the designs of four Frenchmen, to excite some enterprise against the possessions of Spain, on the Mississippi, with which Power the United States are at peace. To permit such a measure in any of the United States would be a breach of our neutrality, and of course involve the United States in the existing war between the belligerent parties, and therefore the enterprise is not to be tolerated in the least degree. The Secretary of State has suggested how this design may be prevented by the usual course of the laws. But if this mode should be ineffectual, I am instructed by the President of the United States to request that your excellency will use effectual military force to prevent the execution of the plan of the said Frenchmen, or any other persons who may support or abet their design; for the lawful expenses of which the United States will be responsible.

Any proceedings which may take place in consequence of the letter from the Secretary of State, or of this letter, you will please report, in order to be submitted to the President of the United States.

Copy of a letter from Major General Wayne to the Governor of Kentucky, dated

HEAD QUARTERS, GREENVILLE, January 6, 1794.

SIR:

I have the honor to enclose your excellency a copy of a letter to the commanding officer of the legionary cavalry, stationed between Georgetown and Lexington, in the State of Kentucky, directing him to receive and obey your excellency's orders, should you find any occasion for their services in suppressing the design mentioned in the enclosed extracts of letters from Governor St. Clair, and the Secretary of War: the original letter from the War Office you have undoubtedly received before this period.

Should the force now offered be deemed insufficient, or should more be wanted, it shall not be withheld upon this interesting occasion; notwithstanding our proximity to the combined force of the hostile Indians, who are now kept in double check by the troops on this ground, and those posted on the field of battle of the 4th November, 1791, which we took possession of on the 24th ultimo.

The measures which I have taken for the security of the Northwestern frontiers, I hope and trust will be found salutary and effectual.

I have the honor to be, &c.

A. WAYNE.

His Excellency ISAAC SHELBY, Esq. Governor, Kentucky.

Extract of a letter from Lexington, Kentucky, dated

MARCH 31, 1794.

"Monday—An agent from General Clarke, properly authorized by him, made his appearance here, for the express purpose of purchasing, on the credit of General Clarke, such articles as were absolutely necessary, in order that he might depart immediately.

"He called on me, showed me his authority, and offered to purchase my two boats. The articles wanted were two, viz. five hundred pounds of powder, and one ton cannon ball. The purchases were completed; the powder is at this instant in my cellar—to-morrow it leaves this place for the falls. The boats will start next week; their provisions are all ready, and the 15th April is appointed for the day of their departure from the falls.

"Friday, April 4.—Yesterday the powder left this place."

The writer is expected in town in a few days.

Extract of a letter from the Secretary of War to Major General Wayne, dated

MARCH 31, 1794.

"The idea of a post to be established at Fort Massac, was held forth on the 17th of May last, and left optional with you; but certain circumstances, at that time prevented your adopting the idea. The late intention of some restless people of the frontier settlements, to make hostile inroads into the dominions of Spain, renders it indispensable that you should immediately order as respectable a detachment as you can, to take post at Fort Massac; and to erect a strong redoubt and block house, with some suitable cannon from Fort Washington.

"The officer who should command, ought to be a man of approved integrity, firmness, and prudence."

"Besides the directions for erecting the works, the supplies, discipline, and police of his garrison, he ought to be instructed somewhat in the following manner:

"*Secret and confidential.*—It has not been unknown to you, that a number of lawless people, residing on the waters of the Ohio, in defiance of the national authority, have entertained the daring design of invading the territories of Spain. The atrocity of this measure, and its probable effects, are pointed out in the proclamation of the President of the United States, herewith delivered to you.

"If this design should be persisted in, or hereafter revived, and any such parties should make their appearance in the neighborhood of your garrison, and you should be well informed that they are armed and equipped for war, and entertain the criminal intention described in the President's proclamation, you are to send to them some person in whose veracity you could confide—and if such person should be a peace officer, he would be the most proper messenger—and warn them of their evil proceedings, and forbid their attempting to pass the fort at their peril. But if, notwithstanding every peaceable effort to persuade them to abandon their criminal design, they should still persist in their attempts to pass down the Ohio, you are to use every military means in your power for preventing them, and for which this shall be your sufficient justification, provided you have taken all the pacific steps before directed."

Copy of a letter from M. Williamson, Jr. to Captain Thomas Martin, dated

ROCK LANDING, April 9, 1794.

DEAR CAPTAIN:

Agreeable to your request, I have made every inquiry about Murray; he has not been here, and if he should come, Captain M'Kinsey will certainly send him to the fort. I shall set out for Carr's Bluff this evening, and if I should see or hear of him, shall send him immediately up; and if any more of the Federal troops should desert, with an expectation of being received as one among the adventurers against East Florida, they will be mistaken, by being sent back to their quarters. General Clarke requested me to urge the necessity of not interfering with Government, particularly in that of persuading the troops of the United States to desert and join them; and that, if he could find out that any officer or soldier had acted in that manner, contrary to the interests of the United States, should be given into the hands of the law, and be punished as the law directs.

I am, with respect, yours, &c.

M. WILLIAMSON, Jr.

Colonel Carr delivered your advertisement to Captain M'Kinsey, with a special command that the within mentioned deserter be safely taken to your quarters, provided he should come to this place, as well as any other that might desert, with an idea to shelter with the republicans, or F— to F—.

M. W. Jr.

Extract of a letter from Constant Freeman, Agent for the Department of War, in Georgia, to the Secretary of War, dated

FORT FIDIUS, April 18, 1794.

"We have been for a long time held in suspense by the different reports which have circulated, relative to certain persons being employed in this State to recruit a corps of troops for the service of France. There cannot now be any doubts remaining upon this subject. Officers have been appointed, and are now acting under the authority of the French republic. Parties of recruits have already marched to the rendezvous appointed for them. Several men of this corps have crossed the Oconee, and encamped opposite to Greensborough. A small party was for some days opposite to the Rock Landing; they have since marched to Carr's Bluff, to join with those that had assembled at that place. The general rendezvous, we are told, is to be on the river St. Mary. An agent is appointed to furnish the supplies; and he has, for that purpose, received ten thousand dollars. A person, who was formerly the contractor's clerk at this post, is employed by him to purchase four thousand rations of provisions. He has gone down the country to execute this business.

On the 8th instant, a Colonel Carr, and Major Williamson, came to this garrison; they stayed the day and night with Captain Martin; they are said to be officers in the French legion. This was confirmed by Major Williamson, who showed Captain Martin a letter of instructions which he had received from General Clarke, directing him to repair to Fort Phillips, the Rock Landing, and Carr's Bluff, for the purpose of paying to the recruits of the French legion an allowance for mileage from their homes to the places of rendezvous. He showed Captain Martin a list of the men whom he had paid, and who are encamped on the other side of the Oconee, opposite to Greensborough, under the command of the late Lieutenant Bird, who is now a captain in the said legion; and he also showed Captain Martin his saddlebags, and told him that he had more than a thousand dollars in them for the purposes above mentioned; and he further informed him that General Clarke would cross the Oconee in ten days from that time to take the command, and that Colonel Carr would be one of the adventurers. Major Williamson has been employed as paymaster.

Colonel Carr told me that large detachments had marched from the back settlements of South Carolina, and from the State of Kentucky; that the men were to be engaged for three months, and were to receive bounties of land in the provinces of East and West Florida, and Louisiana, which they were to conquer from the Spaniards; that M. Genet is appointed a major general, and is to command in chief, and that measures would be taken to conciliate the Creeks, that the legion might march through their country.

The next day they left this garrison, and proceeded on their journey to Carr's Bluff. That morning a soldier deserted from Captain Martin's company, and as it was apprehended he had joined the party of the French legion, then encamped opposite to the Rock Landing, Captain Martin sent a message to Major Williamson, requesting him that the man might be returned. He has received the enclosed letter as an answer, which I have desired him to give me that I might send it to you. This letter confirms what I have above written, relatively to Major Williamson being connected with this business.

There are many other persons named as officers in this new corps, but as it would be rather imprudent to mention them without some evidence of the fact, I forbear to send you their names.

It appears that the Spanish Government in the Floridas is greatly alarmed at the preparations which are making to invade these provinces; and the Governor of East Florida has made complaint to the Governor of this State, who has issued his proclamation, dated the fifth of last month, forbidding all persons joining with these adventurers, or aiding or assisting them in any way whatever.

Although, sir, you may have been fully informed through other channels of the above facts, I conceive it highly proper that I should give you such further information therein as is to be obtained in this quarter. It doth not, however, appear, that the officers of this new legion make any great progress in the recruiting service; and it is generally believed, by the most sensible and orderly inhabitants of this country, that the proposed expedition of these adventurers will fail."

Mr. John S. Gano, of Cincinnati, Northwestern territory, came through Kentucky, was at Lexington and Frankfort six days, and left Lexington on the 8th or 9th of April.

He says that the expedition of General Clarke, to open the free navigation of the Mississippi, which had been suspended, apparently for want of money, had again revived; and it was said, owing to a supply of money which had arrived by a Frenchman, said to be a major, but whose name the informant does not recollect.

That the boat builders, and other artificers for the expedition, had again recommenced, vigorously, their work at the rapids of the Ohio. That some persons of Kentucky, who had been appointed officers, had sold their property by auction.

That the measure of the expedition was openly advocated, and not opposed by any considerable numbers, but some did speak against it. That the President's proclamation had been received in Cincinnati, but he did not see any of them in Kentucky.

That they had provided some cannon and ammunition; and Mr. Gano was informed that they were casting more cannon at the iron works in Kentucky.

That it was understood that the inhabitants of Lexington had subscribed ammunition.

That Mr. Charles Smith, of Kentucky, informed Mr. Gano that he had actually received a commission of a major; that upon the arrival of the French major with the money, he had received orders to hold himself in readiness to join with his troops at the rapids of the Ohio; but having more maturely reflected upon the business, he enclosed his commission to the said French major.

Extract of a letter from Major Henry Gaither, commanding the Federal troops in Georgia, to the Secretary of War, dated

ST. MARY'S, April 13, 1794.

"The French are going on with an expedition against the Floridas from this place, and appear to have many friends in this undertaking among the inhabitants of this State. There is now at anchor, within musket shot of my fort, the sloop of war Las Casas, of eighteen guns, with two hundred men, most of them French, and one company of them infantry; they are last from Charleston. They say there are thirteen sail, equally large, and well manned, yet to come from different ports in the United States. There is a recruiting post at Temple, eighteen miles up the river from this; the last accounts say they have eighty men, and expect three hundred from the upper part of this State. This armament and land force they talk of will be sufficient, they say, to take the Floridas as soon as they please. The sloop of war, on her first arrival, saluted the fort. I have not returned the salute; the captain and officers are much offended; this has caused me to begin a three gun fascine battery in front of the fort, and next the river, for my own defence. I shall be very particular with the French troops, and avoid every thing like giving offence. I don't mean to leave this until matters get better settled."

May 6, 1794.

Mr. John Holland, an inhabitant of Savannah, left that place on the 26th ult. in the sloop Harmony, Captain McCormack, and arrived here on the 5th of May.

This gentleman informs, that the French sloop of war Las Casas, supposed to belong to the French fleet, lately from the Chesapeake, had landed some men on the Island of Amelia, to the southward of the St. Mary's; and that they were there erecting some works, and had landed some cannon. That General Clarke was on the Georgia side of the St. Mary's with a few men; their numbers said to be various, from one hundred and fifty to three hundred, but were daily augmenting; and it was supposed intended to join the French, and to take the oaths of allegiance to them, in order to invade the Floridas. Clarke was said to have provisions and ammunition. The people of Savannah strongly reprobated the measure. A person, name unknown, attempted to beat up for volunteers in Savannah, but he was forced to desist, and to give bail in the federal court.

A captain of a privateer, named Curvin, also attempted to beat up, but was also obliged to give bail and desist.

The Governor was daily expected in Savannah.

A Colonel Hammond from Savannah is one of the principal officers. He was of the continental troops during the late war.

WAR DEPARTMENT, May 14, 1794.

SIR:

By certain information, recently received from Georgia, it would appear that a General Clarke and others have organized themselves into a military corps, within the limits of the United States, and are thence about setting out upon some military expedition against the dominions of Spain, with whom we are at peace.

Any comments upon the illegality and criminality of such a conduct is entirely unnecessary to your excellency, as you have already issued your proclamation against the design.

But it may be necessary that further and more effectual measures be taken to prevent, entirely, the expedition, and bring to punishment the authors, actors, and abettors thereof; otherwise the United States may become responsible for the consequences.

I am therefore desired by the President of the United States to request that your excellency will, if the same should be necessary, take the most energetic and decisive measures within your power for suppressing the said design. If the circumstances should require the employment of the militia, I am authorized to assure you that it may be done at the expense of the United States; and I am also directed to put under your direction the regular troops of the United States; for which purpose I have given Lieutenant Colonel Gaither the necessary orders, herein enclosed. And I have also further directed John Habersham, Esquire, the agent for furnishing the supplies in Georgia, to afford every necessary aid of provisions and quartermaster's stores, which you may require for this object.

I have the honor to be, &c.

H. KNOX, *Secretary of War.*

His Excellency the GOVERNOR of Georgia.

Extract of a letter from the Secretary of War to Lieutenant Colonel Gaither, dated May 14, 1794.

SIR:

If the Governor of Georgia should call upon you to assist him with the public force under your command, for the purpose of suppressing an illegal combination of men, alleged to be organized within the United States for the purpose of invading the dominions of Spain, you are promptly and cordially to place yourself, and all the troops and military stores, under his orders, for the said purpose.

3d CONGRESS.]

No. 97.

[1st SESSION.]

SPOILIATIONS UPON AMERICAN COMMERCE.

COMMUNICATED TO THE SENATE, MAY 20, 1794.

PHILADELPHIA, May 20, 1794.

SIR:

I now do myself the honor of transmitting to the Senate the abstract of vexations and spoiliations of our commerce, which was required by their resolution of the 13th day of March last. The volume sent will show that such a business could not be immediately completed. Indeed, sir, I was compelled, by the burthen of business daily depending and arising in the office, to engage a gentleman of the law to assist me in preparing the abstract.

Permit me to remark that the documents which have been forwarded to me are in many instances so imperfect as to render it impossible to make such regular statements as I wished.

I ought, at the same time, to observe, that, on the 2d day of March, 1794, when I wrote my letter to the President of the United States, the cases of complaint against the British were thirty-two; against the French, twenty-six; against the Spanish, ten; and against the Dutch, one. The propriety, therefore, of what that letter contains, will not be determined by the great list, which has been exhibited since; nor will it be supposed that I ever have undertaken, or do now undertake, to vouch for a single fact; having made, and being able to make, no inquiry beyond the allegations of the parties interested.

The abstract would have been drawn in the first instance, had it not been intended to endeavor to settle the business by representations to the foreign courts. Unless the Senate desire that the papers be retained here, it is probable that many of them will be sent abroad.

I have the honor, sir, to be, with very great respect, your most obedient servant.

EDMUND RANDOLPH.

The VICE PRESIDENT of the United States and PRESIDENT of the Senate.

[The abstract referred to in the above is not on file.]

3d CONGRESS.]

No. 98.

[1st SESSION.]

GREAT BRITAIN.

COMMUNICATED TO CONGRESS, MAY 21 AND MAY 23, 1794.

UNITED STATES, May 21, 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before you, in confidence, sundry papers, by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing. And also, certain information, whereby it would appear that some encroachment was about to be made on our territory, by an officer and party of British troops. Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British minister, a copy of which accompanies this message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge, that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event, which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

G. WASHINGTON.

UNITED STATES, May 23, 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before you the copy of a letter from the minister plenipotentiary of His Britannic Majesty, in answer to a letter from the Secretary of State, communicated to Congress yesterday; and also the copy of a letter from the Secretary, which is referred to in the above mentioned letter of the minister.

G. WASHINGTON.

The Secretary of State to Mr. Hammond.

PHILADELPHIA, May 20, 1794.

SIR:

It cannot be unknown to you, that a speech, said to be addressed on the 10th of February, 1794, to several Indian nations, and ascribed to the Governor General of His Britannic Majesty at Quebec, has appeared in most of the public prints in the United States. With so many circumstances of authenticity, after remaining so long without contradiction, it might have justified us in inquiring from you, whether it was really delivered under British authority. Our forbearance thus to inquire is conformable with the moderation which has directed the conduct of our Government towards Great Britain, and indicates at the same time our hope, from the declarations of yours, that its views would prove ultimately pacific, and that it would discountenance every measure of its officers, having a contrary tendency.

Even now, sir, while I entertain a firm persuasion that, in assuming this speech to be genuine, I cannot well err, I shall be ready to retract the comments which I am about to make, if you shall think proper to deny its authenticity.

At the very moment when the British ministry were forwarding assurances of good will, does Lord Dorchester foster and encourage in the Indians hostile dispositions towards the United States. If it was a part of the American character to indulge suspicion, what might not be conjectured as to the influence by which our treaty was defeated in the last year, from the assembling of deputies from almost all the nations, who were at the late general council on the Miami, and whose enmity against us cannot be doubtful? How nearly would that suspicion approach to proof, were we to recollect that so high an officer as himself would not rashly hazard this expression: "I should not be surprised if we are at war with the United States in the course of the present year; and if we are, a line must then be drawn by the warriors."

But this speech only forebodes hostility: the intelligence which has been received this morning is, if true, hostility itself. The President of the United States has understood, through channels of real confidence, that Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there.

Permit me then to ask, whether these things be so? It has been usual for each party to a negotiation, to pay such a deference to the pretensions of the other, as to keep their affairs in the same posture, until the negotiation was concluded. On this principle, you complained, in your letter of the 5th of July, 1792, of the jurisdiction attempted to

be exercised under the State of Vermont, within the districts occupied by the troops of your King; and demanded that our Government should suppress it, from respect to the discussion which was pending. On this principle, you were assured that proper measures should be adopted. On the same principle you renew, on the 10th of March, 1794, a similar application; and are answered that the measures of the Government should correspond with its assurances. Accordingly, although the forts, garrisons, and districts, to which your letters relate, are confessedly within the limits of the United States, yet have our citizens been forbidden to interrupt you in the occupancy of them. What return then have we a right to expect?

But you will not suppose that I put the impropriety of the present aggression upon the pendency of the negotiation. I quote this only to show the contrast between the temper observed on your part towards us, and on our part towards you. This possession of our acknowledged territory has no pretext of statu quo on its side; it has no pretext at all; it is an act, the hostility of which cannot be palliated by any connexion with that negotiation; it is calculated to support an enemy whom we are seeking to bring to peace.

A late mission of the United States to Great Britain is an unequivocal proof, after all that has happened, of the sincere wish of our Government to preserve peace and a good understanding with your nation; but our honor and safety require that an invasion shall be repelled.

Let me, therefore, inform you, sir, that I have it in charge from the President of the United States to request and urge you to take immediate and effectual measures, as far as in you lies, to suppress these hostile movements; to call to mind that the army of the United States, in their march against the enemy, will not be able to distinguish between them, and any other people, associated in the war; to compare these encroachments with the candor of our conduct, and the doctrines which you have maintained; and to admonish those who shall throw obstacles in the way of negotiation and tranquillity, that they will be responsible for all the unhappy consequences.

I have the honor to be, &c.

EDM. RANDOLPH.

MR. HAMMOND, Minister Plenipotentiary of His Britannic Majesty.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, 22d May, 1794.

SIR:

In answer to your letter of the 20th current, which I did not receive until late in the afternoon of yesterday, it is necessary for me to premise that, whatever may be my personal opinion with respect to the style and manner in which you have thought it proper to address me upon the present occasion, it is not my intention to offer any animadversion upon them, but to proceed with temper and candor to the examination of the subjects of your letter.

Though I never can acknowledge the right of this Government to require from me, so categorically as you have required it, an explanation of any measure emanating from the Governors of Canada, over whose actions I have no control, and for whose conduct I am not responsible, I am willing to admit the authenticity of the speech to certain Indian nations, to which you have alluded, and which you have ascribed to the Governor General of His Majesty's possessions in North America. But in order to ascertain the precise sense of the only passage of that speech to which you have referred, and of which you have given merely a partial citation, I shall quote the passage at length.

"CHILDREN: Since my return I find no appearance of a line remains, and from the manner in which the people of the States push on, and act, and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and if so, a line must then be drawn by the warriors."

From the context of this *whole* passage, it is manifest that Lord Dorchester was persuaded that the aggression which might eventually lead to a state of hostility, had proceeded from the United States. And so far as the State of Vermont, to which, I presume, his lordship principally alluded, was implicated, I am convinced that that persuasion was not ill founded. For, notwithstanding the positive assurances which I received from your predecessor, on the 9th of July, 1792, in answer to my letter of the 5th of the same month, of the determination of the General Government to discourage and repress the encroachments which the State and individuals of Vermont had committed on the territory occupied by His Majesty's garrisons, I assert with confidence, that not only those encroachments have never been in any manner repressed, but that recent infringements in that quarter, and on the territory in its vicinity, have been since committed. Indeed, if this assertion of mine could require any corroboration, I would remark that, though the *space of fifty days* elapsed between my letter of the 10th of March, 1794, upon this subject, and your answer of the 29th of April, 1794, you did not attempt to deny the facts which I then stated, and which I now explicitly repeat.

In regard to your declaration that "Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there," I have no intelligence that such an event has actually occurred. But even admitting your information to be accurate, much will depend on the *place* in which you assert that the fort is intended to be erected, and whether it be for the purpose of protecting subjects of His Majesty residing in districts dependent on the fort of Detroit, or of preventing that fortress from being straitened by the approach of the American army. To either of which cases, I imagine that the principle of the *status quo*, until the final arrangement of the points in discussion between the two countries shall be concluded, will strictly apply. In order, however, to correct any inaccurate information you may have received, or to avoid any ambiguity relative to this circumstance, I shall immediately transmit copies of your letter, and of this answer, as well to the Governor General of His Majesty's possessions in North America, and the Governor of Upper Canada, as to His Majesty's ministers in England, for their respective information.

Before I conclude this letter, I must be permitted to observe, that I have confined to the unrepressed and continued aggressions of the State of Vermont alone, the persuasion of Lord Dorchester that they were indicative of an existing hostile disposition in the United States against Great Britain, and might ultimately produce an actual state of war on their part. If I had been desirous of recurring to other sources of disquietude, I might, from the allusion of his lordship "to the conduct of this Government toward the sea," have deduced other motives of apprehension, on which, from the solicitude you evince to establish a "contrast between the temper observed on your part towards us, and on our part towards you," I might have conceived myself justified in dilating. I might have adverted to the privateers originally fitted out at Charleston, at the commencement of the present hostilities, and which were allowed to depart from that port, not only with the consent, but under the express permission of the Governor of South Carolina. I might have adverted to the prizes made by those privateers, of which the *legality* was in some measure admitted by the refusal of this Government to restore such as were made antecedently to the 5th of June, 1793. I might have adverted to the permission granted by this Government to the commanders of French ships of war and of privateers, to dispose of their prizes by sale in ports of the United States. I might have adverted to the two privateers le Petit Democrat, (now la Cornelia) and le Carmagnol, both which were illegally fitted out in the river Delaware, and which, in consequence of my remonstrances and of the assurances I received, I concluded would have been dismantled, but which have remained during the whole winter in the port of New York armed, and now are, as I am informed, in a condition to proceed immediately to sea. I might have adverted to the conduct which this Government has observed towards the Powers combined against France in the enforcement of the embargo: for, while the vessels of the former are subjected to the restrictions of that measure, those of the latter have been permitted to depart from Hampton Roads, though three weeks had elapsed subsequently to the imposition of the embargo, though they were amenable to its operation, and though they were chiefly laden with articles "calculated to support an enemy whom we are seeking to bring to peace." I might have adverted to the *uniformly* unfriendly treatment which His Majesty's ships of war and officers in His Majesty's service have, since the commencement of the present hostilities, experienced in the American ports. And lastly, I might have adverted to the unparalleled

insult which has been recently offered at Newport, Rhode Island, not by a lawless collection of the people, but by the Governor and Council of that State, to the British flag, in the violent measures pursued towards His Majesty's sloop of war Nautilus, and in the forcible detention of the officers by whom she was commanded. I have, however, forborne to expatiate upon these points, because I am not disposed to consider them, as I have before stated, as necessary elucidations of the immediate object of your letter, and much less to urge them in their present form as general topics of recrimination.

I have the honor to be, with great respect, sir, your most obedient humble servant,

GEO. HAMMOND.

The SECRETARY OF STATE.

The Secretary of State to Mr. Hammond.

PHILADELPHIA, April 29th, 1794.

SIR:

Very soon after the receipt of your letter of the 10th ultimo, I took more than one opportunity of mentioning to you verbally, that the Government of the United States was sincere and constant in its determination to fulfil its assurances concerning the districts occupied by the British troops, and the acts of violence said to be committed under the authority of the State of Vermont, on the persons and property of British subjects residing under the protection of your garrisons.

I indeed promised to give you an answer in writing at an earlier day than this. But being anxious to obtain particular information from a gentleman, who was in town, well acquainted with the places to which you refer, and from some accident not being able as yet to lay my hands upon the letter of Mr. Jefferson to you, on the 9th of July, 1792, I was hopeful that my personal declarations to you would continue to receive such full confidence as to afford sufficient opportunity for the most particular inquiry. But being disappointed in seeing that gentleman, I think it best to answer your letter without further delay.

I have it in charge from the President of the United States again to assure you, that his purpose to cultivate harmony with your nation, and to prevent the measures of which you complain in the above letter, continues unchanged. Orders will be therefore immediately repeated upon this head, to repress the violences which you state, and they shall be accompanied with an injunction to use against the refractors every coercion which the laws will permit. We have received no intelligence of the particular facts to which you refer. But, to prevent all unnecessary circuit in first inquiring into them, and next transmitting to this city the result, the proper instructions will be given to act, without waiting for further directions.

In these measures, sir, you will see a real disposition in us to friendship and good neighborhood: and I shall be justified by your own recollection, when I claim the merit of our having been uniform in the same demonstrations.

I have the honor to be, sir, with great respect, your most obedient servant,

EDM. RANDOLPH.

MR. HAMMOND, Minister Plenipotentiary of Great Britain.

NOTE.—For the papers relating to the *Indians*, referred to in the message of May 21, see Documents on Indian Affairs, No. 49.

3d CONGRESS.]

No. 99.

[1st SESSION.]

SPAIN.

COMMUNICATED TO CONGRESS, MAY 26, 1794.

Gentlemen of the Senate and of the House of Representatives:

UNITED STATES, 26th May, 1794.

The commissioners of His Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which, the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.

Form of a certificate which is required, in order that the produce of the United States may be admitted into the ports of Spain, to wit:

Before me, &c. personally came —, of the city of —, merchant and citizen, who being duly sworn according to law, on his solemn oath doth depose and say, that the cargo here shipped by him in the ship —, whereof — is master, now bound from this port of —, for —, in Spain, to wit: —, are of the growth or produce of the United States of America, (which I the said notary or magistrate also attest) and that no part thereof are of the produce of France or her colonies, nor have the same, or any part thereof, received any advantage or improvement in France, or any of its dependencies, nor in any manner contributed to its revenues, and the said deponent further says, that the said cargo so shipped is the sole property of him, the deponent, and that they are citizens of the United States of America, and resident merchant of the said city of —.

Sworn as above, before me, —. In testimony whereof, and that the said goods are of the produce or manufacture of the said United States of America, and that I am well informed that the said shipment is bona fide intended for the port of —, in the kingdom of Spain, I, the said magistrate and notary, have hereunto set my hand, and affixed my notarial seal, the day and year above written.

Quod attestor.

3d CONGRESS.]

No. 100.

[1st SESSION.]

FRANCE.

COMMUNICATED TO THE SENATE, MAY 27, 1794.

Gentlemen of the Senate:

UNITED STATES, May 27, 1794.

The Executive Provisory Council of the French republic having requested me to recall Gouverneur Morris, our minister plenipotentiary in France, I have thought proper, in pursuance of that request, to recall him. I therefore nominate James Monroe, of Virginia, as minister plenipotentiary of the United States to the said republic.

G. WASHINGTON.

3d CONGRESS.]

No. 101.

[1st Session.]

GREAT BRITAIN.

COMMUNICATED TO CONGRESS, JUNE 4, 1794.

UNITED STATES, 4th June 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before Congress the copy of a letter, with its enclosure, from the Secretary of State to the minister plenipotentiary of His Britannic Majesty; it being an answer to a letter from the minister to him, bearing date the 22d ultimo, and already communicated.

G. WASHINGTON.

PHILADELPHIA, June 2, 1794.

SIR:

If the letter with which you honored me on the 22d ult. had not entered into a train of recrimination against the United States, I should not now trouble you with a return to its unpleasant topics. Among the reasons which would have induced me to add nothing to my letter of the 1st of the last month, it would have been of some weight, that, by silence, I should avoid the repetition of a style and manner, which seem to have produced a personal excitement.

As you are willing to admit the authenticity of Lord Dorchester's speech, we will, with your approbation, reserve, for a future discussion, on what occasion, and to what degree, an explanation may be required by the Government of the United States from a foreign minister.

I selected only one passage of that speech, because, in it, was concentered the real object of the whole; which was to declare an expectation that Great Britain would be at war with the United States in the course of the present year, and, if she were, to cause the warriors to draw a line. This is the undisguised sense of the Governor General, unaffected by the preliminary words which you have thought proper to quote. It is your own interpretation. For, so far as you are from contradicting my assertion, that Lord Dorchester fostered and encouraged in the Indians hostile dispositions towards us, that you confine the greater part of your remaining observations to vindicate his persuasion and your own, that the principal aggression, leading to hostility, proceeded from the United States, and to suggest many others of the same tendency, upon which you would not dilate.

I shall not shrink, sir, from your charges.

1st. Notwithstanding the territory upon which certain inhabitants of Vermont are represented, in your letter of the 5th of July, 1792, to have trespassed, belongs to the United States, yet, on the 9th of the same month, did my predecessor give you, as is admitted, positive assurances of the determination to discourage and repress the subject of your complaint. The necessary instructions were, accordingly, forwarded to that State. On examining your correspondence with my Department, it does not appear, that, from the 9th of July, 1792, to the 10th of March, 1794, upwards of nineteen months, our Government ever understood, from yourself or any authority of His Britannic Majesty, that the original dissatisfaction continued. Nor was any discontent heard from that quarter through other channels, except what related to outrages upon our own citizens by British subjects. Then, indeed, thirty days after the hostile tribes of Indians had been assembled by Lord Dorchester, at Quebec, you renew your remonstrance. Although it cannot be, by any means, believed, that this was written in order to usher in the intelligence, which soon after arrived, of his speech, yet it is difficult to account for so long an interval, under the circumstances supposed. Nor ought my answer, although delayed for fifty days, until the 29th of April, 1794, to be construed into an assent to any charge, since, at the end of that period, having been disappointed, as my letter shows, in one opportunity of information, and no other presenting itself, we were not in a capacity of contradicting your assertions. However, sir, the instructions issued in consequence of your application, conveyed positive orders for the correction of what, upon examination, should be found irregular.

2d. Among the points to which, you intimate, that you might have adverted, is enumerated the fitting out of two privateers, at Charleston, in South Carolina. Whatever this transaction might have been, it probably occurred at the commencement of the war, and before the existence of the war was communicated to our Government, by any of the Powers engaged. Had such a transaction been known to the President, in time, you can well judge, from his actual conduct, what he would then have done. His proclamation, on the 23d of April, 1793; his call upon the State Governors, on the 26th of the same month, to co-operate with him in the work of impartiality and peace; the system of rules which he established, and which were imparted to you; are unerring indications of the spirit of those measures on which he had determined. He suppressed the consular courts, which attempted to pass sentences of condemnation on captures; he restored several vessels to British owners; prosecutions have been instituted against the violators of neutrality: in a word, sir, what has been required, under the sanction of the law of nations, which has not been fulfilled? How many things have been spontaneously done, to evince our impartiality? Let me request you to review my predecessor's letters to you, of April 22, May 15, June 5, August 7, 8, 25, September 5 and 12, 1793, and to say if more could be well expected from us? After such demonstrations, it might have been hoped that the equipment of these two privateers would not rise again in the shape of a charge. But the letter of the 5th of June, being conceived of itself to be satisfactory, is here inserted:

"In the letter which I had the honor of writing you on the 15th of May, in answer to your several memorials of the 8th of that month, I mentioned that the President reserved for further consideration, a part of the one which related to the equipment of two privateers in the port of Charleston. The part alluded to was that wherein you express your confidence that the Executive Government of the United States would pursue measures for repressing such practices in future, and for restoring to their rightful owners any captures which such privateers might bring into the ports of the United States.

"The President, after a full investigation of this subject, and the most mature consideration, has charged me to communicate to you, that the first part of this application is found to be just, and that effectual measures are taken for preventing repetitions of the act therein complained of; but that the latter part, desiring restitution of the prizes, is understood to be inconsistent with the rules which govern such cases, and would, therefore, be unjustifiable towards the other party.

"The principal agents in this transaction were French citizens. Being within the United States, at the moment a war broke out between their own and another country, they determine to go in its defence; they purchase, arm, and equip a vessel, with their own money, man it themselves, receive a regular commission from their nation, depart out of the United States, and then commence hostilities by capturing a vessel. If, under these circumstances, the commission of the captors was valid, the property, according to the laws of war, was, by the capture, transferred to them; and it would be an aggression on their nation, for the United States to rescue it from them, whether on the high seas, or on coming into their ports. If the commission was not valid, and consequently the property not transferred by the laws of war to the captors, then the case would have been cognizable in our courts of admiralty, and the owners might have gone thither for redress. So that on neither supposition would the Executive be justifiable in interfering.

"With respect to the United States, the transaction can in no wise be imputed to them. It was in the first moment of the war, in one of their most distant ports, before measures could be provided by the Government to meet all the cases which such a state of things was to produce—impossible to have been known, and, therefore, impossible to have been prevented by that Government.

"The moment it was known, the most energetic orders were sent to every State and port in the Union to prevent a repetition of the accident. On a suggestion that citizens of the United States had taken part in the act, one who was designated, was instantly committed to prison for prosecution; one or two others have been since named, and committed in like manner; and should it appear that there were still others, no measures will be spared to bring them to justice. The President has even gone further. He has required, as a reparation of their breach of respect to the United States, that the vessels so armed and equipped shall depart from our ports.

"You will see, sir, in these proceedings of the President, unequivocal proofs of the line of strict right which he means to pursue. The measures now mentioned are taken in justice to the one party; the ulterior measure of seizing and restoring the prizes is declined, in justice to the other; and the evil, thus early arrested, will be of very limited effects; perhaps, indeed, soon disappear altogether."

As to the permission from the Governor of South Carolina, for the departure of those privateers from port, you may assure yourself of a proper inquiry; and I take the liberty of requesting any evidence which you may have of it.

3d. With so many direct proofs in your hands of the opinion constantly maintained by our Government against the legality of captures in general, made by illegal privateers, it is not easily explained why the validity of those before the 5th of June, 1793, should be argued from a refusal to restore them. The above recited letter of that date neither affirms nor disaffirms their validity; but declines the granting of restitution, as being inconsistent with the rules which govern in such cases. These rules are, that, if the commission be good, the capture is good; if the commission be bad, the capture is bad; but whether it be good or bad, is not decided, it being enough to prove, that the transaction, for the reasons assigned, can in no wise be imputed to the United States. But, if captures of this kind, prior to the 5th of June, 1793, do really amount (as is conceived by some) to no very considerable value, this would, of itself, lessen the importance of the insinuation.

4th. The Secretary of War has undertaken to ascertain the precise state of the privateers *le Petit Democrate*, and *le Carmagnole*, and the result will be communicated to you. In the mean time, it is a matter of some surprise, that vessels, whose single employment and profit must consist in cruising on the ocean, should have remained in the port of New York during the whole winter, and probably up to the date of your letter (May 22d, 1794.) May it not be presumed that their activity has been checked by the intervention of the Government? But, sir, if they have not been dismantled, your letter brings the first notice of the omission.

5th. It is true that the sale of prizes made by French cruisers has not been prohibited in the United States, and that our treaty with France has been so interpreted, as not to contemplate a freedom to sell. The next resort was to the law of nations, which was scrupulously searched by the Executive, with the pure desire of discovering truth and justice to all. Upon this, as on many other occasions, the civilians differ—Vattel declaring that a privateer may carry his prize into a neutral port, and there freely sell it; Martens affirming the same doctrine, if it has not been otherwise regulated by treaty; and others opposing it. In this schism among writers, it was resolved by the President of the United States, to impose no restraint upon those sales; and to refer them, as affairs of legislation, to Congress, at the earliest moment of their session. Thus much has been observed, not as my final answer, but merely to introduce an assurance that I will follow you in the main discussion, whensoever you shall bring it forward in detail.

6th. Unoubtedly, sir, you have been misinformed, that the vessels of France have been permitted to depart from our ports, notwithstanding the embargo. As the history of the Executive proceedings is neither long nor entangled, it shall be frankly stated to you. As soon as the embargo was laid, expresses and advice boats were despatched to notify the officers of the customs and revenue cutters, and all others concerned in its execution. The resolution imposing it involved all foreign nations; the instructions from the President of the United States favored no nation, directly or indirectly. A French snow, *la Camille*, which had descended the river Delaware as low as New Castle, on her voyage, was stopped by an officer of the United States; and the President, adhering to perfect impartiality, could not think himself justified to gratify the minister of the French republic with a passport. Passports being kept under the special view of the President, were issued only after his examination of each case, and the total number of them does not exceed twenty-six. Among them was one to yourself; one to an agent, who was sent to the West Indies, upon a business connected with the late captures and condemnations in various British courts of admiralty; one to a citizen, whose vessel was under trial in Bermuda, and who was anxious to forward the British instructions of the 8th of January, 1794, with a hope of rescuing her from confiscation; one to the friends of Joshua Barney, then in Jamaica; twenty for the accommodation of several unfortunate inhabitants of St. Domingo, to some of whom our Government was advancing money for their support, and who could no longer endure their separation from home; one to some other persons in peculiar circumstances, desirous of returning to the West Indies; and in the last instance, one to the minister of the French republic. If, therefore, by any other passport or permission, the embargo has been relaxed, it was unauthorized by the President, and unlawful. The distance of Hampton Road from this city, being more than three hundred miles, the officers of Government, resident *here*, could not learn at the moment what was passing *there*. No intelligence of an official nature, or of any real importance, no complaint from any other foreign minister, or any other person, has since reached us. If, sir, you should happen to possess the information, I ask it as a favor of you to designate who granted the permission, and under what circumstances the French vessels left that road? An investigation, however, has been, and shall be, pursued, on our part, without delay. If the law has been violated, it shall be vindicated; but a violation of law is very remote from a *permission* of the Government.

7th. The uniformly unfriendly treatment, which the British officers are said to have experienced in the United States, cannot be answered until it shall be more explicitly defined. Did this treatment break forth in words or actions, not cognizable by law? If so, no complaint can be offered to Government. Or in words or actions, which were so cognizable? Our courts are free to foreigners against citizens, and independent of influence. To yourself let me appeal that, on the representations which you thought proper to lay before the President, in relation to the British consul at Baltimore, the British consul at Norfolk, and the commander of the *Daedalus* frigate, the necessary measures were promptly adopted; the result has been transmitted to you, and no objection has been returned. Nor was the Government backward in its interference in the late affair at Philadelphia. And these being the only occurrences of the kind within my knowledge, I trust that no example can be produced of Government refusing to extend its protection on every seasonable occasion.

8th. The events at Newport, in Rhode Island, are accurately detailed in the proceedings which I have the honor of enclosing to you. Within the limits of the present letter, I cannot do more; as it might be an useless task to detain you with my remarks, when none of them might be adapted to the animadversions which you meditate. It is enough, therefore, for me to engage, that these animadversions, whensoever they shall appear, shall receive particular attention.

Although, sir, your charges against the United States are sketched only, the impressions, which may have been intended, cannot be counteracted so soon, by such general elucidations as, at a future day, may be more minutely unfolded. But let these facts be as they will, are they indicative of a hostile disposition in the United States, and ought they ultimately to produce a state of war? This is not the place for us to retort our complaints. But compare them with the whole of your catalogue, and say, what may our feelings be? Yet we prefer peace.

9th. As Lord Dorchester's endeavor to stir up the Indians against us is without justification, so is the expedition of Governor Simcoe without pretext.

That you have received no intelligence of such an event having *actually occurred*, leaves room to conjecture that you may not be without intelligence of it having been designed; and that it has therefore probably taken place. But you insist that much will depend on the place intended for the fort. Let the point allotted for it on the Miami be unknown; the place is, for our immediate purposes, adequately marked out, by being on that river. A single glance of the eye over the map proves that its source is within the limits of the United States. In its whole length it is flanked on each side by our territory. Its very mouth is to the southward of our line, as recognized by our treaty with His Britannic Majesty. On no part, therefore, of the rapids, can a fort be built, but within our country.

This being fixed, your argument is, that, if the fort be for the purpose of protecting subjects of His Majesty, residing in districts dependent upon the fort of Detroit, or of preventing that fortress from being straitened by the approach of the American army, the principle of *statu quo*, until the final arrangement of the point in discussion between the two countries shall be concluded, will strictly apply.

To change, by hostile movements, the condition of a thing concerning which a treaty is opened, not being consonant with a spirit of adjustment, the principle of *statu quo* has been generally adopted. The nearest point of the rapids to Detroit cannot be less than fifty miles. They have never been considered—they never could be considered, as appendages to Detroit. But you proceed and say, that the proposed assumption of territory may depend on districts which depend on Detroit. It is too obvious to dwell upon the remark, that, if Detroit, which lies within the United States, becomes the first station from which a district, still further in, may arise, and that from this district another district may be generated, one encroachment may beget another *ad infinitum*. It will, however, be very acceptable to understand, with accuracy, how much of our territory towards the Miami was actually possessed by the military establishment of Detroit at the time of the peace. I mention the military establishment, because, if any subjects of His Britannic Majesty reside beyond the line of actual possession, they are, as being within our limits, under our jurisdiction.

To prevent the fortress of Detroit from being straitened by the approach of the American army, is either a new modification of the preceding idea, or founded upon an untenable suspicion. For the question must recur, are the rapids an appendage to Detroit? Were they connected with it at the peace? If convenience, only, were to be consulted, and a wide range of unsettled territory, by being suitable to the momentary circumstances of one nation, is to be transferred, for that reason alone, from another, which is the true proprietor, we might even then controvert the convenience of the rapids to Detroit. If right be consulted, our right is complete. Is then our territory to be thus seized? Nay, more, sir, I am authorized to say to you, explicitly, that the American army has no instructions to straiten or annoy that post; and that, if the descent on the rapids was dictated by this consideration, it ought to be discontinued, as being without cause. I have the honor, &c.

EDM. RANDOLPH.

Mr. HAMMOND, *Minister Plenipotentiary of his Britannic Majesty.*

Sir:

PROVIDENCE, May 16, 1794.

Agreeably to the request of the General Assembly, I enclose you a report of the Justices of the Superior Court of this State, and of the District Judge of Rhode Island, respecting certain Americans detained on board a British sloop of war.

The moderation which accompanied the determined resolution of the Legislature in the progress of this business, with the accomplishment of the release of our fellow-citizens, gave universal satisfaction.

I also enclose an account of the supplies granted the *Nautilus*, that it may be known they were limited to the necessary supplies for carrying her to her destined port, and perfectly agreeable to our treaty with France.

I am, sir, &c.

EDMUND RANDOLPH, Esq. *Secretary of State.*

A. FENNER.

STATE OF RHODE ISLAND, &c. *In General Assembly, May Session, A. D. 1794.*

The following report was made to this Assembly, to wit:

A statement of facts in the case of the six American sailors illegally detained on board of His Britannic Majesty's sloop of war the Nautilus, H. W. Baynton, commander.

On the 8th day of May, A. D. 1794, the said ship arrived in the harbor or port of Newport, in the State of Rhode Island and Providence Plantations: on the same day, the commander of said ship made application to the General Assembly of said State, then in session at said Newport, for liberty to purchase supplies of provisions for the people on board of her. The General Assembly immediately took the application into consideration, but, during the progress of that business, they were informed that there were thirteen American citizens detained on board said ship, against their consent, three of which had been pressed in the West Indies; and that great anxiety was occasioned thereby in the minds of the people. The General Assembly immediately proceeded to measures for investigating the facts; sent a message to Capt. Baynton, then on shore, requesting his attendance before them: The captain immediately attended, with his lieutenant. The Assembly also requested all the judges of the superior court, being then present, together with the judge of the district court, to confer with said officers on the subject, to inform them of the information they had received, of the uneasiness it occasioned, and of their expectation that, if there were any American citizens on board their ship, they might be immediately released; and if not released, to advise the General Assembly of the measures which might be legally pursued to obtain the discharge of the Americans so detained. The judges accordingly met the said officers in the council chamber, where the said officers, with the British vice consul, Mr. Moore, who attended them, were waiting, upon the request of the General Assembly. The judges informed them of the information which had been received, and expressed their wish that they would afford the fullest satisfaction of the facts. The captain declared there were none on board of that description, at least within his knowledge, and so declared the lieutenant; that he did not choose to take such seamen on board; that he had never pressed such; and requested their names. The judges told him they were not able to give their names: he appeared altogether to doubt the fact; hereupon, John Carr, gunner of the fort, was called upon, who, on solemn oath, declared, that he inquired of one of the ship's barge men if there were any Americans on board of said ship, who answered that there were thirteen, ten of which had voluntarily entered on board, and that the three others had been pressed. The captain still appeared to disbelieve the matter: it was then proposed to him that, to satisfy himself and the authority, he would permit a gentleman or two, with himself or lieutenant, to go on board, and there to make the necessary inquiry: that, if there should be American citizens on board, it was presumed he would not hesitate to discharge them; if there were none, the public mind would be at ease, and mutual confidence would be restored. He agreed to the propriety of dismissing such, if on board, and at first agreed to the proposal; but on something being dropped by the consul, viz: the ship to be searched, he withdrew his assent, and declared he would by no means consent to the proposition. Much argument was used to convince him of the propriety of it, or that he ought to point out some way to come at the truth, but to no purpose; he thought his word sufficient. It was observed to him that it was not presumed he would undertake positively to deny the fact, since the information came from his own people, and it was not probable he could be certain of the fact. He said he would not say positively, but he was very confident there were none such, and that the information was groundless. It was observed to him, he must be sensible that that kind of argument would give no satisfaction; it was wished to conduct towards him with the utmost candor, and that he would exhibit the same; it was highly reasonable that the authority should be satisfied; it was presumed that the British Government would, under a like occasion, show the same solicitude for the relief of their subjects, and were possessed of sufficient spirit to obtain entire satisfaction: that he must expect it would be exerted here, if we were reduced to the necessity; but it was still wished he would obviate that necessity by a ready compliance with the proposition, or by proposing something equally satisfactory. He replied he could do nothing further, was surprised at being thus called upon this business, asked if he was a prisoner, and appeared to be going out of the room: it was said he was not a prisoner; no measure of that kind had been taken. It was proposed that the judges would leave the room to the officers with the consul, that, as much had been said, they might further deliberate on the matter, and consult what might conduce most to a fair and just settlement of the business. This was refused; and the captain and his lieutenant both, against the advice of the judges, burst out of the room, but instantly returned, declaring they were stopped by the people in the lobby, who were there in great numbers, and they were under apprehensions of danger. The lieutenant said he was kicked;

it was asked him with earnestness, "was you kicked?" he said "no, but what was next to it, he was jam'd up;" they were desired to be composed, and to sit down; that it was wished they had taken advice; for while with the judges they should be protected. The captain again declared he could not comply with the proposal made, or give further satisfaction than he had, as to the Americans said to be on board his ship. Information was then given to the General Assembly of the proceedings thus far, when they passed the following resolution:

Lower House of Assembly,

MAY 8, 1794.

Whereas complaint hath been made to this Assembly that sundry citizens of the United States are illegally detained on board of a certain sloop of war, called the Nautilus, belonging unto His Britannic Majesty, commanded by H. W. Baynton, now riding at anchor in the road of Newport, within this State: It is hereby voted and resolved, that the said Captain H. W. Baynton, and the lieutenant of said sloop of war, who are now on shore, remain there until investigation of the subject of said complaint be had before the judicial authority of this State and district.

To effect which purpose, it is further voted and resolved, That, on condition the said H. W. Baynton consent thereto, Messrs. Henry Sherburne, John L. Boss, Samuel Wardwell, Christopher Ellery, and William Davis, be a committee from this Assembly, to go on board the said sloop of war, with Mr. Thomas W. Moore, vice consul of His Britannic Majesty for the district of Rhode Island, and request of the commanding officer now on board said sloop of war, an examination of the crew thereof, and report to the judicial authority of this State and district, the names of any citizens of the said United States there detained as aforesaid: and that the said judicial authority take examination of the birth and residence of such citizens, and enlarge those who, on such examination, are found to be citizens of any of the said United States.

Voted, &c.

SAMUEL EDDY, *Clerk.*

In the Upper House.

Read the same day and concurred.

By order:

HENRY WARD, *Secretary.*

The officers were informed of this resolution, and a conversation more cool and candid soon after took place; and the captain agreed that the gentlemen mentioned in the foregoing act of the General Assembly might go on board his ship. The consul agreed to go with them, and the captain sent a letter (which he first showed to the judges) to the commanding officer on board, directing him to give those gentlemen all the satisfaction in his power, as to there being any Americans on board. Those gentlemen proceeded on board, and were received with the utmost politeness; the books and lists of the men were shown, the people called upon to declare whether there were then any Americans unwilling to remain on board; six appeared, as by the following copy, taken by the committee, from the shipping book itself, and by their own declaration, to be Americans:

John M'Carthy, Martha's Vineyard, entry *June 27, 1793.*
John Johnson, Charleston, South Carolina, entry *December 17, 1793.*
Nicholas Martin, Boston, entry *February 16, 1794.*
Anthony Dwyer, Georgetown, South Carolina, entry *June 14, 1793.*
Samuel Brown, Portsmouth, Virginia, entry *December 2, 1793.*
William Denning, New City, New York, entry *April, 1794.*

N. B. The entries appeared to be made by some officer of the ship, and no signature of the sailors.

The above is a true copy of the extract from the books of the sloop Nautilus, belonging to His Britannic Majesty, now riding in the harbor of Newport, by the subscribers, who were appointed by the Honorable General Assembly of the State of Rhode Island and Providence Plantations, a committee, for the purpose of determining the number of Americans on board of said sloop, and which was reported on the 8th day of May, in the year of our Lord one thousand seven hundred and ninety-four, to the said honorable body, by

HENRY SHERBURNE,
JOHN L. BOSS,
SAMUEL WARDWELL,
CHRISTOPHER ELLERY,
WILLIAM DAVIS.

The captain immediately declared that he was surprised; that four of them he now believed were Americans, but he was, however, willing the six should be brought on shore; and as many as were Americans he would immediately discharge. His barge went again on board with his written orders, as follows:

"DEAR M'INNARHENTY:

Send the six men on shore to be examined, immediately.

Yours, &c.

H. W. BAYNTON.

John M'Carthy,
John Johnson,

Nicholas Martin,
Anthony Dwyer,

Samuel Brown,
William Denning.

Mr. Thomas to come on shore to take care of the boat, and not leave her."

The six sailors were soon brought on shore; the officers were convinced that they were all Americans, and the captain agreed that they might go where they pleased; and that, in the morning, he would send their clothing on shore, give them written discharges, and certificates for their wages; and the consul freely offered to take them, and give the sailors the money for them: whereupon entire good humor appeared fully restored, and the officers, with the consul, retired. In the morning the captain sent an officer on shore, who fully completed the business, agreeably to the captain's agreement.

The certificates were in the following form:

These are to certify the honorable the principal officers and commissioners of His Majesty's navy, that Samuel Brown served as able seaman on board His Majesty's sloop Nautilus, under my command, from the 2d day of December, 1793, to the date hereof, when he was discharged—he being a subject of the United States of America; and that there is charged against him, in the ship's books, the sum of two pounds eighteen shillings and eight pence.

Navy slops,	-	-	-	-	-	-	-	£1 19 10
Beds,	-	-	-	-	-	-	-	0 12 6
Tobacco,	-	-	-	-	-	-	-	0 6 4
								£2 18 8

Wages due, £3 2 8

Given under my hand, on board the said sloop, at Newport, Rhode Island, the 9th day of May, 1794.

H. W. BAYNTON.

The whole amount of the wages due to the sailors, as adjusted by the captain, and agreed to by the sailors, was £29 9s. 1d. sterling.

The foregoing statement, made by the request of the General Assembly, is humbly submitted by the judges of the superior court, and the judge of the district court.

HENRY MARCHANT,

Judge of the District Court in and for Rhode Island district.

DANIEL OWEN,

Chief Judge Superior Court.

WILLIAM TAGGART,

Judge of the Superior Court.

WALTER COOK,

Judge of the Superior Court.

JOSHUA BICKNALL,

THOMAS TILLINGHAST.

NEWPORT, May 10, 1794.

On due consideration whereof,

It is voted and resolved, That the foregoing report be, and the same is hereby, accepted; and that his Excellency the Governor be requested to transmit a copy thereof to the Secretary of State of the United States, as soon as may be.

A true copy. Witness,

HENRY WARD, *Secretary.*

STATE OF RHODE ISLAND, &c. *In General Assembly, May Session, A. D. 1794.*

Upon the application of H. W. Baynton, commander of the British sloop of war the Nautilus, for permission to purchase the necessary supplies to enable him to proceed to the port to which he is bound,

It is voted and resolved, That his Excellency the Governor cause the said ship to be supplied with four or five thousand pounds of bread, five hundred and sixty pounds of fresh beef and veal, and one hundred and fifty pair of shoes, with such precautions, and under such directions, as he shall think proper.

A true copy. Witness,

HENRY WARD, *Secretary.*

3d CONGRESS.]

No. 102.

[1st Session.]

FRANCE.

REPORTED TO THE SENATE, JUNE 6, 1794.

Mr. KING, from the committee to which was referred the bill, entitled "An act providing for the payment of a certain sum of money *due* to the French republic," submitted the following report:

It appears by a statement of the account between the United States and France, reported to the House of Representatives, that, according to the view which is entertained at the treasury of that account, the United States, on the 1st day of January, 1794, were in advance to France the sum of two millions one hundred and eleven thousand and eighty-six livres tournois and five deniers, (being three hundred and eighty-three thousand one hundred and sixty-two dollars and thirteen cents) beyond the instalments of principal, and all interest which had accrued to that period.

It further appears, upon inquiry at the treasury, that, since that period, there has been advanced, on account of our debt to France, the further sum of seventy-one thousand two hundred and forty-two dollars and eighty-one cents.

And it appears, likewise, from the papers referred to the committee, that the President has promised further payments upon the same account, of one million five hundred thousand livres, on the 3d of September next, and of one million of livres on the 5th of November next, making together four hundred and fifty-three thousand seven hundred and fifty dollars; which payments, it is understood, may be anticipated at the Bank of the United States, in the proportions and at the epochs which are desired by the minister of the French republic.

These sums embrace all the parts of principal which by contract would become payable to France during the year 1794, beyond which, were there no anticipations, nothing would be demandable during the present year, but the interest on the balance of the entire debt, which balance, on the 1st day of January, 1794, is computed at the treasury at two millions six hundred and eleven thousand five hundred and eighty-seven dollars and eighty-eight cents; whence it results, that the payments which have been made, and engaged to be made, exceed those which, by the terms of contract, could be demanded.

This being the case, and the loan in question having been in its origin specifically appropriated to the purpose of the sinking fund, it is the opinion of the committee that it is not advisable to divert it from its destination, as is proposed by the bill referred to them, and consequently, that the bill should not pass.

3d CONGRESS.]

No. 103.

[2d SESSION.

SPAIN.

COMMUNICATED TO THE SENATE, NOVEMBER 21, 1794.

UNITED STATES, November 21, 1794.

Gentlemen of the Senate:

In the negotiation between the United States and his Catholic Majesty, I have received satisfactory proofs of attention and ability, exerted in behalf of the United States, to bring it to a happy and speedy issue. But it is probable that, by complying with an intimation made to the Secretary of State by the commissioners of His Catholic Majesty, much further delay in concluding it may be prevented. Notwithstanding, therefore, I retain full confidence in our minister resident at Madrid, who is charged with powers as commissioner plenipotentiary, I nominate Thomas Pinckney to be envoy extraordinary of the United States to his Catholic Majesty, for the purpose of negotiating of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated, and of and concerning the general commerce between the said United States and the kingdoms and dominions of his said Catholic Majesty.

It is believed that, by his temporary absence from London, in the discharge of these new functions, no injury will arise to the United States.

G. WASHINGTON.

3d CONGRESS.]

No. 104.

[2d SESSION.

RELATIONS WITH FRANCE, SPAIN, PORTUGAL, MOROCCO, AND ALGIERS.

COMMUNICATED TO CONGRESS, FEBRUARY 28, 1795.

UNITED STATES, February 28, 1795.

Gentlemen of the Senate and of the House of Representatives:

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was at that time every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfil the expectation given, as far as the actual situation of things will, in my judgment, permit, I now, *in confidence*, lay before Congress the following general statement:

Our minister near the French republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the nonfulfilment of the contracts of the agents of that republic with our citizens, and from the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted.

So much of our relation to Great Britain may depend upon the result of our late negotiations in London, that, until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the commissioner of His Catholic Majesty near the United States having declared to the Secretary of State, that, if a particular accommodation should be made in the *conducting* of the business, no further delay would ensue, I thought proper, under all circumstances, to send to His Catholic Majesty an envoy extraordinary, specially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been often manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may, therefore, promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands but little intercourse has taken place during the last year. It may be acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco, an agent was despatched to renew with his successor the treaty which the United States had made with *him*. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted for the renewal of the treaty have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact towards the United States, and that the past miscarriage will be shortly remedied.

Congress are already acquainted with the failure of the loan attempted in Holland for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Dey was disposed to treat for a peace and ransom, and that both would in all probability have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.

3d CONGRESS.]

No. 105.

[2d Session.]

BARBARY STATES.

COMMUNICATED TO CONGRESS, MARCH 2, 1795.

UNITED STATES, March 2d, 1795.

Gentlemen of the Senate and of the House of Representatives:

It appears from the information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one consul should reside in Morocco, another in Algiers, and a third in Tunis, or Tripoli. As no appointment for these offices will be accepted without some emolument annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two consuls for that coast, in addition to the one already existing.

G. WASHINGTON.

3d CONGRESS.]

No. 106.

[2d Session.]

GREAT BRITAIN.

COMMUNICATED TO THE SENATE, JUNE 8, 1795.

UNITED STATES, June 8th, 1795.

Gentlemen of the Senate:

In pursuance of my nomination of John Jay, as Envoy Extraordinary to His Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that treaty, and other documents connected with it. They will, therefore, in their wisdom decide whether they will advise and consent that the said treaty be made between the United States and His Britannic Majesty.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To JOHN JAY, greeting:

Reposing especial trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the Senate, do appoint, you, the said John Jay, Envoy Extraordinary from the United States of America to the Court of His Britannic Majesty, authorizing you hereby to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the nineteenth day of April, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.**Letter of Credence to His Britannic Majesty.*

GREAT AND GOOD FRIEND:

Being desirous of confirming, between your Majesty and the United States of America, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction by a friendly discussion, I have made choice of John Jay, Chief Justice of the United States, to repair to your Majesty, in the quality of their Envoy Extraordinary. From a knowledge of his fidelity, probity, and good conduct, I have entire confidence that he will render himself acceptable to your Majesty, and will contribute, to the utmost of his power, to preserve and advance, on all occasions, the interest and happiness of the two nations. I beseech your Majesty, therefore, to give full credence to whatever he shall say to you on the part of the United States, and, most of all, when he shall assure you of their friendship and wishes for your prosperity. And I pray God to have your Majesty in his safe and holy keeping.

Written at Philadelphia, this fifth day of May, in the year of our Lord 1794.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.*

To our great and good friend

HIS BRITANNIC MAJESTY.

Letter of Credence to the Queen.

MADAM OUR GOOD FRIEND:

I have named John Jay, Chief Justice of the United States of America, Envoy Extraordinary to your royal consort. My knowledge of his good qualities gives me full confidence that he will so conduct himself as to merit your esteem. I pray, therefore, that you yield entire credence to the assurances which he will bear to you of our friendship; and that God may always have you, madam, our good friend, in his holy keeping.

Written at Philadelphia, this sixth day of May, in the year of our Lord 1794.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

KNOW YE, That, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority, as also a general and special command, at the court of his said Majesty, for and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of his said Majesty, being furnished with sufficient authority; whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference, subsisting between the United States and his said Majesty, whether the same respect the inexecution or infraction of the armistic declaring a cessation of hostilities between the United States of America and His Britannic Majesty, at Versailles, on the 20th day of January, 1783, or the definitive treaty of peace made between the United States and his said Majesty, on the 3d day of September, 1783, or the instructions of His said Majesty to his ships of war and privateers, of whatsoever date, but especially on the 8th of June, 1793, the 6th of November 1793, and the 8th of January, 1794; or restitution or compensation in the cases of capture or seizure, made of the property of the citizens of the United States, by the said ships of war and privateers: or retribution for the injuries received therefrom, by any citizen of the United States: and, also, of and concerning the general commerce between the United States and the kingdoms and dominions of His Britannic Majesty, wheresoever they may be; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States of America, for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

KNOW YE, That, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority; as also a general and special command, at the court of his said Majesty, for and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of his said Majesty, being furnished with sufficient authority; whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the inexecution or infraction of the armistic declaring a cessation of hostilities between the United States of America and His Britannic Majesty at Versailles, on the 20th day of January, 1783, or the definitive treaty of peace made between the United States and his said Majesty on the 3d day of September, 1783; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

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In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all whom these presents shall concern, greeting:

KNOW YE, That, reposing special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, have appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty; hereby giving him full power and authority for, and in the name of, the United States of America, to confer, treat, and negotiate, with any person or persons duly authorized by his said Majesty, of and concerning the general commerce between the said United States and the kingdoms and dominions of his said Majesty, whosoever they may be; and to conclude and sign a treaty or treaties, convention or conventions, thereon; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, *Secretary of State.**Instructions to Mr. Jay.*

PHILADELPHIA, May 6, 1794.

SIR:

The mission upon which you are about to enter, as envoy extraordinary to the court of London, has been dictated by considerations of an interesting and pressing nature.

You will doubtless avail yourself of these to convince Mr. Pinckney, our minister in ordinary there, of the necessity of this measure, and will thus prevent any wound to his sensibility. He may be assured that it is the impression, which will naturally accompany this demonstration of the public sentiment, and not the smallest abatement of confidence in him, which has recommended a special appointment; nor will any of his usual functions be suspended, except so far as they may be embraced in the present commission. It would be unnecessary to add, but, for the sake of manifesting this fact, and removing difficulties which may arise in your own breast, that you will communicate with him without reserve.

A full persuasion is entertained that, throughout the whole negotiation, you will make the following its general objects: To keep alive in the mind of the British minister that opinion which the solemnity of a special mission must naturally inspire, of the strong agitations excited in the people of the United States, by the disturbed condition of things between them and Great Britain; to repel war, for which we are not disposed, and into which the necessity of vindicating our honor and our property may, but can alone, drive us; to prevent the British ministry, should they be resolved on war, from carrying with them the British nation; and, at the same time, to assert, with dignity and firmness, our rights, and our title to reparation for past injuries.

One of the causes of your mission being the vexations and spoliations committed on our commerce by the authority of instructions from the British Government, you will receive from the Secretary of State the following documents, viz: the instructions of the 8th of June, 1793, 6th of November, 1793, and 8th of January, 1794; the Secretary of State's letter to Mr. Pinckney, on the 7th of September, 1793; Mr. Hammond's letter to the Secretary of State, on the 12th of September, 1793; Mr. Pinckney's note and memorial to Lord Grenville; Mr. Hammond's second letter to the Secretary of State, on the 11th of April, 1794; the Secretary of State's answer on the 1st inst.; a list and sketch of the cases upon which complaints have been made to our Government; and the instructions given to N. C. Higginson, who has been lately sent as agent to the British Islands in the West Indies.

These several papers develop the source of our discontent on this head; the representations which have been offered; the answers which have been rendered; and the situation of the business at this moment.

You will perceive that one of the principles, upon which compensation is demanded for the injuries under the instructions of the 8th of June, 1793, is, that provisions, except in the instance of a siege, blockade, or investment, are not to be ranked among contraband. To a country remote as the United States are from Europe and its troubles, it will be of infinite advantage to obtain the establishment of this doctrine.

Upon the instructions of the 6th of November, 1793, Mr. Pinckney has made a representation, and perhaps a memorial, to Lord Grenville; both of which you will procure for Mr. Pinckney. The matter of these instructions fills up the measure of depredation. They were unknown publicly in England until the 26th of December, 1793; there is good reason to suppose that they were communicated to the ships of war, before they were published, and that, in consequence of a private notification of them, a considerable number of new privateers were fitted out; the terms "legal adjudication," in spite of the explanation on the 8th of January, 1794, was most probably intended to be construed away or not, according to events; and many vessels have been condemned under them.

Compensation for all the injuries sustained, and captures, will be strenuously pressed by you. The documents which the agent in the West Indies is directed to transmit to London will place these matters in the proper legal train, to be heard on appeal. It cannot be doubted that the British ministry will insist that, before we complain to them, their tribunals, in the last resort, must have refused justice. This is true in general; but peculiarities distinguish the present from past cases. Where the error complained of consists solely in the misapplication of the law, it may be corrected by a superior court; but where the error consists in the law itself, it can be corrected only by the lawmaker, who, in this instance, was the King, or it must be compensated by the Government. The principle, therefore, may be discussed and settled without delay; and, even if you should be told to wait until the result of the appeals shall appear, it may be safely said to be almost certain that some one judgment in the West Indies will be confirmed; and this will be sufficient to bring the principle in question with the British ministry.

Should the principle be adjusted, as we wish and have a right to expect, it may be advisable to employ some person to examine the proper offices in London, for such vessels as may have been originally tried or appealed upon, and finally condemned. You will also reserve an opportunity for new claims, of which we may all be ignorant for some time to come; and if you should be compelled to leave the business in its legal course, you are at liberty to procure professional aid at the expense of the United States.

Whenever matters shall be brought to such a point as that nothing remains for settlement but the items of compensation, this may be entrusted to any skillful and confidential person whom you may appoint.

You will mention, with due stress, the general irritation of the United States at the vexations, spoliations, captures, &c. And being on the field of negotiation you will be more able to judge, than can be prescribed now, how far you may state the difficulty which may occur in restraining the violence of some of our exasperated citizens.

If the British ministry should hint at any supposed predilection in the United States for the French nation, as warranting the whole or any part of these instructions, you will stop the progress of this subject, as being irrelevant to the question in hand. It is a circumstance which the British nation have no right to object to us; because we are free in our affections and independent in our government. But it may be safely answered, upon the authority of the correspondence between the Secretary of State and Mr. Hammond, that our neutrality has been scrupulously observed.

II. A second cause of your mission, but not inferior in dignity to the preceding, though subsequent in order, is to draw to a conclusion all points of difference between the United States and Great Britain, concerning the treaty of peace.

You will therefore be furnished with copies of the negotiation upon the inexecution and infractions of that treaty, and will resume that business. Except in this negotiation, you have been personally conversant with the whole of

the transactions connected with the treaty of peace. You were a minister at its formation, the Secretary of Foreign Affairs when the sentiments of the Congress, under the confederation, were announced through your office; and as Chief Justice you have been witness to what has passed in our courts, and know the real state of our laws, with respect to British debts. It will be superfluous, therefore, to add more to you, than to express a wish that these debts, and the interest claimed upon them, and all things relating to them, be put outright in a diplomatic discussion, as being certainly of a judicial nature, to be decided by our courts: and if this cannot be accomplished, that you support the doctrines of Government with arguments proper for the occasion, and with that attention to your former public opinions, which self respect will justify, without relaxing the pretensions which have been hitherto maintained.

In this negotiation as to the treaty of peace, we have been amused by transferring the discussions concerning its inexecution and infractions from one side of the Atlantic to the other. In the mean time, one of the consequences of holding the posts has been much bloodshed on our frontiers by the Indians, and much expense. The British Government having denied their abetting of the Indians, we must of course acquit them. But we have satisfactory proofs, (some of which, however, cannot, as you will discover, be well used in public) that British agents are guilty of stirring up, and assisting with arms, ammunition, and warlike implements, the different tribes of Indians against us. It is incumbent upon that Government to restrain those agents; or the forbearance to restrain them cannot be interpreted otherwise than as a determination to countenance them. It is a principle from which the United States will not easily depart, either in their conduct towards other nations, or what they expect from them, that the Indians dwelling within the territories of one shall not be interfered with by the other.

It may be observed here, as comprehending both of the foregoing points, that the United States testify their sincere love of peace, by being nearly in a state of war, and yet anxious to obviate absolute war by friendly advances; and if the desire of Great Britain to be in harmony with the United States be equally sincere, she will readily discover what kind of sensations will at length arise, when their trade is plundered; their resources wasted in an Indian war; many of their citizens exposed to the cruelties of the savages; their rights by treaty denied; and those of Great Britain enforced in our courts. But you will consider the inexecution and infraction of the treaty as standing on distinct grounds from the vexations and spoliations: so that no adjustment of the former is to be influenced by the latter.

III. It is referred to your discretion whether, in case the two preceding points should be so accommodated as to promise the continuance of tranquillity between the United States and Great Britain, the subject of a commercial treaty may not be listened to by you, or even broken to the British ministry. If it should, let these be the general objects:

- 1st. Reciprocity in navigation, particularly to the West Indies and even to the East Indies.
- 2d. The admission of wheat, fish, salt meat, and other great staples, upon the same footing with the admission of the great British staples in our ports.
- 3d. Free ships to make free goods.
- 4th. Proper security for the safety of neutral commerce in other respects; and particularly,
 - By declaring provisions never to be contraband, except in the strongest possible case, as the blockade of a port; or, if attainable, by abolishing contraband altogether:
 - By defining a blockade, if contraband must continue in some degree, as it is defined in the armed neutrality:
 - By restricting the opportunities of vexation in visiting vessels: and
 - By bringing under stricter management privateers; and expediting recoveries against them for misconduct.
- 5th. Exemption of emigrants, and particularly manufacturers, from restraint.
- 6th. Free exports of arms and military stores.
- 7th. The exclusion of the terms "the most favored nation," as being productive of embarrassment.
- 8th. The convoy of merchant ships by the public ships of war, where it shall be necessary, and they be holding the same course.
- 9th. It is anxiously to be desired, that the fishing grounds now engrossed by the British should be opened to the citizens of the United States.
- 10th. The intercourse with England makes it necessary that the disabilities, arising from alienage in cases of inheritance, should be put upon a liberal footing, or rather abolished.
- 11th. You may discuss the sale of prizes in our ports while we are neutral; and this perhaps may be added to the considerations which we have to give, besides those of reciprocity.
- 12th. Proper shelter, defence, and succor, against pirates, shipwreck, &c.
- 13th. Full security for the retiring of the citizens of the United States from the British dominions, in case a war should break out.
- 14th. No privateering commissions to be taken out by the subjects of the one, or citizens of the other party, against each other.
- 15th. Consuls, &c. to be admitted in Europe, the West and East Indies.
- 16th. In case of an Indian war, none but the usual supplies in peace shall be furnished.
- 17th. In peace, no troops to be kept within a limited distance from the Lakes.
- 18th. No stipulation whatsoever is to interfere with our obligations to France.
- 19th. A treaty is not to continue beyond fifteen years.

IV. This enumeration presents generally the objects which it is desirable to comprise in a commercial treaty; not that it is expected that one can be effected with so great a latitude of advantages.

If to the actual footing of our commerce and navigation in the British European dominions could be added the privilege of carrying directly from the United States to the British West Indies, in our own bottoms generally, or of certain defined burthens, the articles which, by the act of Parliament, 29 Geo. III. c. 6, may be carried thither in British bottoms, and of bringing from thence, directly to the United States, in our bottoms, of like description, the articles which, by the same act, may be brought from thence to the United States in British bottoms, this would afford an acceptable basis of treaty for a term not exceeding fifteen years; and it would be advisable to conclude a treaty upon that basis. But such a treaty, instead of the usual clause concerning ratification, must contain the following: "This treaty shall be obligatory and conclusive, when the same shall be ratified by his Britannic Majesty of the one part, and by the President of the United States, by and with the advice and consent of the Senate, of the other."

But if a treaty of commerce cannot be formed upon a basis as advantageous as this, you are not to conclude, or sign any such; it being conceived that it would not be expedient to do any thing more than to digest with the British ministry the articles of such a treaty as they appear willing to accede to; referring them here for consideration and further instruction previous to a formal conclusion.

Some of the other points, which it would be interesting to comprehend in a treaty, may not be attended with difficulty. Among these is the admission of our commodities and manufactures, generally, into the British European dominions, upon a footing equally good with those of other foreign countries. At present, certain enumerated articles only are admitted; and though the enumeration embraces all the articles which it is of present consequence to us to be able to export to those dominions, yet in process of time an extension of the objects may become of moment. The fixing of the privileges [which we now enjoy in the British East Indies, by toleration of the company's government, if any arrangement can be made, with the consent of the company, for that purpose, would be also a valuable ingredient.

V. You will have no difficulty in gaining access to the ministers of Russia, Denmark, and Sweden, at the court of London. The principles of the armed neutrality would abundantly cover our neutral rights. If, therefore, the situation of things with respect to Great Britain should dictate the necessity of taking the precaution of foreign co-operation upon this head; if no prospect of accommodation should be thwarted by the danger of such a measure being known to the British court; and if an entire view of all our political relations shall, in your judgment, permit the step, you will sound those ministers upon the probability of an alliance with their nations to support those principles.

However, there can be no risk in examining what can be concerted with Denmark and Sweden, or any other Power, against the Algerines. It may be represented to the British ministry, how productive of perfect conciliation it might be to the People of the United States, if Great Britain would use her influence with the Dey of Algiers, for the liberation of the American citizens in captivity, and for a peace upon reasonable terms. It has been communicated from abroad, to be the fixed policy of Great Britain to check our trade in grain to the Mediterranean. This is too doubtful to be assumed, but fit for inquiry.

VI. Such are the outlines of the conduct which the President wishes you to pursue. He is aware that, at this distance, and during the present instability of public events, he cannot undertake to prescribe rules, which shall be irrevocable. You will therefore consider the ideas, herein expressed, as amounting to recommendations only, which in your discretion you may modify, as seems most beneficial to the United States, except in the two following cases, which are immutable. 1st. That, as the British ministry will doubtless be solicitous to detach us from France, and may probably make some overture of this kind, you will inform them that the Government of the United States will not derogate from our treaties and engagements with France, and that experience has shown, that we can be honest in our duties to the British nation, without laying ourselves under any particular restraints as to other nations; and 2d. That no treaty of commerce be concluded or signed contrary to the foregoing prohibition.

Besides the papers and documents, mentioned in the former parts of these instructions, you have received your commission as envoy extraordinary; letters of credence to the King and Queen of England, the latter of which, being without superscription, you will address as may appear proper, and deliver or not, as you find to be right on such occasions; four sets of powers, one general, comprehending all the points to be negotiated with Great Britain; the other three special, for each separate point, in order that you may be prepared to exhibit your authority altogether, or by detachment, as may be most convenient. Copies of Lord Dorchester's speech to the Indians, the authenticity of which, though not absolutely ascertained, is believed; and of certain affidavits respecting the British interference with our Indians; and a cipher.

You are too well acquainted with the nature of the great functions which you are called to exercise, to render it necessary for me to add the earnest wish of the President of the United States that your communications to the Secretary of State should be frequent and full; and that you should correspond with our ministers abroad, upon any interesting occasion which may demand it. For the latter of these purposes, you will avail yourself of Mr. Pinckney's ciphers.

Your expenses will be paid, together with the allowance of thirteen hundred and fifty dollars per annum for a Secretary.

On your return, you will be pleased to deliver into the Secretary of State's office, such papers as you may possess of importance sufficient to be filed there; and will prepare a general report of all your transactions.

Not doubting that you will execute this trust in a manner honorable to yourself, and salutary to the United States, I beg leave to offer to you my sincere wishes for your health and safe return.

EDMUND RANDOLPH, *Secretary of State.*

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 27, 1794.

SIR:

The embargo ceased the day before yesterday; and the William Penn, being the first ship from this port destined to London, will bear my despatches.

If it were not to demonstrate our anxiety for the success of your mission, it would be scarcely worth mentioning a circumstance which you will doubtless have ascertained before that part of your instructions relative to Sweden is executed. The Vice President assures us that the present minister from that country at the *court* of London, is so notoriously at the command of the British minister, that the latter is instantaneously informed of every piece of intelligence deposited with the former. Still the President, reviewing the possibilities which are opened by the prospect of what you already know, and what will now be communicated to you, becomes daily more strenuous that Denmark and Sweden should be well understood, as to the point to which they will go with us, in case we are driven into a war with Great Britain. He would send a minister thither immediately, to explore and negotiate eventually; but that good faith, and the state of things in your hands, require a suspension of this measure, and he confides that you will, if necessary, prepare the minds of those Powers, through their representatives in London, and give us the earliest notice of the fitness of making a more direct and formal application to them.

Although our agent in the West Indies, Mr. Higginson, will certainly forward to you the various documents and information which he was instructed to collect, yet I have thought it best to send to you, by this opportunity, such papers on the vexations and spoliation of our trade as have been transmitted to my office. They are indeed extremely imperfect in every respect; but they contain enough of the cases, in general, to afford a competent idea of the principle of each, and may be useful until the full records arrive, or if any accident should befall them.

You carried with you a list of all which had been brought to view at the time of your departure. Some additions have been since made, and are noted in a supplementary list. The Senate is in possession of a short abstract of most of the complaints; and immediately upon their rising, which will probably take place in ten days, I will procure it, and convey it by the next conveyance afterwards. I beg leave to suggest to you, that, as several of these papers may, perhaps, be useful in controversies with underwriters, it may be advisable to return such of them as are not indispensably necessary to be retained.

The late conduct of Mr. Hammond is that of a minister foreseeing a rupture with the United States, and collecting every scrap of exceptionable matter, howsoever small, in order to swell the list of grievances in some future manifesto. He will therefore magnify an affair which happened here a week or two ago; when an American vessel, chartered by some British officers, was supposed to be secretly preparing to violate the embargo. But the letters which have passed on the occasion, and accompanying this, will prove the exertions of the Government and the *petulance of himself*.

There was more pretext, however, for this, than for some other of his complaints. He wrote strongly of danger to Mr. Thornton, the British consul at Baltimore, from a lawless mob there; of danger to Mr. Hamilton, the British consul at Norfolk, from a lawless mob there; of danger to Sir C. H. Knowles, commander of the *Dædalus* frigate, at Norfolk, from the same lawless mob; and of an unjust prohibition to the *Goelan* and *Hussar* frigates, to go up to Charleston, (South Carolina.) The Government yielded to his apprehensions, and took the steps, and produced the result, disclosed in the papers now forwarded, as being connected with these affairs. You will see from them how prompt he is to begin a remonstrance, when his information is neither precise nor specific. The Government, I am sure, ought not, and, I trust, never will, suffer unauthorized individuals to measure out compensation or revenge for themselves. But you well know the irritability which the late plunderings and injuries have excited; and I can assure you that it is hourly increased by the animated accounts which are daily brought from the West Indies by our returning captains and sailors, of their aggravated and unparalleled sufferings there. We ask, on the arrival of every vessel from thence, with an earnestness to be answered in the affirmative, "have the instructions of the 8th of January abolished the severities of preceding instructions?" We hear nothing satisfactory; and we hear many new things of the depredations on our property at Martinique, which keep us in a dreadful uncertainty.

A few days ago we were roused by the intelligence that Governor Simcoe had marched to the rapids of the Miami of the Lake, with three companies of Colonel England's regiment, to build a fort there. This produced a letter from myself to Mr. Hammond, and his answer. From them and the other papers, you will observe, that Lord Dorchester's speech is unquestionably authentic, and that we are utterly at a loss whether the movement of Simcoe springs from the spirit of November 6, 1793, which the British minister has not had time to correct, or a part of the system, which is even yet to be adhered to. In a day or two, I expect to have an answer ready to Mr. Hammond's answer, the principal drift of which will be to obviate the insinuations in the latter part of his letter. In the mean

while, I enclose to you the proceedings at Newport, in Rhode Island, which involve too much delicacy to be delayed in the communication. But all these events, proceeding, as they do, from a state of inflammation, which the British Government has it in their power to extinguish, manifest the necessity of an immediate adjustment of our disputes.

To prove that we do not suffer the French to take any liberty, not consistent with their duty to us, as neutrals, I beg leave to refer to the publications of our measures in Kentucky, South Carolina, and Georgia.

We take it for granted that the nature of the subject, the opinions expressed to you by the President, the instructions which were delivered to you, and, indeed, your own judgment and inclination, rendered it unnecessary to use any very pointed prohibition of a surrender of the posts, or any part of our territory, to Great Britain, upon any consideration. The interesting magnitude of the business will, therefore, be my apology for mentioning the decided and irrevocable sense of the President, relative to this affair.

You will be pleased to communicate this letter to Mr. Pinckney; and to be assured that I am, sir, with truth and sincerity, your obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

SIR:

PHILADELPHIA, May 28, 1794.

It will be out of my power to send, by the William Penn, any other of the documents, mentioned in my letter of yesterday, than those which relate to the British spoiliations; (in a box) copies from the War Office, respecting Lord Dorchester's and Governor Simcoe's movements; copies of Mr. Hammond's correspondence with me upon this subject; and copies of what has been published by the House of Representatives concerning the expeditions meditated against the Spanish dominions. The other papers will be expedited by the George Barclay, which will sail to-morrow for London.

I have the honor, sir, to be, with sincere respect, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

SIR:

PHILADELPHIA, May 29, 1794.

The remaining papers, referred to in the letter which I had the honor of writing to you yesterday, are herewith enclosed, according to the list. From No. 1 to No. 23, inclusive, you will find an explication of what relates to the British consul at Baltimore, the British consul at Norfolk, Sir C. H. Knowles, and the Bermudian privateer. From No. 24 to 35, inclusive, the affair of the Swift Packet, and the supposed insult to the British officers, are stated. No. 36 contains the allegations against the State of Rhode Island. No. 37 is no further important than to show the sense of Mr. Hammond, while he was in good temper, of the actual civility of our conduct towards him.

I forward by this conveyance, to Mr. Pinckney, some papers relative to a claim of Maryland, for stock in the Bank of England. That State conceives this matter to have been discarded by some decree of the Chancellor of Great Britain from forensic jurisdiction, and to be now converted into a diplomatic question. How far this may be the case, I pretend not to determine; but should it be so, and effectual aid can be given to Mr. Pinckney by your intervention, or it can be seasonably mixed with your mission, the President wishes you to take the subject up.

In the box sent yesterday, are my letters, newspapers, and the publications respecting Lord Dorchester's speech, Governor Simcoe's movement, and the expeditions meditated against the Spanish dominions. The publications are now repeated to Mr. Pinckney.

I have the honor, sir, to be, with great and sincere respect, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

SIR:

PHILADELPHIA, June 8, 1794.

I do myself the honor of referring you to my letters of the 27th, 28th, and 29th of the last month, and the papers forwarded with them. By the Atlantic, from this port, will go another bundle of spoiliations, according to the list sent, and my answer to Mr. Hammond's letter of the 22d ultimo.

We have not yet received any very authentic documents from Martinique; but, if we are to believe a report, which circulates here upon good foundation, the system of plunder, persecution, and cruelty, adopted by Admiral Jervis, after acquiring possession of the island, is unknown in the history of any warring towards a neutral nation. It is said that, before a vessel could be claimed by the citizens of the United States in the court of admiralty, the captain was obliged to give security to the amount of sixty jolannes to answer the costs: that, condemnation being general, this sum was an addition to their loss: that prison-ships are open for the reception of the Americans; and that multitudes are crowded in them. So much depends upon your mission, that, if it should be unsuccessful, contrary to the wish of your friends, and the friends to peace, I know not how the general irritation can be checked.

I have the honor, sir, to be, with great respect and esteem, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

SIR:

PHILADELPHIA, June 9, 1794.

Since the writing of my letter yesterday, I have received from Mr. Pinckney the case of the snow Sukey, and from the eastward, that of the brigantine Maria. I beg leave to add these to the long list already in your hands, and to assure you of the great respect and esteem with which I have the honor, sir, to be,

Your most obedient servant,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 1.

SIR:

FALMOUTH, June 9, 1794.

I landed here last evening, and immediately informed Lord Grenville and Mr. Pinckney of my arrival, by letters which went by the post last night.

In the course of this day I expect to set out for London, from whence I promise myself the honor of writing to you again very speedily. This letter will be committed to the care of Captain Blair, who will sail next week for Philadelphia. Be so obliging as to forward the enclosed.

I shall request Mr. Fox, our consul here, to send you some of the latest public papers. As yet I have not had time to read any of them; but am told they mention several interesting events.

I have the honor to be, with great respect, &c.

JOHN JAY.

P. S. Mr. Fox, the consul, informs me that his commission is to *Richard Fox*, instead of *Robert Were Fox*, which is his name; he wishes that another commission may be issued accordingly.

Mr. Jay to Mr. Randolph—No. 2.

LONDON, June 23d, 1794.

SIR:

I had the honor to write to you a few lines at Falmouth, on the 9th instant, mentioning my having arrived there the preceding evening: that letter was committed to the care of our consul, Mr. Fox. He expected to forward it by the Active, Captain Blair, who was soon to sail for Philadelphia, but whose departure has been unexpectedly prolonged to this time.

On the 15th I arrived here, and the same day mentioned it by letter to Lord Grenville. He appointed the 18th for my reception, and I then communicated to him my first commission, and left with him a copy of it. This was a visit of ceremony, and nothing passed between us, relative to the objects of my mission. The next day I sent him copies of my letters of credence.

On the 20th I had an interview with him by his appointment; and I communicated to him my general power, of which I have since sent him a copy. Much general conversation took place, and the principal topics were touched upon. His lordship did not commit himself on any point; he heard me very patiently, and politely. He promised to appoint a short day for another conference, and I took my leave impressed with sentiments favorable to his character and manners. If his disposition be hostile, he conceals it admirably. What will be the decision of the court, I will not venture even to conjecture. As yet, I have no reason to be dissatisfied, or to consider appearances as being unfavorable. No delays, or arts to procrastinate, have been practised.

It is to be wished that no intelligence of an irritating nature may arrive from America. I do not regard preparations for war as of that nature. They ought not, in my opinion, to be neglected or delayed in the most profound state of peace.

I shall not omit any opportunity of giving you such information as will enable you to see precisely the state of the negotiation, and shall endeavor to avoid deceiving you, or myself, by delusive hopes or groundless fears.

I have the honor to be, with great respect, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 3.

LONDON, June 26, 1794.

SIR:

Since my last, the minister has appointed to-morrow for a conference with me. Captain Allen waits for my letter. Nothing new has occurred; appearances continue favorable.

Yours, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 4.

LONDON, July 6, 1794.

SIR:

The letters which, since my arrival, I have had the honor of writing to you, are as follows: 9th June, at Falmouth, left with our consul there to transmit by the Active, Captain Blair, for Philadelphia; and the 23d June, by Mr. Francis, of which I also sent a duplicate by the Mohawk, Captain Allen, to New York, and 26th June, by the same.

On the 27th June, I had a conference with Lord Grenville, in the course of which all the topics of difference between the two nations were touched. This conference I considered as intended for more particular discussions. It amounted, however, only to a friendly and informal conversation on these subjects. He appeared to be liberal, candid, and temperate, but did not commit himself, or say any thing decisive on any point. He observed that he wished first to be informed of the extent of our views and objects, and that a consultation with the rest of the King's ministers would be necessary to enable him to be more explicit. This appeared to me to be perfectly fair and proper.

In conversing on the subject of captures and spoiliations, I was surprised that not a single case, under the instructions of November, had been laid before him. He requested me to furnish him with some of the strongest of those cases, and remarked that an accurate knowledge of facts should precede any measures on that head. He said, very frankly, that there might be such a state of things as to render the interposition of Government proper and necessary, to satisfy justice; and that he was desirous of having such exact information as would enable him to judge whether, and how far, the captures in question were under that predicament. On applying to Mr. Pinckney, I learned that no such cases had been transmitted to him from America. Mr. Crafts, a gentleman from Boston, has furnished me with the case of the Charlotte, decided at Antigua, and from which decision an appeal was made. It unfortunately happens, that this is not among the strongest of those cases. Mr. Crafts took the opinion of counsel on the subject; that opinion is as follows:

“THE CHARLOTTE, COFFIN.—Appeal from Antigua.”

“Dr. Nicholl is requested to peruse the proceedings and evidence contained in the process herewith left, and advise whether it is expedient for the claimants to prosecute this appeal.

“I have perused the proceedings and evidence contained in the process transmitted, by which it appears that the cargo of this ship, being the produce of the French West India colonies, and coming directly from thence to France, was considered as liable to confiscation, although it should be the property of Americans.

“In the war before the last, Great Britain condemned neutral vessels and their cargoes, trading to the French islands, upon the ground that the trade was not permitted in time of peace, and that the permission was given by the French during the distresses of war, as an expedient to protect their property against British captors; which occasional protection, neutral nations were held to have no right to afford them. In the last war, neutral vessels trading to the French islands were not condemned, but the former principle was not thereby considered to be abandoned, inasmuch as the French had opened their colonial ports *before the commencement of hostilities*. No such step (as far as I am informed) was taken by the French, previous to the present hostilities; and, as the Americans and other neutrals were not permitted, *before the war*, to purchase the produce of the French islands, and carry it in their own vessels from thence to France, and, as the instructions of the 8th January, 1794, (revoking those of 6th November, 1793) still direct the seizure of “all vessels, with their cargoes, that are laden with goods, the produce of the French West India islands, and coming directly from any port of the said islands, to any port in Europe,” I should apprehend that the sentence of condemnation will be affirmed. However, it being understood, that a negotiation between Great Britain and America is now pending, in which it is probable that the legality of this trade will undergo some discussion and settlement, it will, at all events, be expedient, on the part of the appellant, so far to proceed as to preserve his right of bringing the sentence to a revision; more especially as no decision upon the point has yet taken place by the lords of appeal; but the expediency of finally bringing the cause to a hearing may depend upon the result of the pending negotiation, or upon some decision to be given by the appellate court.

“July 2, 1794.”

“J. NICHOLL.

The list of captures with which I was furnished does not state the principles or pretexts on which the condemnations mentioned in it were grounded, and consequently is of little use on the present occasion. The case of Marston Watson, which I received from you before my departure, is a very strong one; but then it asserts only the *expectation*, but not the *certainty* of condemnation.

No despatches from Mr. Higginson (of whose instructions I have a copy) have as yet reached me. Those instructions are, in my opinion, well devised; and if as well executed, will furnish me with all the information which it seems has become so requisite.

On the 3d of this month I was, in the usual form, presented to the King, and the next day to the Queen. The reception I received from them both was affable and satisfactory, and perfectly calculated to create an opinion of the good will of this Government to the United States. The King seemed to be well prepared for the occasion. He expressed his confidence in the assurances I gave him of the disposition of the United States to cultivate peace and harmony. He intimated (but without any direct application) that it was expedient for all nations who respected order, good government, morality, and religion, to be friends. On this topic he expressed many general sentiments that were liberal and proper. How far these appearances will correspond with future facts, time only can decide; they certainly afford *some*, though not *conclusive* evidence, of a friendly disposition.

By the arrival of the William Penn, your late correspondence with Mr. Hammond became known to the public. What impression it has made on the Government here, I have not as yet been able to judge.

In the conduct of this negotiation, I shall proceed with as much expedition as prudence will permit. It appears to me expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. Conceiving it to be advisable to afford the minister an opportunity of increasing the evidence of a friendly disposition, I prepared a letter to him, which, after having well considered, I sent to him the next day. It is in these words, viz:

“MY LORD:

“PALL MALL, ROYAL HOTEL, July 3, 1794.

“Such various and important affairs must necessarily demand and employ your time and attention, that I really feel a reluctance to add to their number; and yet, circumstanced as I am, and circumstanced as my country is, I find myself irresistibly impelled to submit to your lordship’s consideration, the expediency of my being authorized to convey to the President (by the vessels which sail next week) such assurances as may tend to compose his and the public mind in America.

“I can find but few authenticated cases of the captures in question, which have as yet arrived here, and they shall be speedily laid before your lordship. Would it not, for the present, consist with your ideas on that subject to say, that, if those captures, on being investigated, should appear to be of such extent and magnitude as to merit the attention and interposition of Government, that then, &c. &c.?”

“Would it not also be right and proper to open the door for appeals, and to instruct His Majesty’s officers in America to promote, by their conduct, that friendship and mutual good will which the Governments of both countries desire to establish and perpetuate? Delay is often hazardous. Pardon my anxiety, lest new difficulties should arise—to prevent, is generally more easy than to remedy.

“I cannot conclude this letter, without expressing to your lordship how sensibly I feel, and am gratified, by the friendly disposition of His Majesty towards the United States, manifested by the very gracious reception with which I have been honored by their Majesties, and the magnanimity of the sentiments which the King condescended to express on the occasion.

“It is my duty, and I shall perform it with the most cordial satisfaction, to make known to the President these pleasing circumstances: they perfectly harmonize with the liberality and candor, and with the obliging attentions I have experienced from your lordship; and if these representations should be accompanied with correspondent *official assurances*, a promising foundation would be laid for the establishment and duration of that friendship and cordiality between our two countries, which I pray God may speedily take place, and become perpetual.

“With very sincere respect and esteem, I have the honor to be, my lord, your lordship’s, &c.

J. J.

“P. S. As yet I have received no official letters by the late arrivals from America.

“The Right Hon. Lord GRENVILLE,
one of His Majesty’s Principal Secretaries of State,” &c. &c.

To this letter I have not as yet received an answer, nor did I expect one so early. You will readily perceive, that, before it can be answered, the administration will probably think it necessary to decide on their line of conduct towards our country. Whatever the answer may be, it will unavoidably contain indications, either of evasion, or suspense, or irritation, or fair and liberal conduct. What the complexion will be, I cannot predict. As yet I have every reason to be satisfied, and it is but just and right that I should say it without reserve.

I shall persevere in my endeavors to acquire the confidence and esteem of the Government, not by improper compliances, but by that sincerity, candor, truth, and prudence, which, in my opinion, will always prove to be more wise and more effectual than finesse and chicanery.

Formal discussions of disputed points should, in my judgment, be postponed until the case becomes desperate. My present object is to accommodate, rather than to convict or convince. Men who sign their names to arguments seldom retract.

If, however, my present plan should fail, and I am far from being certain that it will not, I shall then prepare and present such formal, and, at the same time, such temperate and firm representations as may be necessary to place the claims and conduct of the two Governments in their proper points of view.

On the 5th of July I received the following letter from Mr. Henry Waddell, viz:

“JULY 5, 1794.

“SIR: By the advice of Thomas Pinckney, Esq. I have called upon you to state the particulars of the capture and detention of the American ship Amsterdam Packet, but not having the honor of a personal interview, permit me to do it in this way.

“The American ship Amsterdam Packet, (Henry Waddell, master) of New York, owned by Messrs. Daniel Ludlow & Co. laden with sugar, cotton, coffee, pot and pearl ashes, oil, and tobacco, left said port on the 25th of October last, bound for the port of Havre-de-Grace; but, on the 29th November following, was forcibly taken by the privateer Princess Elizabeth cutter, and carried into Liverpool, where the vessel, as well as cargo, are still detained, without any other reason assigned than that the captors say they are indemnified by the order of the 6th November, (which no doubt you are acquainted with) and for which she must wait the adjudication. It is now seven months since the vessel was taken, and if we have to wait our turn for the adjudication of the admiralty court, it will be three or four months more before we can hope for a release. Any services rendered by you will be thankfully acknowledged by, sir, &c. &c.

“HENRY WADDELL.

“Hon. JOHN JAY, Esq. Envoy Extraordinary,” &c. &c.

I immediately sent it to Lord Grenville, enclosed in the following letter, viz:

“PALL MALL, July 5, 1794.

“MY LORD: I am persuaded your sensibility will be hurt by the delay mentioned in the enclosed letter from Mr. Waddell. The impressions which it most naturally make, even on the most liberal minds, are to be regretted. It will be sensibly felt by the owner, whose nearest connexions have, to my knowledge, done and suffered much from their attachment to this country.

“I forbear to add any thing, accept sincere assurances of the respect and esteem with which I have the honor to be, &c. &c. &c.

“The Right Hon. Lord GRENVILLE, &c. &c.

J. J.”

This letter needs no comment: it will probably lead the minister to observe that all descriptions of persons amongst us are affected by the injuries of which we complain, and will naturally participate in these sentiments which those injuries cannot fail to excite. It is for the sake of this idea that I mention the transaction, which, in other respects, may not be deemed of sufficient importance to find a place in this letter.

I have seen many respectable and influential characters here, and, from their sentiments and conversation, there certainly is reason to believe that war with us would be an unpopular measure, provided nothing should occur to fix the imputation of aggression on us.

In a late conversation with certain persons attached to the administration, and of weight in that scale, the general conduct of our Government received the most unreserved approbation, and the character of the President was spoken of in terms of the highest respect.

I have not heard that Carleton's speech or Simcoe's interference were defended by any body. As yet I have neither heard nor seen any thing that looks like a hostile disposition in the mass of this nation towards ours, but the contrary.

What designs may be, or have been, in the cabinet, is another matter. Information of that kind is not readily acquired, but I shall not be inattentive to it. Men are prone to suspect, sometimes, too much, and sometimes too little; and to avoid both extremes is more proper than it is easy.

On the subject of the affairs committed to me, I have nothing further to add at present.

I have received a letter from Mr. Bourne, which, together with my answer to it, should, I think, be communicated to you. They are as follows, viz:

"AMSTERDAM, *June 27, 1794.*

"SIR: I am made happy by the opportunity of tendering to you my congratulations on your safe arrival in Europe, which I beg you to accept of, accompanied with my cordial wishes for the success of your mission, as involving the most important interests of our country.

"I am sorry to observe that the conduct of this Government of late (though perhaps more equivocal than that which has been pursued by Great Britain) must operate as a very serious injury to the commerce of America. In the face of express stipulation of treaty, they have prohibited us from taking away nearly all the articles for which we have a demand, and many others, unless on condition of giving heavy bonds that they shall be landed in America, or, rather, not in France. In short, such are the troubles and vexations which burthen our intercourse with them, that our vessels are generally obliged to depart in ballast.

"We have no friend or assistant here, clothed with public authority, to whom we can resort for advice or protection on the points alluded to; but should it be within the latitude of your powers to remonstrate, I doubt not the issue would be favorable.

"Persuaded that you will not ask an apology for what has been prompted by a sense of duty to my country, I forbear to make one for the trouble I give you by this communication, and pray you to be assured of those sentiments of profound respect and esteem with which I have the honor to be, &c. &c.

"S. BOURNE.

"Hon. JOHN JAY, Esq." &c. &c.

"LONDON, *July 5, 1794.*

"SIR: I have been favored with yours of the 27th of last month; accept my thanks for the friendly congratulations contained in it.

"That the President may be informed of the facts you mention, I shall take the liberty of transmitting a copy of your letter to the Secretary of State.

"Not being within the limits of my commission, I cannot with propriety interfere by making any representations on these subjects. With the best wishes for your health and happiness, I am, sir, &c. &c.

"SYLVANUS BOURNE, Esq. *Amsterdam.*

J. J."

July 8, 1794. Nothing new has occurred since the foregoing letter was written.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, *July 9, 1794.*

SIR: The object of this letter is singly to meet some violent representations which have probably been hurried to Great Britain from Bermuda, that their impression might be free to operate for some time without contradiction. For it is a lamentable thing to believe, with too much reason, that, in general, the agents of Great Britain in America are gratified when they can cast a distant suspicion upon our neutrality. I cannot forbear to remark how singular it is, that the Governor of Bermuda has not forwarded to Mr. Hammond any of the proofs which are said to be possessed by him; and that Mr. Hammond has imparted the little which he knew, only on a special application, as if both the one and the other were afraid of enabling us to vindicate our character.

During the existence of our embargo, Mr. Hammond obtained a passport for his despatches to London, by the way of Halifax. A similar privilege being requested by Mr. Fauchet for Port au Paix, a passport was granted, with an express injunction that the vessel, which was caused L'Aimable, or L'Aimable Gentille, should proceed *in ballast*. We never heard more of her, until, on the 30th ult. intelligence arrived of her having been captured with one hundred and fifty barrels of powder on board. Hence arose the different letters and documents, displaying the whole of our conduct up to this day. If, before this letter is put on board of the vessel which is to carry it, any thing else shall occur, it will be added. If not, be assured that you may, with the utmost confidence, declare, that we will not relinquish the investigation until we procure all the proof in our power, and whatsoever punishment the laws inflict on any person found culpable, shall be inflicted. I can hardly suppose that the British ministry, after such manifestations of our sincerity, will be hastily caught by appearances. No law prohibited the exportation of powder, the resolution of embargo excepted, at the time of the sailing of L'Aimable; and to suspect that Government would, if inclined to aid the French resistance to the combined Powers, resort to so petty a manœuvre, would look strongly like a predetermined rancor. Government disclaims the idea.

I have the honor, sir, to be, with sincere esteem and respect, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 5.

LONDON, *9th July, 1794.*

SIR: On the 6th instant I had the honor of writing you a long and particular letter; it was closed yesterday by a postscript informing you that nothing new had occurred.

This morning I received, by the post from Dover, a letter which I suppose was there put into the office from an American vessel lately arrived. I presume it was from your office; it contained a copy of the acts passed during the late session of Congress, but no letter was enclosed with it.

The events which gave occasion to your late correspondence with Mr. Hammond, and the expiration of the embargo, are circumstances which rendered me solicitous to receive from you official accounts of them, as in that case

I might have made them the subjects of an interesting and perhaps useful communication to the minister. Doubts of the propriety of grounding it on newspaper evidence, and the daily expectation of receiving letters from you, which might contain not only information but instructions, have induced me to decline writing or saying any thing officially on those subjects. I suspect that your letters are still on the way, and will soon arrive.

A new arrangement of the ministry has, it is said, taken place, and will soon be announced; the enclosed paper will inform you of the particulars: if true, it will give strength to the administration by uniting the leaders of the contending parties.

As yet I have received no answer to my letter of the third instant to the minister. It is not improbable that the operation of this change in the ministry has occasioned the delay, as the concurrence and counsels of the new ministers would be necessary to the stability of any system relative to us, that may be in contemplation. What that system may be, I cannot pretend to predict or even conjecture: and, therefore, again take the liberty of hinting, that, in my opinion, our preparations for war should continue unremitted.

The merchants here, it seems, entertain sanguine expectations that all differences will be amicably settled, and I believe that the ministry has encouraged and countenanced these expectations, though not in a manner so explicit and decided as to have committed themselves. At present, things appear to me to be so circumstanced as that neither a hostile nor a pacific system would surprise me. You shall be regularly and accurately informed of every change that may happen in the prospect of either. And I think it will not be difficult so to manage as that, in case of a war, our people will be united, and their people divided. This will certainly be the case if we do nothing but what is just and right.

I have the honor to be, with great respect &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 10, 1794.

SIR:

You will receive by this conveyance a supplement to the cases of British spoiliations, the very abridgment of which makes a large quarto volume in my office: and also duplicates of my letters of 27th, 28th, 29th May, and 8th June.

I have been endeavouring to obtain the particulars of the different instances of capture, covered, as the Americans say, by the armistice; but not being able to succeed, I have selected so much of Pagan's case, which you know was brought before the Supreme Court of the United States in another shape, as will give an idea of the general principle of these cases. Some proctor can easily procure full information of the several cases, if your success in the discussion of the principle should render it necessary.

It is an exceedingly happy circumstance for the peace of nations, that they are not obliged to credit the facts or reasoning of their ministers abroad; that they can distinguish their zeal to seem watchful, their irascibility, and the errors into which they have fallen or have been misled, from a temper of hostility in the nation to which they are sent. How far this is fortunate for us, with respect to Great Britain, will be evinced from my correspondence with Mr. Hammond, upon the rule of twenty-four hours for the sailing of hostile vessels from our ports, and upon his list of charges against our fidelity to the obligation of neutrality. We have too much reason to fear, from the boldness with which he assumes facts to us, he will be less restrained in his declarations to the British ministry. As often, therefore, as you shall be assailed by any strong intelligence, I must request you to keep off any conclusions from being made, until you shall have an opportunity of hearing from my office: for our unalterable desire of peace will not only quicken our communications to you, but authorize me to pronounce beforehand, that the Government can never be chargeable with any wilful breach of neutrality; and, indeed, notwithstanding Mr. Hammond's insinuations, with any negligence in preserving it inviolate. The papers as to the Charles and Delight will be a fresh testimony of this assertion.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 6.

LONDON, 12th July, 1794.

SIR:

I had yesterday the honor of seeing Lord Grenville. He assured me that no unnecessary delays should retard a full discussion of the points in question; and observed that the new arrangement of the ministry involved the necessity of time for their being all informed and consulted. In this assurance I have perfect confidence.

We had an informal conversation relative to Simcoe's hostile measure. We concurred in opinion that, during the present negotiation, and until the conclusion of it, all things ought to remain and be preserved in *statu quo*; that, therefore, both parties should continue to hold their possessions, and that all encroachments on either side should be done away; that all hostile measures (if any such should have taken place) shall cease, and that, in case it should, unfortunately, have happened that prisoners or property should have been taken, the prisoners shall be released, and the property restored. And we have agreed that both Governments shall immediately give orders and instructions accordingly.

This agreement appears to me so perfectly reasonable, and so conducive to the preservation of mutual confidence and good temper, that I flatter myself it will meet with the President's approbation; and I have given Lord Grenville explicit assurances (which he has reciprocated) that, on the part of the United States, it will be faithfully observed and fulfilled.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 7.

LONDON, 16th July, 1794.

SIR:

In my last letter, viz: of the 12th instant, I had the honor of stating to you, particularly, an agreement between Lord Grenville and myself, for preserving all things, between the United States and our Canadian neighbors, in a peaceable state during the negotiation. Yesterday Lord Grenville read to me what he had written to Mr. Hammond on that subject; it exactly corresponded with what I had written to you in my letter of the 12th. His lordship desired I would take charge of his letter, and give it a place among my despatches to you. I received it from him last night; it will be herewith enclosed. You will, I am persuaded, take particular care that it be delivered speedily and in good order. Correspondent letters and orders will doubtless be expedited *directly* to Lord Dorchester and Mr. Simcoe, by the first packet.

The arrival and obvious effects of such letters and orders cannot fail to have a favorable influence on the hostile Indians; as their expectations of aid abate and diminish, their disposition to peace will increase, and become operative.

It was not until the 14th instant that the Captain of the William Penn knew that there was a box on board directed to me; in the afternoon of that day I received it, and found your letters to me of the 27th and 28th May, and a note covering a list of the papers sent in the box. As yet I have not had leisure to compare the papers with the list. On opening one or two cases of spoilation, I find several papers not important for me to have; plain, concise statements are sufficient, and best for diplomatic purposes. I am glad that these cases are come: after making the necessary selections and statements, I will lay them before the minister.

I have also had the pleasure of receiving your letters of the 29th May and 8th June. With the former was a list; but really, sir, I have not yet had time to compare the papers with the list, nor to prepare myself for writing to you on the subject of those letters at present.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 18th, 1794.

SIR:

The enclosed letter from Mr. Higginson, of the 18th ultimo, gives me reason to suppose that the opportunities from Barbadoes to London may not be sufficiently frequent for the conveyance of the documents which he is sent to collect. I have, therefore, the honor of enclosing to you the records of the brig Despatch, schooner Trial, schooner Hope, (Farley) schooner Hope, (Felt) schooner Resolution, brig Lady Washington, sloop Ranger, schooner Polly, and schooner Fox; and to be, with great respect and esteem, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 8.

LONDON, 30th July, 1794.

SIR:

The great, and, I believe, unexpected events in Flanders, and the unusual number of interesting affairs which constantly demand the attention of the British cabinet, keep their ministers unceasingly employed, and is, doubtless, one reason why more time has not been allotted to our concerns. We are, nevertheless, beginning to do business apparently in good earnest. The minister is (if I may so say) besieged by our British creditors. The subject of the debts is attended with difficulties. The minister has been informed that the law in Virginia relative to the evidence of book debts has, since the war, been made more *strict* than it was before. If the law has been thus changed, and made to apply to pre-existing transactions, there is room for complaint. I wish to have exact information on this head.

I am to see Lord Grenville to-morrow at 11 o'clock, by appointment, on the business of spoiliations and impressments, when I hope he will be prepared to say something decisive. I have laid before him several of the cases you sent me, and also, the statement by the captains of vessels taken at Martinique. Of the facts mentioned in the latter, he had never received any information.

I know the impatience that must prevail in our country. At times, I find it difficult to repress my own impatience; but for all things there is a season. The importance of moderation and caution in the present moment is obvious, and will, it is to be hoped, continue to operate on the minds and conduct of our fellow-citizens. As yet, I do not apprehend that I have committed any mistakes in this business. I wish I may be able to say as much at the conclusion of it.

I have read your thirty odd papers to, and from, and respecting, Mr. Hammond and his complaints. You have, in my opinion, managed that matter well; continue, by all means, to be temperate, and put him in the wrong.

Let us hope for the best, and prepare for the worst. I confess I have hopes, but I also perceive circumstances and causes which may render them abortive.

This letter cannot be satisfactory; it amounts to little more than this: That nothing decisive has yet been done, and that I cannot tell you whether any thing, and what, will be done. So is the case; and such will often be the case pending any negotiation, or any game connected with events not in our power to control. In both, chances frequently defeat skill, and as frequently give to skill unmerited reputation. For these things I must take *my chance*.

I have the honor to be, with great respect, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 30, 1794.

SIR:

I do myself the honor of enclosing to you a copy of my last letter to Mr. Hammond, together with the following duplicates, viz: May 27th, 28th, and 29th, June 8, July 5, with its enclosures.

The reports of a determination in the British to abet the Indians, grow daily more and more serious; and there is great reason to apprehend that British troops will be found mixed with the savages, who are prepared to meet General Wayne.

The gazette of Mr. Bache, published on the 26th day of this month, will give you all the information which we have yet received, of a very unfortunate tumult near Pittsburg. The President has not yet acted upon the subject, as authentic facts are not yet before him.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 9.

LONDON, 31st July, 1794.

SIR:

My letter of yesterday informed you that I should, this day, at 11 o'clock, see Lord Grenville on the subject of spoiliations, &c. I have seen him accordingly. Having presented to him an official note on this object of my mission, it became the topic of our conversation. He promised to send me a written answer to-morrow, and I am induced to believe it will, in some respects, meet our wishes, but that it will not extend to immediate compensation by Government; and yet, that it will include *eventual* compensation in all cases where the ordinary course of appeals, &c. may not afford it. On receiving this answer I shall immediately write to you again, and enclose copies both of my note and of the answer to it.

I have the honor to be, &c.

JOHN JAY.

P.S. I think our affairs here assume a more promising aspect.

Mr. Jay to Mr. Randolph—No. 10.

LONDON, August 2, 1794.

SIR:

I had the honor of writing to you on the 31st ult.: that letter was sent to Falmouth, in hopes it would reach Dr. Edwards before he sailed from thence for Boston. He went from hence on Tuesday last. I now enclose a copy.

That letter mentioned my having presented an *official* representation to Lord Grenville on the subject of spoiliations, &c. to which his lordship had given me reason to expect an answer in a day or two. I have accordingly re-

ceived it, and now take the first opportunity which has since offered, of transmitting to you (herewith enclosed) copies of them both.

The footing on which the answer places compensation by Government affords scope for delay. Much will depend on the good faith with which the business may be conducted. The present administration does not appear to me to be hostile to us, but the contrary. As to Lord Grenville, it is doing him no more than justice to say, that, from the commencement of the negotiation, I have observed no change in his conduct, which has been uniform, candid, and conciliatory. From hence, however, no inferences are to be drawn, that, in my opinion, an ultimate settlement, satisfactory to either party, can, or will take place. To such a settlement (speaking in general terms) I do believe that this country, as well as ours, is disposed, but there are real difficulties, as well as some prejudices, which stand in the way. I am not without hopes that such a settlement will be effected, but am not sanguine in my expectations: for, in all *accommodations*, their must be yieldings; and questions relative to the due degree and reciprocity of such yieldings, by one side or the other, may produce great, and, perhaps, insuperable obstacles.

It is very desirable that the negotiation may not suffer from useless and improper asperities of any kind, on either side; and that the conduct of our fellow-citizens may constantly harmonize with that of their Government—by wisdom and moderation, endeavoring to preserve and cultivate peace and friendship, and yet preparing to meet hostile events with composure, firmness, and vigor.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay's representation to Lord Grenville.

The undersigned, envoy of the United States of America, has the honor of representing to the Right Honorable Lord Grenville, His Britannic Majesty's Secretary of State for the Department of Foreign Affairs:

That a very considerable number of American vessels have been irregularly captured, and as improperly condemned by certain of His Majesty's officers and judges.

That, in various instances, these captures and condemnations were so conducted, and the captured placed under such unfavorable circumstances, as that, for want of the securities required, and other obstacles, no appeals were made in certain cases, nor any claims in others.

The undersigned presumes that these facts will appear from the documents which he has had the honor of submitting to his lordship's consideration; and that it will not be deemed necessary, at *present*, to particularize these cases, and their merits, or detail the circumstances which discriminate some from others.

That great and extensive injuries having thus, under color of His Majesty's authority and commissions, been done to a numerous class of American merchants, the United States can, for reparation, have recourse only to the justice, authority, and interposition of His Majesty.

That the vessels and property, taken and condemned, have been chiefly sold, and the proceeds divided among a great number of persons, of whom, some are dead, some unable to make retribution, and others, from frequent removals, and their particular circumstances, not easily reached by civil process.

That as, for these losses and injuries, adequate compensation, by means of judicial proceedings, has become impracticable, and considering the causes which combined to produce them, the United States confide in His Majesty's justice and magnanimity to cause such compensation to be made to these innocent sufferers as may be consistent with equity; and the undersigned flatters himself that such principles may, without difficulty, be adopted, as will serve as rules whereby to ascertain the cases, and the amount of compensation.

So grievous are the expenses and delays attending litigated suits, to persons whose fortunes have been so materially affected, and so great is the distance of Great Britain from America, that the undersigned thinks he ought to express his anxiety, that a mode of proceeding as summary and little expensive may be devised, as circumstances, and the peculiar hardship of these cases, may appear to permit and require.

And as (at least in some of these cases) it may be expedient and necessary, as well as just, that the sentences of the courts of vice-admiralty should be revised and corrected by the court of appeals here, the undersigned hopes it will appear reasonable to His Majesty to order that the captured in question (who have not already so done) be there admitted to enter both their *appeals* and their *claims*.

The undersigned also finds it to be his duty to represent that the irregularities before mentioned extended not only to the capture and condemnation of American vessels and property, and to unusual personal severities, but even to the impressment of American citizens to serve on board of armed vessels. He forbears to dwell on the *injuries* done to the unfortunate individuals, or on the *emotions* which they must naturally excite, either in the breast of the nation to whom they belong, or of the just and humane of every country. His reliance on the justice and benevolence of His Majesty leads him to indulge a pleasing expectation that orders will be given that Americans so circumstanced, be immediately liberated, and that persons, honored with His Majesty's commissions, do, in future, abstain from similar violences.

It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make on the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve, as well as to produce, respect, esteem, and friendship.

JOHN JAY.

LONDON, July 30, 1794.

Lord Grenville's reply.

DOWNING STREET, August 1, 1794.

The undersigned, Secretary of State, has had the honor to lay before the King the ministerial note which he has received from Mr. Jay, envoy extraordinary and minister plenipotentiary from the United States of America, respecting the alleged irregularity of the capture and condemnation of several American vessels, and also respecting the circumstances of personal severity by which those proceedings are stated to have been accompanied in some particular instances.

The undersigned is authorized to assure Mr. Jay, that it is His Majesty's wish that the most *complete and impartial justice* should be done to all the citizens of America, who may, in fact, have been injured by any of the proceedings above mentioned. All experience shows that a naval war, extending over the four quarters of the globe, must unavoidably be productive of some inconveniences to the commerce of neutral nations, and that no care can prevent some irregularities in the course of those proceedings which are universally recognized as resulting from the just rights incident to all belligerent Powers. But the King will always be desirous that these inconveniences and irregularities should be as much limited as the nature of the case will admit, and that the fullest opportunity should be given to all to prefer their complaints, and to obtain redress and compensation where they are due.

In Mr. Jay's note, mention is made of several cases where the parties have hitherto omitted to prefer their claims, and of others where no appeals have been made from the sentences of condemnation pronounced in the first instance.

As to the cases of the *first* description, Lord Grenville apprehends that the regular course of law is still open to the claimants; and that, by preferring appeals to the commissioners of prize causes here, against the sentence of the courts below, the whole merits of those cases may be brought forward, and the most complete justice obtained.

In the cases of the *second* description the proceedings might, in some instances, be more difficult, from the lapse of time usually allotted for preferring appeals. But His Majesty being anxious that no temporary or local circumstances, such as those to which Mr. Jay refers in his note, should impede the course of substantial justice, has been pleased to refer it to the proper officers to consider of a mode of enlarging the time for receiving the appeals in those cases, in order to admit the claimants to bring their complaints before the regular court appointed for that purpose.

The undersigned has no doubt, that, in this manner, a very *considerable part* of the injuries alleged to have been suffered by the Americans may, if the complaints are well founded, be redressed in the usual course of judicial pro-

ceeding, at a very small expense to the parties, and without any other interposition of His Majesty's Government than is above stated. Until the result and effect of these proceedings shall be known, no *definitive* judgment can be formed respecting the nature and extent of those cases, (if any such shall ultimately be found to exist) where it shall not have been practicable to obtain substantial redress in this mode. But he does not hesitate to say, beforehand, that, if cases shall then be found to exist to such an extent as properly to call for the interposition of Government, where, without the fault of the parties complaining, they shall be unable, from *whatever circumstances*, to procure such redress, in the ordinary course of law, as the justice of their cases may entitle them to expect, His Majesty will be anxious that *justice* should, at *all events*, be done, and will readily enter into the discussion of the *measures* to be adopted, and the *principles* to be established for that purpose.

With respect to all acts of personal severity and violence, as the King must entirely disapprove every such transaction, so His Majesty's courts are always open for the punishment of offences of this nature; and for giving redress to the sufferers in every case, where the fact can be established by satisfactory proof: nor does it appear that any case of that nature can exist where there would be the smallest difficulty of obtaining, in that mode, substantial and exemplary justice.

On the subject of the *impress*, Lord Grenville has only to assure Mr. Jay, that if, in any instance, American seamen have been impressed into the King's service, it has been *contrary* to the King's desire; though such cases may have occasionally arisen from the difficulty of discriminating between British and American seamen, especially where there so often exists an interest and intention to deceive. Whenever any representation has been made to Lord Grenville on this subject, he has never failed to receive His Majesty's commands for putting it in a proper course in order that the facts might be inquired into, and ascertained; and to the intent that the persons in question might be released, if the facts appeared to be satisfactorily established.

With respect to the desire expressed by Mr. Jay that new orders might be given with a view to prevent, as far as it is possible, the giving any just ground of complaint on this head, Lord Grenville has no reason to doubt that His Majesty's intentions respecting this point are already sufficiently understood by His Majesty's officers employed on that service; but he has, nevertheless, obtained His Majesty's permission to assure Mr. Jay, that instructions, to the effect desired, will be renewed, in consequence of his application.

The undersigned avails himself, with pleasure, of this opportunity to renew to Mr. Jay his assurances of his sincere esteem and consideration.

GRENVILLE.

Mr. Jay to Mr. Randolph—No. 11.

LONDON, 8th August, 1794.

SIR:

I refer you to my letter No. 10, and its enclosures, by Captain Coit, via New York, of which duplicates are also sent by the William Penn.

Having understood that one of our Indiamen had been captured and sent to Halifax, I mentioned it to Lord Grenville. He readily promised to write by the packet, and direct the attention of the Government there to that object, so that nothing improper may take place. My present prospects are not discouraging. I expect to be able, in about a fortnight, to give you some interesting details; and I *hope* some of them will be *agreeable*, but of this I cannot be *certain*.

I have the honor to be, &c.

JOHN JAY.

P. S. The Pigou is arrived. I have not yet seen the captain; he probably has letters for me.

Mr. Jay to Mr. Randolph—No. 12.

LONDON, 9th August, 1794.

SIR:

Last evening I received from Lord Grenville an order of the King and council, dated the 6th instant, relative to appeals from sentences of condemnation passed against American vessels. The enclosed is a copy of it. I have employed Sir William Scott and Dr. Nicholl in behalf of our appeals and claims.

The letter which (from that by Mr. Fisher) I find you have written to me by the Pigou, has not yet reached me.

I have the honor to be, &c.

JOHN JAY.

At the court at St. James's, the 6th August, 1794.

PRESENT: The King's Most Excellent Majesty in council.

Whereas in many of His Majesty's vice admiralty courts in the West Indies, sentences of condemnation have passed against ships and goods belonging to the subjects of the United States of America: And whereas, from ignorance of the rules respecting the times of appealing, or from inability to find the security required, or from other just and reasonable impediments, the claimants have been prevented from duly entering and prosecuting their appeals from the said sentences: And whereas it hath been represented to His Majesty, on their behalf, that they are desirous of entering and prosecuting the same: His Majesty is thereupon pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that the said parties shall be admitted to their respective appeals, notwithstanding the ordinary times for entering and prosecuting the same may have elapsed; provided the same are entered and prosecuted in a reasonable time, to be approved of by the lords commissioners of appeals in prize causes.

STEPHEN COTTRELL.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 11, 1794.

SIR:

Having regularly transmitted to you copies of my late correspondence with Mr. Hammond, in relation to Lord Dorchester's speech, Governor Simcoe's invasion, and his own criminalations of the United States, I now do myself the honor of adding his concluding letter of July 30, 1794. If he wishes any new evidence of our unchangeable neutrality he may be told, and the British ministry likewise, that the militia of Richmond, in Virginia, actually marched, at a moment's warning, between seventy and eighty miles, to seize a vessel supposed to be under preparation as a French privateer. Resistance was at first apprehended; but it was overawed, and the business completely effected.

The discontents, evasions, and occasional oppositions, which have been manifested against the excise, in the counties of Pennsylvania westward of the Alleghany mountain, have at length assumed a menacing and formidable air. The enclosed paper contains the President's proclamation, which is a summary of facts, except that Neville's house and out-houses were destroyed by fire. Commissioners are gone upon the ground, and particularly to be present at a great meeting on the 14th instant. Upwards of twelve thousand militia are ordered to hold themselves in readiness; and if the errand of the commissioners should be unavailing, the militia will, I believe, be commanded to proceed. The experiment upon their temper is untried. The Governor of Pennsylvania is against the calling

forth of the militia, until more formal legal measures are pursued. He, too, has sent two commissioners, on the part of the State, and has called the Assembly for the 1st of September ensuing. But he has expressed his persuasion, that a sufficiency of militia of the State cannot be prevailed on to move forward. Hence proportions of the number required will be procured from Virginia, Maryland, and Jersey, as well as Pennsylvania. The temper of the militia is not yet developed; some, however, vibrate between hatred of the excise and horror of these unauthorized violences. At present it can only be said, that, if an accommodation does not take place, a new *era* will immediately spring up in our Government.

The letter from Clerke and Bentalou, of Baltimore; the papers of the snow Sukey, ship Charlotte, sloop Sally, schooner Fame, brig David and George, schooner Friendship, and schooner Sarah, brig Union, Captain Cottle, and brig Dolphin, Captain Knapp, are additions to the cases of spoliation, and now sent.

I have the honor, sir, to be, &c.

EDMUND RANDOLPH.

P. S. I ought to have mentioned the death of Mr. N. C. Higginson, who was sent to the West Indies to collect documents. This may occasion some delay and disappointment in the transmission of them to London.

The spoliations are unavoidably detained for another conveyance.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 15, 1794.

SIR:

Mr. James King, the owner of the schooner Nancy, the papers in whose case have been forwarded, as far as they were received, has this moment laid before me a copy of the record. From the whole proceedings, it appears, that she was acquitted at Nassau upon the payment of costs, and that the captors have appealed. As this vessel and her cargo come within the catalogue of spoliations, I have to request that they may be protected by your attention, and that you will give directions for the employment of counsel in behalf of the United States, unless some adjustment which you may make with the British ministry, on general grounds, shall supersede the necessity of such a step.

I have the honor, sir, to be, &c.

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 18, 1794.

SIR:

I had the honor of receiving, on the 16th instant, your letter of the 23d of June, from London, and, on the 17th instant, your first letter of the 9th of June, from Falmouth. Both of them came by the Active, Captain Blair, but the latter was brought, more expeditiously, by Mr. Francis, than the former, which was delivered out with the other letters in the bag of the ship.

It has given great pleasure to the President to hear of your safe and speedy arrival, and of the style of your reception by the minister. You know the temper and conduct of the President so thoroughly, that I need not assure you of the impartiality which he continues to preserve towards all nations. And, yet, the irritation from the British quarter has been exceedingly aggravated. I pass over Lord Dorchester's speech, which, notwithstanding the half disavowal of it in the British Houses of Lords and Commons, on the 26th May last, is believed by every body here, to be genuine, and is argued upon, as you will perceive, in Mr. Hammond's two letters to me, of the 22d May and 7th June, as if it were rather genuine than otherwise. But Governor Simcoe's invasion of the Rapids of the Miami, comes confirmed to us from every source, except Mr. Hammond, who has had near three months for ascertaining the fact, and whose silence, during that time, after his promise to inform us of the truth, is the highest presumption of the act of hostility. So, too, the enclosed copies from the War Office, prove that the British were associated with the Indians in the affair of Fort Recovery, on the 30th of June. We cannot add, upon *proof*, that British influence has been tampering with the people of Kentucky, and of the neighborhood of Pittsburg, to seduce them from the United States, or to encourage them in a revolt against the General Government. It has, however, been boasted of by them, and an expectation of such support is suspected to have been excited in the breasts of some.

The impression of our commissioners, and those of the State of Pennsylvania, upon the insurgents near Pittsburg, cannot be yet known, and we can transmit to you no other indications of the issue of this commotion, than what may be drawn from my letter of the 11th of August.

The enclosed copy of Mr. Hammond's letter of the 14th of August, with its enclosure, will be justly appreciated, when you advert to those of my former letters which speak of his facility of complaining. But we shall again demonstrate the promptness with which we exert ourselves to redress his grievances, real or supposed, as an injunction will be immediately despatched to the several Governors to grant to the British ships the most complete hospitality, consistent with our stipulations to other nations. The particular case to which he alludes will be consigned to the special attention of the Governor of Delaware.

The letters which I have written to you since your departure, are of the following dates: May 27, 28, 29; June 8, 9; July 9, 10, 18, 30; August 11. I now enclose duplicates of the four last mentioned, together with sundry other papers, agreeably to the enclosed list; duplicates of all the others having been formerly sent.

I have the honor to be, &c.

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 13.

LONDON, 21st August, 1794.

SIR:

I have received the letter you did me the honor to write on the 9th June, enclosing the case of the snow Sukey, and of the brigantine Maria. That letter begins thus: "Since writing of my letter yesterday, I have received," &c. That letter has never come to my hands.

A few days ago I was favored with yours of the 9th July, on the subject of the American vessel carried into Bermuda, and on board of which a large quantity of powder was found, and enclosing copies of several letters relative to it. That letter appeared to me to be well calculated to manifest the sincerity of the Government, and evidently shows a disposition, rather to invite than to evade an investigation into every transaction that afforded color for complaint. I therefore thought it expedient to communicate it, and all the papers which accompanied it, to the minister, without diminution.

Since my last, nothing new has occurred. We are endeavoring to digest and mature a final settlement; whether we shall be able to agree, is uncertain; I have hopes as well as apprehensions. I think our next conference will produce something decisive, at least on *some* of the great points. If so, you shall be immediately informed of it.

Considering how many urgent affairs, which cannot be postponed, daily call for the minister's orders, we cannot expect that ours should proceed without some occasional delays. As yet, I have no reason to believe that any of them have been avoidable.

Sir William Scott, the King's advocate, who is retained for us, is, at my request, preparing instructions for our people who have appeals or claims to bring forward. When finished, they shall be sent to you. I really do believe that this business will be conducted and concluded with good faith. At Martinico there was no legal court of vice admiralty; consequently, the condemnations there are nugatory, and original claims may be entered and prosecuted here.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 14.

LONDON, 23d August, 1794.

SIR:

When you shall have received my letter enclosing copies of my representation to Lord Grenville, on the subject of captures, and of his answer, and a subsequent letter enclosing a copy of the order of council respecting appeals and claims, you will perceive that they who wish to prosecute either, should, without delay, appoint agents here to manage their business, and to whom I may deliver such papers in my possession as relate to those cases of capture which may be committed to their care and direction.

I am inclined to think that the order of council *alone* will not be satisfactory to the claimants; and, therefore, that the representation, and the answer to it, and, *perhaps*, my letter No. 10, of the 2d of August, covering them, should be published at large. But of this, the President and you, who are on the spot, will be better able to judge than I can be.

I heard yesterday that Mr. Monroe had arrived at Paris. Be so good as to inform me, from time to time, which of my letters, and also the duplicates (for of some duplicates have been sent) come to your hands.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 30th, 1794, one o'clock.

SIR:

The treatment which American vessels have experienced from the warring Powers causes a general concealment of their departure, so that I am frequently obliged to snatch an opportunity at a moment's warning. This is the case at present. Having just heard of a vessel ready to sail from New York, I shall despatch an express at two o'clock, P. M. which, I hope, will reach her.

Last night, we received from Captain Williamson, living at Sodus, in Ontario county, in the State of New York, the enclosed letter, containing the most unwarrantable and insolent demand from Governor Simcoe, through Lieutenant Sheaff, that he should desist from the prosecution of his settlement there. The original, now in my office, may be proceeded on as authentic. Sodus is probably well known to you. If it be not, I add the only information which I can obtain of its position; that it lies between Oswego, on Lake Ontario, and Niagara, about twenty-five miles from the former, and nearly three times that distance from the latter. What might we not be justified in saying or doing on this new aggression? Mr. Hammond has promised to procure the truth of the report as to Governor Simcoe's seizure of the Rapids of the Miami; but with a full scope of time, he remains silent, while it is firmly believed that British troops were associated with the Indians in the late attack on Fort Recovery; and it is certain that the British Governor of Upper Canada threatens us if we clear our own lands, and build houses to shelter our laborers. The admonition, sir, which your letter of June 23d gives, to prevent the arrival of any irritating intelligence in London, is but a comment upon the unvaried policy of the President, and of every member of the administration. This is evidenced by the step on which the President has now resolved, which is, to transmit copies of the papers to Mr. Hammond, now at New York, (*where he has been for a considerable time, and whither he went, after an intermission of visits to the President for more than two months, without taking leave of him, further than his notification to me might be considered as such*) to afford to him an occasion to explain this procedure away, or, if he should perchance have power, to check it; to inform Captain Williamson that he is right in his determination to push on his settlement, and that the owner of lands may repel force brought by an invader, and to offer to the Governor of New York, on loan, arms for the purposes of defence. My letter to Mr. Hammond cannot be prepared early enough for the express; but it will not be required as in any manner immediately useful to you, since the outrage of the principle asserted in Governor Simcoe's challenge, will instantaneously occur to you; and compared with similar acts on the part of the British, will establish our love of peace in triumph over the calumnies which British agents, indisposed to us from interest or other motives, may propagate on the other side of the Atlantic.

My late letters have announced to you the insurrection at Pittsburg; and with the gazettes which have been forwarded, gave you the real state of the business up to the 17th instant. At that time, the commissioners wrote that nothing but the physical force of the nation could subdue it. The President, in consequence of this declaration, arranged the march of the militia. But you will perceive how the gloom of bloodshed is brightened by their letters of the 21st and 22d instants, with their enclosures, copies of which I have now the pleasure of transmitting to you. We may count upon an express from Pittsburg in the course of this day, which will enable us to judge whether any difficulty can have arisen in the detail spoken of. But, I flatter myself that this event will close with a return of harmony; will demonstrate the horror of our citizens at an opposition to laws; will prove that the Government can protect itself against insult and rebellion, and will be an era of stability in our affairs. While I wish that the rashness and delusion of some, and the deliberate wickedness of others, had not plunged us into such dangers, I must confess my belief that the catastrophe will show that there is a point—the point of actual opposition to Government—concerning which the desperate may prate with indifference, but at which the very great majority of our citizens shudder.

By the present conveyance, I repeat some of my former letters, with various enclosures. The newspapers are also sent.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Shall I beg the favor of you to show this letter to Mr. Pinckney, to whom I cannot in my hurry write at this moment?

Mr. Randolph to Mr. Jay.

PHILADELPHIA, September 5, 1794.

SIR:

I write only to enclose to you copies of the papers respecting the commotion at Pittsburg, and of my letter to Mr. Hammond on the 1st instant, and his answer to me on the 3d, concerning the settlement at Great Sodus.

We have reason to expect the conclusion of the insurrection without bloodshed; but we are hourly looking for more particular intelligence of the proceedings at Redstone on the 28th ultimo. These will be indicative of the final issue.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, September 12, 1794.

SIR:

It is said that a vessel will sail from hence on Sunday next for Liverpool, and I cannot lose this chance of conveying to you the acknowledgment of your letters of the 26th June, and duplicate of June 23, and the real state of the insurrection of Pittsburg at this moment.

The gazettes sent by a former opportunity, together with those now enclosed, will inform you of the facts. To guide you more certainly, I will refer you to the following dates of Dunlap's paper: For the President's proclamation, see the paper of the 8th August: for the statement of the Secretary of the Treasury, see 21st August: for the proceedings at Parkinson's Ferry, and with the first committee, see Bache's paper of 6th September: for the proceedings at Redstone, and with the new committee, see the paper of this day.

Yesterday the votes of the people were to be taken on the question of resistance or submission. Mr. Bradford, the Attorney General of the United States, came to town last evening, having left his colleague, Mr. Ross, to be present at Union Town, in Fayette county, on the 16th, when the report of those votes is to be made to him.

Mr. Bradford is of opinion that the county of Allegheny will be nearly, if not wholly, unanimous for submission; that Fayette county will approach considerably to unanimity; that Westmoreland is very doubtful; and that Washington will probably hold out.

What can be the hopes of the insurgents, with all the men of influence and property residing in those counties against them; without money, without discipline, with no distinguished skill in the use of fire arms; with no disposition to pay taxes; with no communication with the sea; with no markets for their produce, except in the Atlantic States; with a feeble population; with the certainty of punishment before them, or the necessity of flight from their possessions; without ammunition, and even arms? Mr. Bradford thinks that scarce five hundred will take the field.

Nor can the insurgents expect any thing from the sympathy of other States. On the contrary, they have every thing to dread. Virginia will readily produce her quota of the fifteen thousand demanded; her inhabitants are steadfast in the abhorrence of the insurrection, and her Governor (Henry Lee) will have the command. General Morgan is in motion also. Maryland, notwithstanding the defects in her militia laws, will act very satisfactorily. New Jersey, probably headed by her Governor, will exhibit a most heroic example. Pennsylvania, which has been supposed to be reluctant, will furnish in volunteers what the incompetency of her militia laws would not yield. The speech of Governor Mifflin to the Assembly, and to the officers, the answers of the State Senate and House of Representatives, breathe a spirit determined to subdue the commotion. It has been even proposed (and the proposal seems likely to be successful) that the lawyers of this city should embody themselves and march. You may, therefore, sir, with safety pronounce, that howsoever painful the appeal may be to arms, howsoever active the insurgents may have been in endeavoring to obtain proselytes, howsoever inconvenient the long distance to the principal scene may be, Government has not the most remote apprehension of difficulty in quelling the insurrection. Your negotiation cannot, I hope, be embarrassed by any appearance which this affair may have assumed; if it has been perplexed by it, you may truly affirm that, instead of shaking, it will terminate in the manifestation of the love of the people for the Government of the United States, and their zealous guardianship of it.

My pen is wearied by ineffectual remonstrances to Mr. Hammond on Governor Simcoe's perpetual encroachments, threats, and, indeed, hostilities. In support of my letter to him on the 2d instant, the enclosed affidavit of John Kelly presents a most savage fact. Be assured, that I shall rejoice in your honor, in happily closing this and every other branch of your functions. If, however, Lord Dorchester and Governor Simcoe are to continue uncontrolled in their course, what consequences may not be feared?

The copies of two other letters from myself to Mr. Hammond, of the 22d and 27th of August, and of an extract from his reply on the 3d instant, will prove how we are harassed by their conduct respecting American seamen. So, too, will David Gelston's letter of the 8th instant, Governor Clinton's of the 9th, and the affidavits of Lloyd Daubeny and John R. Livingston, show that unjust and oppressive captures continue to be made of our property by British cruisers on our very coasts.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 15.

LONDON, 13th September, 1794.

SIR:

Hitherto my letters have communicated to you but little information of much importance, except on one point. Although all the general objects of my mission were opened at once, and were received with every indication of the same candor and disposition to agreement with which they were stated, yet the nature of the business turned the immediate and more particular attention of both parties to the affair of the captures: the result has been communicated to you.

A number of informal conversations on the other points then took place, and every difficulty which attended them came into view, and was discussed with great fairness and temper; the inquiry naturally led to the fact, which constituted the first violation of the treaty of peace? The carrying away of the negroes contrary to the 7th article of the treaty of peace, was insisted upon as being the *first* aggression. To this it was answered, in substance, that Great Britain understood the stipulation contained in that article, in the obvious sense of the words which expressed it, viz: as an engagement not to cause any destruction, nor to carry away *any negroes or other property* of the American inhabitants; or, in other words, that the evacuation should be made without depredation; that no alteration in the actual state of property was operated or intended by that article; that every slave, like every horse, which escaped or strayed from within the American lines, and came into the possession of the British army, became, by the laws and rights of war, *British* property; and, therefore, ceasing to be *American* property, the exportation thereof was not inhibited by the stipulation in question; that, to extend it to the negroes, who, under the faith of proclamations, had come into them, of whom they thereby acquired the property, and to whom, according to promise, liberty had been given, was to give to the article a greater latitude than the terms of it would warrant, and was also, *unnecessarily*, to give it a construction which, being *odious*, could not be supported by the known and established rules for construing treaties. To this was replied the several remarks and considerations which are mentioned at large in a report which I once made to Congress on this subject, and which, for that reason, it would be useless here to repeat; on this point we could not agree.

I then brought into view another circumstance, as affording us just cause of complaint, antecedent to any of those urged against us, viz: that, from the documents recited and stated in Mr. Jefferson's letter to Mr. Hammond, it appears, that the posts were not only not evacuated, within the reasonable time stipulated by treaty, but, also, that no orders for the purpose had, at least within that time, if ever, been given.

To this it was answered, that the provisional articles were signed at Paris, on the 30th November, 1782; that those articles were to constitute the treaty of peace proposed, to be concluded between Great Britain and the United States, but which treaty was not to be concluded till terms of peace should be agreed upon between Great Britain and France; that the treaty of peace was not concluded until the 3d September, 1783; that it was not ratified in America until the 14th January, 1784; and that the ratification was not received in London until the 28th May, 1784, nor exchanged until the end of that month; that, according to the laws of nations, treaties do not oblige the parties to begin to execute the engagements contained in them, until they have received their whole form, that is, until after they shall have been ratified by the respective sovereigns that are parties to them, and until after those ratifications shall have been exchanged; that, therefore, it was not until the end of May, 1784, that Great Britain was bound to give any orders to evacuate the posts; that such orders could not arrive at Quebec, until in July, 1784, and, consequently, that the allegations of a breach of the treaty by the non-execution of the article respecting the

posts, grounded on circumstances prior to the 13th July, 1784, are evidently unfounded; that, in the interval between the arrival and publication in America, of the provisional articles, and the month of July, 1784, by which time, at soonest, orders (issued after the exchange of the ratifications of the treaty of peace, the last of May) could reach Quebec, incontestable violations of the treaty had taken place in the United States; that reason and the practice of nations warrant, during a suspension of hostilities, *only* such measures as result from a continuance of the *status quo*, until the final exchange of ratifications; that, in opposition to this, new legislative acts had, in the interval before mentioned, been passed, which were evidently calculated to be beforehand with the treaty, and to prevent its having its full and fair operation on certain points and objects, when it should be ratified and take effect; that these acts were the first violations of the treaty, and justified Great Britain in detaining the posts until the injuries caused by their operation should be compensated.

That Britain was not bound to evacuate the posts, nor to give any orders for the purpose, until after the exchange of the ratifications, does appear to me to be a proposition that cannot be reasonably disputed.

That certain legislative acts did pass in the United States, in the interval aforesaid, which were inconsistent with the treaty of peace, is equally certain; but it does not thence necessarily follow that those acts were without justice even as relative to the treaty: for precedent violations on the part of Great Britain would justify subsequent retaliation on the part of the United States. Here again the affair of the negroes emerged, and was insisted upon; and was answered as before. I confess, however, that his construction of that article has made an impression upon my mind, and induced me to suspect that my former opinion on that head may not be well founded.

Thus it became evident that admissions of infractions of the treaty of peace, and that this or that party committed the first aggression, were not to be expected, and that such discussions would never produce a settlement.

It then became advisable to quit those topics, and to try to agree on such a set of reciprocal concessions as (balancing each other) might afford articles for a treaty, so beneficial to both parties, as to induce them to bury in it, all former questions and disputes. This idea gave occasion to a variety of propositions of different kinds, which it would be tedious and useless to enumerate, and of which you will readily conceive there were some that could not meet with mutual approbation; among those which were mentioned, was one for altering essentially our boundaries in the northwestern corner of the United States; this I regarded as inadmissible, and hoped would not be persisted in; one for doing us complete justice respecting the captures; one for partially opening to us a trade with the West India Islands; one for our paying the damages sustained by British creditors, by lawful impediments; this was strongly insisted on. I did not think it utterly inadmissible, in case we received proper justice and privileges under other articles: for then, in my judgment, it would not be advisable to part and separate on that point, and various reasons convinced me it would be adhered to; one for putting the ships and merchants of both parties on an equal footing. In short, in order to bring the whole subject comprehensively into view, nothing that occurred was omitted to be mentioned; these were free conversations, neither of us considering the other as being committed by any thing that was said or proposed.

It was necessary then to select points for mutual consideration, and quitting desultory discussions, to fix our attention on certain propositions, each being at liberty to propose what he pleased, and again to retract his proposition, if, on mature reflection, he should be so inclined: with this view, after returning home, I selected the following, and having reduced them to writing, sent them to Lord Grenville for his consideration; in the mean time, employing myself in reflecting, and endeavoring to decide, in my own mind, how far, and with what modifications, or omissions, it would be proper to adopt them.

“August 6th, 1794.

“Mr. Jay presents his compliments to Lord Grenville, and encloses some outlines for a convention and treaty of commerce; some of them appear to him questionable. More mature reflection, and the light which usually springs from mutual discussions, may occasion alterations. Many of the *common* articles are omitted, and will be inserted of course. It is very desirable that it may be concluded in season to arrive about the 1st of November.”

“Right Honorable Lord GRENVILLE, &c. &c.

The paper that was enclosed is in these words, viz:

“Whereas between His Majesty the King of Great Britain and the United States of America there do exist mutual complaints, and consequent claims, originating as well in certain articles of their treaty of peace as in the law of nations relative to the respective rights of belligerent and neutral nations:

And whereas both the said parties being sincerely desirous to establish permanent peace and friendship, by a convention that may be satisfactory, and reciprocally advantageous, have respectively empowered their undersigned ministers to treat of, and conclude the same:

And whereas the said ministers find it impossible to admit the said mutual complaints and claims of the *first description*, to be well founded, in their existing extent; and to the end that the obstacles to concord and agreement which thence arise, may be done away, they have agreed that all the said complaints and claims shall be forever merged and sunk in the following articles, viz.

The boundaries of the United States, as delineated in the said treaty of peace, and every article in the said treaty contained, are hereby recognized, ratified, and forever confirmed; but, inasmuch as the parties differ as to which is the river intended by the treaty, and therein called the river St. Croix, it is agreed that the said question shall be referred to the final decision of — commissioners, to be appointed and empowered as follows, viz.

Whereas it is doubtful whether the river Mississippi extends so far to the northward as to be intersected by the west line from the Lake of the Woods, which is mentioned in the said treaty, it is agreed that the actual extent of the said river to the northward shall be explored and ascertained by commissioners for that purpose, to be appointed and authorized as follows, viz.

It is agreed that if, from the report of the said commissioners, it shall appear that the said river does not extend so far to the northward as to be intersected by the west line aforesaid, by reason whereof the boundary lines of the United States in that quarter would not close, then, and forthwith thereupon, such a closing line shall be established as shall be adjudged and determined to be most consistent with the true intent and meaning of the said treaty by — commissioners, to be appointed and authorized in the manner prescribed in the article relative to those who are to decide which is the river St. Croix, intended by the said treaty; with these differences only, viz.

“It is agreed that His Majesty shall withdraw all his troops and garrisons from every post and place within the limits of the United States, by the 1st day of June next, and that all settlers and traders within the precincts or commands of the said posts and garrisons shall continue to have and enjoy, unmolested, all their property of every kind, and shall be protected therein; and may either remain and become citizens of the United States, or may sell their land or other property, and remove, with their effects, at any time within two years from the 1st day of June next.

It is agreed that His Majesty will cause full and complete satisfaction and compensation to be made for all vessels and property of American citizens which have been, or, during the course of the present war, shall be, illegally captured and condemned, under color of authority and commissions derived from him; and that, in all cases where it shall be apparent full justice and compensation cannot be obtained and actually had, in the ordinary course of judicial proceedings; and for this purpose — commissioners shall be appointed and empowered in manner following, viz.

And whereas debts bona fide contracted before the peace, and remaining unpaid by American debtors to British creditors, have probably, in some instances, been prejudiced and rendered more precarious by the lawful impediments which, after the peace, did for some time exist, to their being prosecuted and recovered, it is agreed that, in all cases where it shall be apparent that the said creditors, by the operation of the said impediments, on the security and value of their debts, have sustained damage, for which adequate reparation cannot now be obtained, and actually had, in the ordinary course of judicial proceedings, (it being understood that in these damages, interest shall be included only in cases where, according to equity and good conscience, all things being considered, it ought to be allowed and paid) the United States will make full and complete satisfaction and compensation to the said

creditors for the same; and for this purpose commissioners shall be appointed and authorized in the manner prescribed in the preceding article; with these differences only, viz.

It is agreed that it shall and may be lawful for the said United States and their citizens to carry, in their own vessels, of the burthen of one hundred tons, or under, from the said United States, any goods, wares, and merchandises, which British vessels now carry from the United States, to any of His Majesty's islands and ports in the West Indies; and shall pay in the said islands and ports only such rates of tonnage as British vessels do, or shall be liable to, pay in the United States; and only such other charges, imposts, and duties, as British vessels and cargoes laden in, and arriving from, the United States, now are, or hereafter shall be, lawfully liable to in the said islands and ports; and that it shall and may be lawful for the said American vessels to purchase, lade, and carry away, from the said islands and ports, all such of the productions and manufactures of the said islands as they may think proper, and paying only such duties and charges on exportation as such vessels and cargoes, if British, would be liable to: *Provided always*, That they carry and land the same in the United States, and at no place whatever out of the same; it being expressly agreed and declared, that West India productions or manufactures shall not be transported in American vessels, either from His Majesty's said islands, or from the United States, to any part of the world except the United States, reasonable sea stores excepted, and excepting, also, rum made in the United States from West India molasses.

It is agreed that all the other ports and territories of His Majesty, whatsoever and wheresoever, (not comprehended within the limits of his chartered trading companies) shall be free and open to the citizens of the United States, and that they, and their vessels and cargoes, shall therein enjoy all the commercial rights, and pay only the same duties and charges, either on importation or exportation, as if they were British merchants' vessels and cargoes, except that they shall pay the same rate of tonnage as may be charged on British vessels in the United States. And, on the other hand, it is agreed that all the ports and territories of the United States, without exception, shall be free and open to British merchants and subjects, and that they, and their vessels and cargoes, shall therein enjoy all the commercial rights, and pay only the same duties and charges, as if they were American merchants' vessels and cargoes; it being the intention of this article that, in His Majesty's territories (except as before excepted) American merchants and merchant vessels shall be exactly on the same footing with British merchants and merchant vessels, and that British merchants and merchant vessels shall, in all the territories of the United States, be exactly on the same footing with American merchants and merchant vessels, tonnage only excepted.

The trade between the United States and the British West Indies shall be considered as regulated and explained by the preceding article, and therefore as being excluded from the operation of the following articles:

It is agreed that all the productions and manufactures of His Majesty's dominions in any part of the world may freely be imported in British or American vessels into the United States, subject equally and alike to the duties on importation which may there be established; and that all the productions and manufactures of the United States may be freely imported in American or British vessels into any of the said dominions of His Majesty, subject equally to the duties on importation which may there be established.

And to the end that these duties may be made reciprocal, it is agreed that additional articles for that purpose shall be negotiated and added to this convention as soon as may be conveniently done.

It is agreed that when Great Britain is at war and the United States neutral, no prizes taken from, or by Great Britain, shall be sold in the United States; and that, when the United States are at war and Great Britain neutral, no prizes taken from, or by the United States, shall be sold in His Majesty's dominions.

It is agreed that, if it should unfortunately happen that Great Britain and the United States should be at war, there shall be no privateers commissioned by them against each other, and that the merchants and others residing in each other's countries shall be allowed nine months to retire with their effects, and shall not be liable to capture on their way home to their respective countries.

It is agreed that British subjects who now hold lands in the United States, and American citizens who now hold land in His Majesty's dominions, shall continue to hold them according to the nature and tenure of their estates and titles therein, and may grant, and sell, and devise the same, as, and to whom they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

It is agreed that neither debts due from individuals of the one nation to individuals of the other, nor shares or moneys which they may have in the funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated; except that, in case of war, and only during its continuance, payment may be suspended, it being both unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents."

From the 6th to the 30th of August nothing of importance occurred.

On the 30th day of August Lord Grenville wrote me a letter, and enclosed two draughts or projets of treaties. The letter is in these words, viz:

AUGUST 30th, 1794.

SIR:

I have now the honor to transmit to you two projets, the one for regulating all points in dispute between His Majesty and the United States, the other for the establishment of commercial regulations. You will perceive that I have proceeded in forming these projets on the foundation of the paper you communicated to me, but that I have occasionally made such variations as seemed to me to be just and expedient. I have thought that some time might be saved by communicating them to you in this manner. Whenever you shall have sufficiently considered them to be enabled to converse, either on the whole, or on any distinct branches of so extensive a subject, I shall be very much at your order, having very sincerely at heart the speedy and favorable conclusion of our negotiation.

It would have been more satisfactory to me if I had found it practicable to send you these projets sooner; but you will, I am sure, be sensible of the circumstances which must, at this conjuncture, have interfered with the preparation of an arrangement intended to comprehend so extensive a subject, and to lay the foundation of lasting harmony and friendship between our two countries. Even in the state in which I now send you these papers, I am apprehensive that some verbal corrections may occur as necessary to give full effect to the objects intended to be provided for, supposing those objects to be mutually consented to; and I think there are one or two points, on which we have occasionally touched in our conversations, for which no provision is made in these projets. But I have preferred making the communication in its present shape rather than that any further delay should be created, and I trust, with real confidence, to your candor, respecting such further suggestions as I may occasionally see ground to state to you. I have the honor to be, &c. &c.

GRENVILLE.

The Honorable Mr. JAY, &c. &c.

The draughts, or projets, are as follows, viz:

First, The Preamble.

ARTICLE 1. It is agreed that His Majesty will withdraw all his troops and garrisons from the posts within the boundary line assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first of June, 1796, and all the proper measures shall, in the interval, be taken by concert between His Majesty's Governor General in America, and the Government of the United States, for settling the previous arrangements which may be necessary respecting the delivery of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts shall continue to have and to enjoy, unmolested, all their property of every kind, and shall be protected therein so long as they shall think proper to remain there, and shall be at full liberty to remove at such times as they shall think proper, and to sell their lands, houses, or effects, or to retain the property thereof.

It shall at all times be free to *His Majesty's* subjects, and to the *Indians* who are to the southward and westward of the lakes, to pass and repass with their goods and merchandises, and to carry on their commerce within or without the jurisdiction of the said posts, in the manner hitherto accustomed, and without any hindrance or molestation from the *officers* or citizens of the United States. The several waters, carrying places, and roads, adjacent to the lakes, or communicating with them, shall continue to be free and open to *His Majesty's* subjects, and to the *Indians*, for that purpose; and no impediment or obstacle shall be given to the passage of goods or merchandise of any kind; nor shall any *duty* be attempted to be levied upon them.

ART. 2d. In order to remove all uncertainty with respect to the said boundary line assigned to the United States, by the said treaty of peace, the following arrangements have been agreed upon, between the two contracting parties to the said treaty, and are to be considered as forming a part thereof:

First. That, whereas doubts have arisen what river was truly intended, under the name of the river St. Croix, mentioned in the said treaty, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners in London, to be appointed in the following manner, viz: That one commissioner shall be named by *His Majesty*, and one by the United States, and that the said two commissioners shall agree on the choice of a third, or, if they cannot so agree, that they shall each propose one person, and that, of the two names so proposed, one shall be drawn by lot, in the presence of the two original commissioners; and that the three commissioners so appointed shall be sworn impartially to examine and decide the said question, according to such documents as shall respectively be laid before them, on the part of the British Government, and of the United States.

Secondly. That whereas it is now understood that the river Mississippi would, at no point thereof, be intersected by such westward line as is described in the said treaty; and, whereas it was stipulated, by the said treaty, that the navigation of the Mississippi should be free to both parties; it is agreed that the boundary line shall run in the manner described by the said treaty, from the Lake Huron, to the northward of the Isle Philippeaux, in Lake Superior; and that from thence the said line shall proceed to the bottom of West Bay, in the said lake; and from thence, in a due west course, to the river of the Red Lake, or eastern branch of the Mississippi, and down the said branch to the main river of the Mississippi, and that, as well on the said branch, as on (————— or —————) through Lake Superior; and from thence to the water communication between the said lake, and the Lake of the Woods, to the point where the said water communication shall be intersected by a line running due north from the mouth of the River St. Croix, which falls into the Mississippi below the falls of St. Anthony, and that the boundary line shall proceed from such point of intersection, in a due southerly course, along the said line to the Mississippi, and that, as well on the said water communication, as on every part of the Mississippi where the same bounds the territory of the United States, the navigation shall be free to both parties, and *His Majesty's* subjects shall always be admitted to enter freely into the bays, ports, and creeks, on the *American* side, and to land and dwell there for the purposes of their commerce; and, for greater certainty, the undersigned ministers have annexed to each of the copies of this treaty a copy of the map made use of by them, with the boundaries marked thereon, agreeably to this article; and the boundaries of the United States, as fixed by the said treaty of peace, and by this treaty, together with all the other articles of the said treaty, are hereby recognized, ratified, and forever confirmed.

ART. 3d. Whereas it is alleged, by divers British merchants and others, *His Majesty's* subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the security and value thereof has been impaired and lessened, and that, in many instances, the British creditors cannot now obtain, by the ordinary course of judicial proceedings, full and just relief for the loss and damage so sustained by them, it is agreed, that, in all cases where such relief cannot, for whatever reason, be now had by British creditors, in the ordinary course of justice, the United States of America will make full and complete satisfaction to the said creditors; and that, for this purpose, commissioners shall be appointed and authorized to act in America, in manner following, that is to say: two commissioners shall be named by *His Majesty*, and two by the United States, and a fifth by the unanimous choice of the other four; but, if they shall not agree in such choice, then one name shall be proposed by the British commissioners, and one by the commissioners of the United States, and one of the two names so proposed shall be drawn by lot, in the presence of the said original commissioners; and in case of death, sickness, or necessary absence, the places of the said commissioners shall be respectively supplied in the same manner as such commissioners respectively were first appointed. The said five commissioners shall be sworn to hear all such complaints as shall, within the space of eighteen months from their first sitting, or within such further time as they shall see cause to allow for that purpose, be preferred to them, by British creditors, or their representatives, in virtue of this article, and impartially to determine the same, according to the true intent of this article, and of the treaty of peace.

And the said commissioners, in awarding such sums as shall appear to them to be due to the said creditors by virtue of this article, are empowered to take into their consideration, and to determine, all claims, on account either of principal or interest, in respect of the said debts, and to decide respecting the same, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require; and the said commissioners shall be empowered to examine all persons, on oath, touching the premises, and also to receive in evidence, at their discretion, and according as they shall think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book, paper, copy, or extract, being duly authenticated, according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to prescribe and require. Three of the said commissioners shall constitute a board, and be empowered to do any act appertaining to the said commission; provided that, in every such case, one of the commissioners named on each side, and the fifth commissioner, chosen as above, shall be present; and all decisions shall be made by the majority of voices of the commissioners then present.

The award of the said commissioners, or of any three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the claimant; and the United States undertake to cause the same to be paid to such claimants, without deduction, in sterling money, and in such place, or places, and at such time, or times, as shall be awarded by the said commissioners; and on condition of such releases to be given by the claimant of his demands against individuals, as to them shall appear just and reasonable.

ART. 4th. Whereas complaints have been made by divers merchants and others, citizens of the United States, that, during the course of the war in which *His Majesty* is now engaged, they have sustained considerable loss and damage, by reason of irregular or illegal captures, and condemnation of their vessels, under color of authority or commission from *His Majesty*; and that, from various circumstances belonging to the said cases, adequate compensation for the said losses cannot now be obtained by the ordinary course of judicial proceedings, it is agreed that, in all such cases, where adequate compensation cannot, for whatever reason, be now had by the said merchants and others, full and complete satisfaction will be made by the British Government, to the said claimants; and that, for this purpose, commissioners shall be appointed and authorized to act, in London, in the same manner, and with the same powers and authorities, and subject to the same restrictions as the commissioners named in the third article of this treaty; and that the award of the said commissioners shall, in like manner, be final and conclusive in all respects. And *His Britannic Majesty* engages to cause to be paid to such claimants, respectively, the amount of all sums so awarded, without deduction, in sterling money, and at such time or times, and in such place or places, as shall be awarded by the said commissioners, and on condition of such releases, on the part of the claimants, of their demands against individuals, as to the said commissioners shall appear just and reasonable.

And it is further agreed that, if it shall appear that, in the course of the war, loss and damage has been sustained by *His Majesty's* subjects, by reason of the capture of their vessels and merchandise, such capture having been made, either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States, the United States will make full satis-

faction for such loss or damage, the same being to be ascertained by commissioners, in the manner already mentioned in this article.

ART. 5th. It is agreed that, with respect to the neutral commerce which one party may carry on with the *European* enemies of the other, when engaged in war, the principles to be observed by Great Britain towards the United States, and reciprocally by the United States towards Great Britain, shall always, and in all points, be the same as those which shall at that time be observed by the said parties, respectively; towards the most favored neutral nations of Europe, with the exception of such particular privileges as may, before the commencement of the war to which the same shall apply, have been granted, by special treaty, to particular European nations, and with such extensions or modifications as may occasionally be established by special treaty, between Great Britain and the United States, for their mutual convenience.

ART. 6th. It is agreed that, in all cases where vessels shall be captured or detained, on just suspicion of having on board enemies' property, or of carrying to the enemy any of the articles which are *contraband* of war, the said vessels shall be brought to the nearest or most convenient port; and that all proper measures shall be taken to prevent delay in deciding the case of ships so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

ART. 7th. When one of the contracting parties is engaged in war, and the other remains neutral, the said neutral Power shall not suffer the ships, vessels, goods, or merchandise, of the other, which may be taken at sea or elsewhere, by the enemy, to be brought into any of its ports or dominions, and much less to be there sold or exchanged; but shall publicly forbid any thing of that kind to be done. And if any ships, vessels, goods, or merchandise, of either of the contracting parties, or their people, or subjects, so taken, at sea, or elsewhere, shall be carried into the ports or countries of the other, by the enemy, neither the same, nor any part thereof, shall be allowed to be sold or exchanged in that port, or in any other place in the dominion of the said neutral party. The master of the ship or vessel so taken, as also the mariners and passengers of every description, shall, as soon as they arrive, be immediately set at liberty; and the said ship or vessel so brought, shall not be permitted to stay in that harbor, but shall be obliged immediately to leave the port, with her goods, merchandise, and lading, and without being allowed to return to the same, or to any other port in the dominions of the said neutral party: Provided, nevertheless, that nothing in this article shall be construed to derogate from the public treaties which have already been entered into by either of the contracting parties with other nations; but in so far as such treaties do not interfere, and in all cases to which they do not apply, the above article shall remain in full force, and shall be executed accordingly. And the contracting parties will not, in future, conclude any treaty in derogation of this article.

ART. 8th. It is agreed that the subjects and inhabitants of the kingdoms, provinces, and dominions, of the contracting parties, shall exercise no acts of hostility or violence against each other, either by sea or by land, or in rivers, streams, ports, or havens, under any color or pretence whatsoever; and particularly, that the subjects or people of either party shall not receive any patent, commission, or instruction, for arming, and acting at sea as privateers, or any letters of reprisal, as they are called, from any Prince or States, enemies to the other party; neither shall they arm ships in such manner as is above said, nor go out to sea therewith, for the purpose of exercising any act of violence against the subjects or people of the other contracting party; nor shall they, in any manner, molest or disturb the said subjects or people; to which end, sufficient laws and regulations shall, if necessary, be provided; and, as often as it is required by either party, strict and express prohibitions shall be renewed and published, in all the territories, countries, and dominions, of each party, wheresoever, that no one shall, in any wise, use such commissions, or letters of reprisal, or engage in any such acts of hostility as aforesaid, under the pain of severe punishment, to be inflicted on the transgressors, besides their being liable to make full restitution and satisfaction to those to whom they have done any damage. Neither shall any letters of reprisal be hereafter granted by either of the said contracting parties, to the prejudice or detriment of the subjects of the other; except, only, in such case wherein justice is denied or delayed; which denial or delay of justice shall not be regarded as verified, unless the petition of the person who desires the said letters of reprisal shall be communicated to the minister residing there on the part of the Government against whose subjects or people they are granted, that, within the space of four months, or sooner, if it be possible, they may manifest the contrary, or procure the satisfaction which may be justly due.

ART. 9th. Neither of the said contracting parties shall permit the ships or goods, belonging to the subjects of the other, to be taken within the limits of their respective jurisdictions, on their coasts, nor in the ports or rivers of their dominions, by ships of war, or others, having commission from any prince, republic, or city, whatsoever; but, in case it should so happen, both parties shall employ their *united force* to obtain reparation of the damage thereby occasioned.

ART. 10th. If it should unfortunately happen that a war should break out between Great Britain and the United States, all merchants and others residing in the two countries, respectively, shall be allowed nine months to retire with their effects, and shall be protected from capture in their way home: Provided always, that this favor is not to extend to those who shall act contrary to the established laws. And it is further agreed, that neither *debts due from individuals* of the one nation to individuals of the other, nor shares or moneys which they may have in the *public funds*, or in the *public or private banks*, shall ever, in any event of war or national differences, be sequestered or confiscated; it being both unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective Governments, should ever be destroyed or impaired, by national authority, on account of national differences and discontents.

ART. 11th. It is agreed that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in His Majesty's dominions, shall continue to hold them, according to the nature and tenure of their estates and titles therein; and may grant and sell, and devise the same, as, and to whom, they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

The Preamble.

COMMERCIAL PROJECT.

ART. 1st. It is agreed that there shall be, between the dominions of His Britannic Majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation, and a free admission of all ships belonging to either party, whether the same be ships of war or merchant vessels; and that the subjects and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance or molestation of any kind, to come, with their said ships and their cargoes, to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid; to enter into the same, to resort thereto, and to remain and reside therein, without any limitation of time; also to hire, purchase, and possess, houses and warehouses, for the purposes of their commerce; and, generally, that the merchants and traders, on each side, shall enjoy the most complete protection and security for their commerce; but subject always, as to what respects this article, to the general laws and statutes of the two countries, respectively.

ART. 2d. It shall be free for the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid, the same being of the nation on whose behalf they shall be so appointed, and not otherwise; and such consuls shall enjoy those liberties and rights which belong to them by reason of their functions: but either party may except, from the general liberty of residence of such consuls, such particular places as such party shall judge proper to be so excepted.

ART. 3d. The vessels of the two contracting parties, respectively, coming to the dominions or territories aforesaid, shall enjoy the same liberty in respect of the entry and discharge of their lawful cargoes, and all other regulations which respect the general convenience and advantage of commerce, as now are, or shall, at any time, be, enjoyed by any other foreign nation, which shall be the most favored in that respect; and no distinction shall exist, of tonnage or other duties, (such light house duties excepted as are levied for the profit of individuals or of corporations) by which

the vessels of the one party shall pay, in the ports of the other, any higher or other duties than shall be paid, in similar circumstances, by the vessels of the foreign nation the most favored in that respect, or by the vessels of the party into whose ports they shall come.

ART. 4th. No article, being of the growth, produce, or manufacture, of any of the dominions or territories of the one party, shall pay, on being imported directly from the said territories or dominions, into the ports of the other, any higher or other duties than shall be there paid for the like articles, on importation from any other foreign country.

ART. 5th. No new prohibition shall be laid in any of the territories or dominions aforesaid, by one of the contracting parties, on the importation of any article, being of the growth, produce, or manufacture, of the territories or dominions of the other; nor shall articles, being of the growth, produce, or manufacture, of any other country, be prohibited to be imported into the dominions of one of the contracting parties, by the vessels of the other, except such articles only as are now so prohibited.

ART. 6th. With respect to the territories and dominions of His Britannic Majesty in the West Indies, the following arrangements have been agreed to by the contracting parties:

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States of America to carry to any of His Majesty's islands and ports in the West Indies, from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandise being of the growth or produce of the said States, which it is or may be lawful to carry to the said islands and ports from the said States in British vessels; and that the said American vessels and their cargoes shall pay there no other or higher duties than shall be payable by British vessels, in similar circumstances: And that it shall be lawful to the said American citizens to purchase, load, and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth and produce of the said islands, as may, by law, be carried from them to the said States in British vessels; and subject only to the same duties and charges on exportation, to which British vessels are or shall be subject in similar circumstances. Provided, always, that they carry and land the same in the United States only; it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit the carrying any West India productions or manufactures in American vessels, either from His Majesty's Islands, or from the United States, to any part of the world except the United States—reasonable sea stores excepted, and excepting also rum made in the United States from West India molasses.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged, and also for two years from and after the day of the signature of the preliminary articles of peace by which the same may be terminated.

And it is further agreed, that, at the expiration of the said term, the two contracting parties will treat further concerning the arrangement of their commerce in this respect, according to the situation in which His Majesty may then find himself as with respect to the West Indies, and with a view to the mutual advantage and extension of commerce.

ART. 7th. This treaty, and all the matters therein contained, except the sixth article, shall continue to be in force for twelve years from the day of the exchange of the ratifications thereof; and if, during the continuance of this treaty, there shall arise, on either side, any complaint of the infraction of any article thereof, it is agreed that neither the whole treaty, nor any article thereof, shall, on that account, be suspended, until representation shall have been made to the Government by the minister of the party complaining; and, even if redress shall not then be obtained, four months' notice shall be given previous to such suspension.

To the before mentioned letter, I returned the following answer, viz:

PALL MALL ROYAL HOTEL, 1st September, 1794.

MY LORD:

I was yesterday honored with your lordship's letter of the 30th August, with the projets and map which accompanied it. I consider the articles in these projets as being (like those in our conversations) merely for mutual consideration.

In these projets several parting points present themselves; some of them, I presume, may be easily accommodated, but there are others which create in my mind serious apprehensions. One of these articles (being without the limits of my authority) I think I ought now to particularize; it is the one which proposes a cession of territory in the northwestern corner of the United States. It is proper, also, that I should say with frankness, that, in my opinion, many circumstances and considerations, which shall be submitted to your lordship, will restrain the United States from such a cession.

This article would entirely frustrate my hopes, if I had not reason to persuade myself that the enlarged and enlightened policy of excluding *secondary* from a competition with *primary* objects, will always harmonize with your lordship's mind. The present occasion is great, and, though critical, yet auspicious to the establishment of confidence and friendship between the two countries. With the magnitude and importance of these objects, the projets in question really do not strike me as being commensurate. I am aware that, in forming them, your lordship had many difficulties growing out of the subject, and probably some others, to encounter, and that your attention was constantly divided between a multitude of great and pressing affairs.

The negotiation now becomes delicate, and I should experience more than a proportionate embarrassment were it not for my confidence in your lordship's candor and liberality, and for those sentiments of esteem, as well as respect, with which I have the honor to be, &c.

J. J.

The Rt. Hon. Lord GRENVILLE, &c.

The proposed alterations in our northwestern boundary, and the consequential cession and dereliction of territory, appeared to me to be a point which I ought, without delay, to state to his Lordship, in the light in which it appeared to me; I therefore prepared and sent him, enclosed in a note, the following remarks, viz:

ROYAL HOTEL, PALL MALL, 4th September, 1794.

Mr. Jay presents his compliments to Lord Grenville, and requests the favor of his lordship to name a time for receiving Mr. Jay on the subject of the proposed treaties. In the mean time, Mr. Jay has the honor of submitting the remarks, herewith enclosed, to his lordship's consideration.

Remarks on that part of the second article of the projet of a treaty for terminating all differences between Great Britain and the United States of America, which purports a cession or dereliction by the latter of the country lying to the westward and northward of either of the two lines therein proposed and described.

For this cession or dereliction two reasons are assigned, viz:

1st. That it is now understood that the river Mississippi would, in no part thereof, be intersected by a west line from the Lake of the Woods.

2d. That it was stipulated by the treaty of peace, that the navigation of the river Mississippi should be free to both parties.

Admitting the fact mentioned in the *first* of these reasons to be well founded, it shows *only* that the northern and western lines of the United States do not meet and close, and, therefore, that it is necessary to fix on a line for closing them. But no argument thence results that either Great Britain or the United States ought to cede or to acquire any territory further than what such closing line may possibly render unavoidable.

That the Mississippi would, in no point thereof, be intersected by a west line from the Lake of the Woods, is a fact involved in too much uncertainty to be assumed as a foundation for national stipulation; for however it may be conjectured or supposed, yet it still remains to be ascertained.

The map sent to Mr. Jay by Lord Grenville, viz: Faden's, published in 1793, informs us that the river Mississippi has been ascended only as far up as about the forty-fifth degree of north latitude—that is, about a degree above the falls of St. Anthony; so that its further extent and course towards the north are yet to be discovered.

On the same map, Faden lays down a stream connected with the Marshy lake, near the forty-fifth degree of latitude, and thus denominates it, "*Mississippi by conjecture.*"

He also lays down on the same map a stream connected with the White Bear lake, near the latitude forty-six, and thus denominates it, "*The Mississippi by conjecture.*"

He also lays down, on the same map, a stream connected with the Red lake, in latitude forty-seven, and thus denominates it, "*Red lake river, or Lahontan's Mississippi.*"

Inasmuch, therefore, as three different streams, found in the immense wilderness above latitude forty-five, are conjectured to be the Mississippi, it is plain that, so far from being certain how far that river runs to the north, we really are yet to learn where it does run, and which of the rivers in that wilderness it is. How then can it be assumed, as a fact resting on good evidence, that the Mississippi would at no point thereof be intersected by a west line from the Lake of the Woods?

Individuals differing about boundaries depending on the course and extent of brooks and streams, settle questions of that kind by actual surveys. States usually, and with good reason, do the same. Why be content with delusive conjectures and probabilities, when absolute certainty can easily be had? Let a survey be accurately made by joint commissioners, and at joint expense. The United States are ready to adopt that measure, and to enter into the necessary stipulations and arrangements.

If it should appear, on such a survey, that the west line would intersect the Mississippi, no room for further question or dispute will remain; but if the contrary should prove to be the case, then, as the northern and western lines of the United States would not close, the manner of closing them will naturally and necessarily come under consideration. Several modes of closing them may be devised, neither of which may be altogether agreeable to both parties. Unless they shall be able to agree, let joint commissioners, at joint expense, and upon oath, fix a closing line in the manner which they shall judge most consonant with the true intent and meaning of the treaty of peace. The United States are ready to enter into such eventual stipulations as may be necessary for that purpose.

The second reason assigned for this session, is, "that it was stipulated by the treaty of peace that the navigation of the Mississippi should be free to both parties."

From this stipulation it is argued, as a natural and necessary inference, that it was in the expectation and intention of the parties, that they should and would both border, not only on the river, but also on the *navigable* part of it.

This inference seems to be violent. A right freely to navigate a bay, a straight, a sound, or a river, is perfect without, and does not necessarily presuppose the dominion and property of lands *adjacent* to it.

But, although, from a right to navigate the river Mississippi, a right to adjacent lands cannot be inferred, yet, when that right is connected with the circumstance that both parties were to be bounded by a line terminating at the river, it is thought to be thence presumable that the parties expected and intended the said line would and should terminate at a navigable part of it. They might or they might not have intended it. Whether they did or not, can only be discovered from their concomitant *words* and *actions*. On looking into the treaty for *words* indicating such intention, our search proves fruitless; there are no such *words* in it, nor the least shadow of a stipulation or declaration on the point. If we review the plain and manifest design of the treaty relative to boundaries, we find the idea of such intention uniformly contradicted. The treaty, in delineating the boundaries of the United States, passes from the northwest angle of Nova Scotia to the head of Connecticut river, then down that river to the forty-fifth degree of latitude, then on that line of latitude to the river Iroquois, then (quitting that line of latitude) to Lake Ontario, then, from lake to lake, through their connecting waters, until it arrives at the *Lake of the Woods*, and passing through it, to the northwesternmost point thereof, proceeds on a due west course to the Mississippi, &c.

Now, it was always well known, and the maps show it, that the *Lake of the Woods* is situated at a great distance in the north, above the latitude of the falls of St. Anthony, which interrupt the navigation of the Mississippi, and consequently that a *due* west line from the Lake of the Woods must of necessity strike the river above those falls, and as far above them as the latitude of the lake is above the latitude of the falls.

Again: it was not then known, nor is it yet known, how far the Mississippi runs navigable beyond those falls; nor whether any, or how many, other falls intervene between them and its source. The parties, therefore, being entirely ignorant of the extent, and of the course, and of the character of the river high above the falls, could not possibly have judged, or divined, or guessed, whether the place or part of the river at which the west line would strike it, was navigable or not; how, then, could they expect or intend any thing about it? Nothing could be more obvious than that a *due* west line might terminate on the river at a place *not navigable*; and had navigation been in view, it seems strange that the treaty should not contain a provision, that, if the said west line, on being actually run, should strike the river at a place where it was not navigable, then the said line should be inclined so many degrees southerly as might be necessary to bring it to the first navigable water of the river. Yet nothing like this is to be found in the treaty.

It is not difficult to discern from the treaty, and so was the fact, that other ideas and views governed the direction of the boundary lines.

The question, then, was, where would it be most convenient to both parties, and, all things considered, where would be most wise and prudent, that the boundaries between them should be fixed? Two lines were proposed and considered: the one from the point before mentioned, on Connecticut river, and running straight on the line of the 45th degree of latitude, west to the Mississippi; the other was the one adopted and established by the treaty. The official papers of the British ministers which respect that negotiation, will probably show that Great Britain had the choice of these two lines, and that she preferred the latter.

This choice and preference gives no support to the idea that she then contemplated navigable water in that part of the Mississippi which was supposed to penetrate into Canada. The first line, if adopted, would have favored it, and fair presumption might have classed that among the reasons of preference; but notwithstanding this, Great Britain did not prefer it; on the contrary, as the waters would form a line which could never be mistaken, and afforded great conveniences to both parties, the line of the waters was preferred by both. This water line was, by mutual consent, terminated at the northwesternmost point of the Lake of the Woods; it was agreed that the Mississippi should bound the United States on the west; nothing then remained but to agree on the course which the closing line, from that lake to the river, should run; and a due west course was agreed upon, without any expectation or design that it would, or should, there meet the navigable water. The truth is, that the stipulation respecting the navigation of the river, being free to both parties, was an afterthought, and gave occasion to a new and subsequent article, viz: the 8th. Even in the drawing that article, when the navigation of the river became an object of contemplation, no connexion was introduced between the right mentioned in that article, and the boundaries designated in the second article; no facilities were asked, or proposed, or stipulated, for a water, or any other, communication between Canada and the navigable water of the Mississippi, which doubtless would have been the case, had such a communication been then in view, especially considering the absolute uncertainty and extreme improbability of that river being navigable above the high latitude of the Lake of the Woods.

From the before mentioned circumstances and considerations, it seems fairly to result, that the *two* reasons assigned for the cession in question, as a matter of equity and right, do not afford it a solid foundation.

If this conclusion be just, it precludes the necessity of showing at large, that none of the inferences ascribed to the said *two* reasons, involve a claim to tracts of country so extensive as either of the two proposed and marked on the map; each of which includes more than thirty thousand square *miles*; and that, without taking into the computation the extensive country lying between (what in the subjoined diagrams are for the purpose of computation regarded as)

the west sides of these tracts and the Mississippi, and to the southward of the west line form the Lake of the Woods; and which country would on either of these plans become also annexed to Canada."

In order that you may have an accurate idea of the lines proposed by Lord Grenville, I here insert copies of the diagrams mentioned in the foregoing remarks. [Nos. 1 and 2.]

On the 5th September, Lord Grenville wrote me the following note, viz:

"DOWNING STREET, September 5, 1794.

"Lord Grenville presents his compliments to Mr. Jay. He has received Mr. Jay's note, with the enclosed remarks, and will be glad to see him at his office tomorrow, at twelve o'clock. Lord Grenville has, in the mean time, the honor to enclose to Mr. Jay some observations which have occurred to him on the perusal of [the paper which he received from Mr. Jay.]"

The observations enclosed with this note were as follows, viz:

Observations respecting the Northwestern boundary of the United States of America.

It cannot for a moment be admitted, that the proposed arrangement on the subject of the northwestern boundary, is properly to be considered in the manner in which it is spoken of by Mr. Jay, namely, as a cession, or dereliction of territory on the part of the United States.

Their boundary to the northwest, as fixed by the treaty, is a line "to be drawn from the Lake of the Woods, in a due west course, to the Mississippi." There are in this agreement two distinct parts:

- 1st. That the boundary line should be drawn in a due westerly course from the Lake of the Woods; and,
- 2d. That it should likewise be drawn in a due westerly course to the Mississippi:

If such a line cannot in fact be drawn, between those points, there can be no ground for considering one part of this stipulation as more permanently fixed than the other, or as affording a more equitable ground for any future arrangement; and it would be quite as reasonable for this country to consider as a cession of territory, on our part, the adoption of any other boundary than that of a due westerly line striking the Mississippi, as for the United States to urge that such a cession exists on their part, if such a line is not drawn from the Lake of the Woods.

To this consideration must be added, that which so plainly results from the article respecting the free navigation of the Mississippi; on which head it seems sufficient for the present to remark, that such a right evidently and necessarily implies the possibility of access to that river, without passing through a foreign territory.

Little objection occurs to the making an actual survey, except that of delay. If, on that survey, the stipulations in the treaty should be found to be compatible with the real geography of the country, it is certain that no further dispute could exist on that point.

But, if we have from the best information on the subject sufficient reason to believe that no such line can be drawn as is mentioned in the treaty, it cannot be desirable, when all the interests of the two countries with relation to each other are under discussion, with a view to lasting friendship, to leave unsettled so material a ground of difference as that of an unascertained boundary. The mode of settling that point is necessarily connected with the general result of the present negotiation. If no more can be accomplished on any other point, than the doing strict justice between the parties, according to existing treaties and the laws of nations, the appointment of commissaries, as proposed by Mr. Jay, does not appear ill adapted to obtain the same object as to this point; provided that those commissaries are distinctly enabled to take into their consideration the 8th article, and to give to that stipulation such effect as they shall think it ought in justice to have, in the formation of a new boundary line.

But, if the negotiation should lead to new stipulations of mutual advantage, no subject appears more proper for the application of that principle, than one in which there exist two doubtful and contradictory claims, founded on an agreement which cannot by any possibility be executed; especially if it be true, as it is considered here, that this is a point where any advantage, whatever it should be, which Great Britain might acquire, would, under all circumstances, be found at least equally beneficial to the United States.

DOWNING STREET, 5th September, 1794.

Expecting that, when we met, the first of the above projects would, as first in the order of things, be first considered, my attention was more immediately confined to it; but the time consumed in preparing the remarks before mentioned left me very little leisure to employ in forming satisfactory opinions on the different parts of this project; several, however, occurred to me, of which I made short notes; they are as follows: You will find the numbers marked in the margin of the project.

Note 1. In what capacity are they so to remain? as British subjects or American citizens? If the first, a time to make their election should be assigned.

2. If His Majesty's subjects are to pass into the American territories for the purposes of Indian trade, ought not American citizens to be permitted to pass into His Majesty's territories for the like purpose?

3. If the American Indians are to have the privilege of trading with Canada, ought not the Canada Indians to be privileged to trade with the United States?

4. If goods for Indian trade shall be introduced *duty free* by British traders, how is the introduction of other goods with them to be prevented? And for this privilege, operating a loss to the American revenue, what reciprocal benefit is to be allowed?

5. Why should the commissioners for ascertaining the river St. Croix meet and decide in London? Is it not probable that actual views and surveys, and the testimony and examination of witnesses on the spot, will be necessary?

6. Why confine the mutual navigation of the Mississippi to where the same *bounds the territory of the United States*?

7. Why should *perpetual* commercial privileges be granted to Great Britain on the Mississippi, &c. when she declines granting *perpetual* commercial privileges to the United States *any where*?

8. This preamble, connected with the silence of the treaty as to the negroes carried away, implies that the United States have been aggressors; it also unnecessarily impeaches their judicial proceedings.

9. On no principle ought more to be asked, than that the United States indemnify creditors for losses and damages caused by the impediments mentioned.

10. The word *had* is not sufficiently definite; the object being not only sentence, decree, or judgment, but payment and satisfaction.

11. Sterling money fluctuates according to exchange; this should be *fixed*.

12. Why not place these captures on the footing with the others, and charge the United States only in cases where justice and complete compensation cannot be had from judicial proceedings?

13. Why provide only for neutral commerce with *European* enemies? The whole of this article is so indefinite as to be useless.

14. What are or shall be deemed *contraband* in the sense of this article?

15. As the United States have permitted the French to sell prizes in the United States, should not the restriction not to do it in future commence at the expiration of the present war?

16. There should be an article against the impressment of each other's people.

17. This united force should be confined to the *moment* of aggression.

18. The confiscation of debts, &c. This article should be in the *treaty of commerce*.

On the 6th of September, agreeable to Lord Grenville's appointment, I waited upon him; we spent several hours in discussing the several topics which arose from these notes, and some others, which in the course of the conversation occurred. He promised to take what I had offered into consideration, and manifested throughout the conversation every disposition to accommodate, that could be wished: we may not finally be able to agree. If we should not, it would, in my opinion, occasion *mutual* regret, for I do believe that the greater part of the cabinet, and particularly Lord Gren-

N^o 1.



No. 1 Contains 35375 square miles

N^o 2.



No. 2 Contains 32400 square miles



ville, are really disposed and desirous not only to settle all differences amicably, but also to establish permanent peace, good humor, and friendship, between the two countries.

On the 8th of September I received from Lord Grenville the following letter, enclosing the papers mentioned in it, viz:

ST. JAMES'S SQUARE, Sept. 7, 1794.

SIR: In order to narrow as much as possible the objects of our discussions, I have stated in the enclosed paper what occurs to me on the different points to which your notes apply, except the second, third, and fourth articles of those notes, which I have reserved for further examination and inquiry. I expect that, by Tuesday or Wednesday at furthest, I shall be able to converse further with you on those points, as well as with respect to what you suggested on the subject of the East Indies. The points in discussion will then be reduced within a small compass, but they certainly do not relate to the least important parts of our negotiation. With respect to them, I can only say, that you shall continue to find in me the same openness of discussion, and the same desire to state to you, without reserve, what I think may be conceded to the object of speedy conciliation, and what the interest and honor of my country, and the duty which I owe to the King, oblige me to insist upon, as necessary for that object. It is with sentiments of very real esteem and respect, that I have the honor to be, &c. &c.

GRENVILLE.

P. S. I also send a note of two alterations to be made in the commercial project in consequence of our conversation of yesterday.

To the Hon. Mr. JAY, &c.

Observations, (enclosed with the above letter.)

No. 1. In consequence of the observation contained in the first remark, Lord Grenville proposes to add, in the first article of the project, after the words "property thereof," at the end of the first paragraph, these words: "and such of them as shall continue to reside there for the purposes of their commerce, shall not be compelled to become subjects of the United States, or to take any oath of allegiance to the Government thereof, but shall be at full liberty so to do (if they think proper) within one year after the evacuation of the posts, which period is hereby assigned to them for making their choice in this respect." Considering the length of the first article, now increased by this addition, it may be better to divide it into two—the second beginning with the words, "It shall at all times be free," &c. &c.

Articles 2, 3, and 4, reserved for further examination.

5. The meeting of the commissioners respecting the river St. Croix is proposed to be in London, because it is supposed that the great mass of evidence on the subject is here. A power may be given to them, either to direct a local survey, or to adjourn to America, but it seems very unlikely that this would become necessary.

6. No idea was entertained of confining the mutual navigation of the Mississippi to that part of the river where it bounds the territory of the United States. That qualification was intended only to have reference to the free admission of British merchants and ships, into the bays, ports, and creeks, of the United States, on the Mississippi; nor would it have been proposed at all, to repeat in this article, what is so distinctly stipulated in the treaty of peace, respecting the free navigation of the Mississippi, except for the purpose of expressly extending that stipulation to every part of the waters now proposed to form a part of the boundary.

7. The right of admission into ports, &c. for the purposes of trade, and the general liberty of commerce, spoken of in this article, are not considered as commercial privileges, such as are usually made the subject of temporary regulation by special treaties of commerce. Great Britain by no means declines to give the same rights permanently to America, as with respect to those parts of her dominions which are open to foreign commerce. These rights are, indeed, now generally acknowledged to be incident to a state of amity and good correspondence; and if it is proposed to particularize them, as with respect to the Mississippi, this is done only with the view of removing the possibility of such doubts as were formerly raised here upon the subject.

8. On the fullest reconsideration of this preamble, Lord Grenville sees no ground to think it liable to the objection made by Mr. Jay, particularly when compared with the preamble proposed for the fourth article. The proceedings in both articles are grounded on the allegations of individuals. The truth of those allegations is referred to the decision of the commissioners. Lord Grenville's opinion respecting the prior aggression of the United States, as well as his reasons for that opinion, are well known to Mr. Jay; but he has no wish to introduce into the proposed treaties any discussion of that point. He is therefore very ready to consider any form of words which Mr. Jay may suggest for those articles, as better suited to the two objects to which they are directed—those of justice to individuals, and conciliation between the Governments; and this applies equally to the remarks Nos. 9 and 10.

11. The substitution of the word *specie*, as suggested by Mr. Jay, seems fully to meet the object here mentioned.

12. What Mr. Jay here desires, was intended to be done, and was indeed conceived to be implied in the general words at the end of the article. But Lord Grenville sees no objection to the insertion of express words for the purpose.

13. Lord Grenville explained to Mr. Jay, this morning, the reason of the insertion of the word *European*, in the place here referred to. The subject is connected with the larger consideration to which their conversation led, and from the further discussion of which Lord Grenville is inclined to hope that mutual advantage may arise. Mr. Jay will observe, that the subject to which his remark, No. 15, applies, is one instance among many, which might be brought to show that this article would not be inefficient.

14. To meet the object which was this morning suggested in conversation on this article, Lord Grenville would propose the adoption of the following additional article, to come in immediately after the eighth. Lord Grenville has, in conformity to what was mentioned by Mr. Jay, used the words of *Vattel*:

"In order to regulate what is in future to be esteemed contraband, it is agreed that, under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandeliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horses, horse furniture, holsters, belts, and generally all other implements of war; as also timber for shipbuilding, tar, or rosin; sheet copper, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels; unwrought iron and fir planks only excepted. And all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

"And whereas corn, grain, or provisions, can be considered as contraband in certain cases only, namely, when there is an expectation of reducing the enemy by the want thereof, it is agreed that, in all such cases, the said articles shall not be confiscated; but that the captors, or, in their default, the Government under whose authority they act, in this respect, shall pay to the masters or owners of such vessels the full value of all such articles, together with a reasonable mercantile profit thereon, and also the freight and demurrage incident to their detention.

15. It seems by no means unreasonable, that the effect of this stipulation should be extended to the existing war, as a natural consequence of the good understanding to be established by this negotiation, and by the removal of all existing differences. And it would tend to prevent so many occasions of acrimony and dispute, on both sides, that Lord Grenville thinks it highly desirable to maintain this article in its present form.

16. Lord Grenville sees no reason whatever to object to this article.

17. This remark seems also perfectly just, and will be best met by omitting the concluding part of this article.

18. Lord Grenville rather thinks this article ought to be permanent, for the mutual interest of both countries; but he is content to leave this point to the decision of Mr. Jay, who is much too enlightened not to see the effect which a contrary conduct to that here prescribed must produce as with respect to America.

Commercial Project—Observations.

ART. 2. Omit these words: "the same being of the nation on whose behalf they shall be appointed, and not otherwise;" and insert, in lieu thereof, "the same being first approved by the Government of the country in which they shall be so appointed to reside, and not otherwise."

ART. 3. The last sentence to run thus: "by which the vessels of the one party shall pay, in the ports of the other, any higher or other duties than shall be paid in similar circumstances by the vessels of the foreign nation the most favored in that respect, or any higher or other duties than shall be paid in similar cases by the vessels of the party itself into whose ports they shall come."

Thus, sir, I have given you a very particular and correct account of the negotiation. Many observations and explanatory remarks might be added. I might also inform you, that I had strenuously urged the justice of compensation for the detention of the posts; and that I consider the privilege of trading to the West Indies as providing for claims of that kind. On this privilege, and the probability of its being revived after the expiration of the term assigned for its duration, I could enlarge, but it does not strike me as necessary to go into further details, nor indeed could I at present find time for the purpose.

It will not escape you that the articles, now under consideration, will doubtless undergo many alterations, before they assume that final form in which they will either be accepted or rejected; and, therefore, that it would not be proper to publish them at present. I think that, in the course of a few weeks, the questions, now under discussion, will be decided. No time shall be lost in communicating to you the result.

Another subject remains to be mentioned. It appeared to me advisable that our people should have precise and plain instructions relative to the prosecution of appeals and claims, in cases of capture. For that purpose, I applied to Sir William Scott, and requested him, in concert with Dr. Nicholl, to prepare them. We conversed on the subject, and I explained to him my views and objects.

On the 10th of September I received them, enclosed with the following letter from Sir William, which I insert on account of the friendly disposition towards our country which it manifests, and which appears to me to be less uncommon here than we generally suppose, viz:

To His Excellency John Jay, Esq. &c.

SIR:

I have the honor of sending the paper drawn up by Dr. Nicholl and myself; it is longer and more particular than, perhaps, you meant, but it appeared to be an error on the better side rather to be minute, than to be too reserved, in the information we had to give; and it will be in your excellency's power either to apply the whole or such parts as may appear more immediately pertinent to the objects of your inquiry.

I take the liberty of adding that I shall, at all times, think myself much honored by any communications from you, either during your stay here, or after your return, on any subject in which you may suppose that my situation can give me the power of being at all useful to the joint interests of both countries: if they should ever turn upon points in which the duties of my official station appear to me to impose upon me an obligation of reserve, I shall have no hesitation in saying that I feel them to be such. On any other points on which you may wish to have an opinion of mine, you may depend on receiving one that is formed with as much care as I can use, and delivered with all possible frankness and sincerity.

I have the honor to be, with great respect, &c.

WILLIAM SCOTT.

COMMONS, September 10, 1794.

Paper enclosed in the foregoing letter.

SIR:

We have the honor of transmitting, agreeably to your excellency's request, a statement of the general principles of proceeding in prize causes, in British courts of admiralty, and of the measures proper to be taken when a ship and cargo are brought in as prize within their jurisdictions.

The general principles of proceeding cannot, in our judgment, be stated more correctly or succinctly, than we find them laid down in the following extract from a report made to His late Majesty, in the year 1753, by Sir George Lee, then Judge of the Prerogative Court, Dr. Paul, His Majesty's Advocate General, Sir Dudley Ryder, His Majesty's Attorney General, and Mr. Murray, (afterwards Lord Mansfield) His Majesty's Solicitor General:

"When two Powers are at war, they have a right to make prizes of the ships, goods, and effects, of each other, upon the high seas. Whatever is the property of the enemy may be acquired by capture at sea; but the property of a friend cannot be taken, provided he observes his neutrality.

"Hence, the law of nations has established, that the goods of an enemy, on board the ship of a friend, may be taken.

"That the lawful goods of a friend, on board the ship of an enemy, ought to be restored.

"That contraband goods going to the enemy, though the property of a friend, may be taken as prize; because supplying the enemy with what enables him better to carry on the war, is a departure from neutrality.

"By the maritime law of nations, universally and immemorially received, there is an established method of determination, whether the capture be, or be not, lawful prize.

"Before the ship or goods can be disposed of by the captor, there must be a regular judicial proceeding, wherein both parties may be heard, and condemnation thereupon as prize, in a court of admiralty, judging by the law of nations and treaties.

"The proper and regular court for these condemnations is, the court of that State to whom the captor belongs.

"The evidence to acquit or condemn, with, or without, costs and damages, must, in the first instance, come merely from the ship taken, viz: the papers on board, and the examination, *on oath*, of the master, and other principal officers; for which purpose, there are officers of admiralty in all the considerable sea ports of every maritime Power at war, to examine the captains, and other principal officers, of every ship, brought in as a prize, upon general and impartial interrogatories: if there do not appear from thence ground to condemn, as enemy's property or contraband, goods going to the enemy, there must be an acquittal, unless, from the aforesaid evidence, the property shall appear so doubtful, that it is reasonable to go into further proof thereof.

"A claim of ship or goods must be supported by the oath of somebody, at least as to belief.

"The law of nations requires good faith; therefore, every ship must be provided with complete and genuine papers, and the master, at least, should be privy to the truth of the transaction.

"To enforce these rules, if there be false or colorable papers; if any papers be thrown overboard; if the master and officers, examined *in preparatory*, grossly prevaricate; if proper ships' papers are not on board; or if the master and crew cannot say whether the ship or cargo be the property of a friend or enemy, the law of nations allows, according to the different degrees of misbehavior or suspicion, arising from the fault of the ship taken, and other circumstances of the case, costs to be paid, or not to be received, by the claimants, in case of acquittal and restitution: on the other hand, if a seizure is made without probable cause, the captor is adjudged to pay costs and damages: for which purpose, all privateers are obliged to give security for their good behavior; and this is referred to, and expressly stipulated, by many treaties.

"Though, from the ships' papers, and the preparatory examinations, the property does not sufficiently appear to be neutral, the claimant is often indulged with time to send over affidavits to supply that defect: if he will not show the property, by sufficient affidavits, to be neutral, it is presumed to belong to the enemy. Where the property appears from evidence not on board the ship, the captor is justified in bringing her in, and excused paying costs, because he is not in fault; or, according to the circumstances of the case, may be justly entitled to receive his costs.

"If the sentence of the court of admiralty is thought to be erroneous, there is, in every maritime country, a superior court of review, consisting of the most considerable persons, to which the parties, who think themselves aggrieved, may appeal; and this superior court judges by the same rule which governs the court of admiralty, viz: the law of nations, and the treaties subsisting with that neutral Power, whose subject is a party before them.

"If no appeal is offered, it is an acknowledgment of the justice of the sentence by the parties themselves, and conclusive.

"This manner of trial and adjudication is supported, alluded to, and enforced, by many treaties.

"In this method, all captures at sea were tried, during the last war, by Great Britain, France, and Spain, and submitted to by the neutral Powers; in this method, by courts of admiralty acting according to the law of nations, and particular treaties, all captures at sea have immemorially been judged of in every country of Europe. Any other method of trial would be manifestly unjust, absurd, and impracticable."

Such are the principles which govern the proceedings of the prize courts.

The following are the measures which ought to be taken by the captor, and by the neutral claimant, upon a ship and cargo being brought in as prize:

The captor, immediately upon bringing his prize into port, sends up, or delivers upon oath, to the registry of the court of admiralty, all papers found on board the captured ship. In the course of a few days, the examinations in preparatory, of the captain and some of the crew of the captured ship are taken upon a set of standing interrogatories, before the commissioners of the port to which the prize is brought, and which are also forwarded to the registry of the admiralty, as soon as taken; a monition is extracted by the captor from the registry, and served upon the Royal Exchange, notifying the capture, and calling upon all persons interested to appear, and show cause why the ship and goods should not be condemned; at the expiration of twenty days, the monition is returned into the registry with a certificate of its service, and, if any claim has been given, the cause is then ready for hearing, upon the evidence arising out of the ship's papers, and preparatory examinations.

The measures taken on the part of the neutral master, or proprietor of the cargo, are as follows:

Upon being brought into port, the master usually makes a protest, which he forwards to London, as instructions (or with such further directions as he thinks proper) either to the correspondent of his owners, or to the consul of his nation, in order to claim the ship, and such parts of the cargo as belong to his owners, or with which he was particularly entrusted; or the master himself, as soon as he has undergone his examination, goes to London to take the necessary steps.

The master, correspondent, or consul, applies to a proctor, who prepares a claim, supported by an affidavit of the claimant, stating briefly to whom, as he believes, the ship and goods claimed, belong, and that no enemy has any right or interest in them. Security must be given, to the amount of sixty pounds, to answer costs, if the case should appear so grossly fraudulent on the part of the claimant as to subject him to be condemned therein.

If the captor has neglected, in the mean time, to take the usual steps (but which seldom happens, as he is strictly enjoined, both by his instruction and by the prize act, to proceed immediately to adjudication) a process issues against him on the application of the claimant's proctor, to bring in the ship's papers and preparatory examinations, and to proceed in the usual way.

As soon as the claim is given, copies of the ship's papers and examinations are procured from the registry, and upon the return of the monition, the cause may be heard. It, however, seldom happens, (owing to the great pressure of business, especially at the commencement of a war) that causes can possibly be prepared for hearing immediately upon the expiration of the time for the return of the monition. In that case, each cause must necessarily take its regular turn; correspondent measures must be taken by the neutral master, if carried within the jurisdiction of a vice admiralty court, by giving a claim, supported by his affidavit, and offering security for costs, if the claim should be pronounced grossly fraudulent.

If the claimant be dissatisfied with the sentence, his proctor enters an appeal in the registry of the court where the sentence was given, or before a notary public, (which regularly should be entered within fourteen days after the sentence) and he afterwards applies at the registry of the lords of appeal in prize causes (which is held at the same place as the registry of the high court of admiralty) for an instrument called an inhibition, and which should be taken out within three months, if the sentence be in the high court of admiralty, and within nine months, if in a vice admiralty court, but may be taken out at later periods if a reasonable cause can be assigned for the delay that has intervened. This instrument directs the judge, whose sentence is appealed from, to proceed no further in the cause. It directs the registry to transmit a copy of all the proceedings of the inferior court; and it directs the party who has obtained the sentence, to appear before the superior tribunal to answer to the appeal. On applying for this inhibition, security is given on the part of the appellant, to the amount of two hundred pounds, to answer costs, in case it should appear to the court of appeals that the appeal is merely vexatious. The inhibition is to be served upon the judge, the registrar, and the adverse party and his proctor, by showing the instrument under seal, and delivering a note or copy of the contents. If the party cannot be found, and the proctor will not accept the service, the instrument is to be served "*vis et modis*;" that is, by affixing it to the door of the last place of residence, or by hanging it upon the pillars of the Royal Exchange. That part of the process above described, which is to be executed abroad, may be performed by any person to whom it is committed, and the formal part at home is executed by the officer of the court; a certificate of the service is endorsed upon the back of the instrument, sworn before a surrogate of the superior court, or before a notary public, if the service is abroad.

If the cause be adjudged in a vice admiralty court, it is usual, upon entering an appeal there, to procure a copy of the proceedings, which the appellant sends over to his correspondent, in England, who carries it to a proctor, and the same steps are taken to procure and serve the inhibition, as where the cause has been adjudged in the high court of admiralty. But if a copy of the proceedings cannot be procured in due time, an inhibition may be obtained, by sending over a copy of the instrument of appeal, or by writing to the correspondent an account only of the time and substance of the sentence.

Upon an appeal, fresh evidence may be introduced, if, upon hearing the cause, the lords of appeal shall be of opinion that the case is of such doubt as that further proof ought to have been ordered by the court below.

Further proof usually consists of affidavits made by the asserted proprietors of the goods, in which they are sometimes joined by their clerks, and others acquainted with the transaction, and with the real property of the goods claimed. In corroboration of these affidavits may be annexed original correspondence, duplicates of bills of lading, invoices, extracts from books, &c. These papers must be proved by the affidavits of persons who can speak to their authenticity; and if copies or extracts, they should be collated and certified by public notaries. The affidavits are sworn before the magistrates or others, competent to administer oaths in the country where they are made, and authenticated by a certificate from the British consul.

The degree of proof to be required depends upon the degree of suspicion and doubt that belongs to the case. In cases of heavy suspicion and great importance, the court may order what is called "plea and proof;" that is, instead of admitting affidavits and documents introduced by the claimants only, each party is at liberty to allege, in regular pleadings, such circumstances as may tend to acquit or condemn the capture, and to examine witnesses in support of the allegations, to whom the adverse party may administer interrogatories. The depositions of the witnesses are taken in writing. If the witnesses are to be examined abroad, a commission issues for that purpose; but in no case is it necessary for them to come to England. These solemn proceedings are not often resorted to.

Standing commissions may be sent to America, for the general purpose of receiving examinations of witnesses in all cases where the court may find it necessary, for the purposes of justice, to decree an inquiry to be conducted in that manner.

With respect to captures and condemnations at Martinico, which are the subjects of another inquiry contained in your note, we can only answer, in general, that we are not informed of the particulars of such captures and condemnations; but as we know of no legal court of admiralty established at Martinico, we are clearly of opinion that

the legality of any prizes taken there, must be tried in the high court of admiralty of England, upon claims given, in the manner above described, by such persons as may think themselves aggrieved by the said captures.

We have the honor to be, &c.

WM. SCOTT,
JOHN NICHOLL.

COMMONS, *September 10, 1794.*

I take the liberty of advising that these instructions, with a proper title prefixed, be printed in a pamphlet, and published for general information.

You will find, herewith enclosed, a copy of the instructions of the King and council, revoking the order to capture neutral vessels laden with corn, &c. bound to France. A gazette of 6th September, containing an order restraining impressments, &c. and a gazette of 9th September, containing a copy of the order of 6th August, relative to appeals and claims, of which copies have already been sent to you.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 16.

LONDON, *September 14, 1794.*

SIR:

Mr. Morris will, together with this, deliver to you a long letter from me, dated yesterday.

The negotiation proceeds; and I now have some reason to hope, that the business of the northwestern corner will be so managed as to cease to be an obstacle to agreement.

I have proposed that the further discussion of that matter be postponed, until accurate surveys of the river be made, by joint commissioners, at joint expense; and I do flatter myself that this proposition will be adopted. Of this I cannot yet be certain, but it is, however, my present *opinion* that it will.

I have the honor to be, &c.

JOHN JAY.

P. S. I wrote to you (No. 14) 23d August last, by Captain Scott, to Boston. My letter of yesterday is No. 15.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, *September 17, 1794.*

SIR:

Your letter of July 9, 1794, referring to a long and particular letter of the 6th of the same month, having reached me yesterday, unaccompanied by the latter, we are thrown into a painful anxiety. My calculation has, however, been, that the Portuguese minister, who is said to have arrived at New York from London the day before yesterday, may have been charged with it. As you speak of having closed it on the eighth, and by sending no duplicate in that of the 9th, you seem to have intended them both for the same vessel.

The copy of the acts passed during the last session of Congress were probably sent to New York from my office to you, as Chief Justice, and may have been forwarded from thence on the supposition of being destined for you in your diplomatic character. But it will appear, from the enclosed list of papers, transmitted to you from time to time, that no opportunity occurred to me, after the complete publication of those laws, until the 30th of July. Nothing has ever been enclosed to you without some explanatory notice of it.

The same list will show, if the letters noted there have not got to hand, how many have been written by me, and repeated by duplicates. In them the events which gave occasion to my correspondence with Mr. Hammond, and the expiration of the embargo, are detailed. The justice which you do me in suspecting that my letters were still on the way, I beg you to continue; as every occurrence bearing the most distant affinity to your mission, has been immediately minuted down, and conveyed by the first vessel. But there is too much reason to fear that the reluctance of most captains of ships to receive letters which contain a particle of politics; their readiness to surrender them to cruisers; and the little care taken of packets, after they are landed, will disappoint both you and myself very frequently. In these times, it is no small labor to search out the names, and ports of vessels, about to sail for Europe.

With the names of the new British ministry before us, we predict nothing favorable to the United States, from this interweaving of parties. Without bringing a better disposition towards us, the projects may possibly render the operations of the cabinet more cordial to the nation; and if Lord Dorchester's and Governor Simcoe's movements, be indications of the purposes of Government; or the reports be true, that our vessels are still seized upon the old principles, without mercy, in Bermuda and the West Indies, any popularity of the ministry is so much against us. My letter of August 30th, enclosing copy of Mr. Charles Williamson's, of the 19th, together with another of the 13th instant, enclosing duplicates of the 18th and 30th of August, will develop the threat against the settlement at Sodus; and in conjunction with John Kelley's affidavit, and Mr. Williamson's letter of the 1st instant, furnish the latest situation of this business.

You will have collected from my past letters, that Thursday last, the 11th instant, was allotted for the taking of the votes in the insurgent counties of Pennsylvania, whether the terms settled between the commissioners of Government and the committees appointed by them should be accepted; and yesterday for the report to Mr. Ross, one of those commissioners; who undertook to attend at Uniontown, in Fayette county. We hope for a peaceable result; but the whole body of fifteen thousand militia are in motion, and incredible fervor has possessed all orders of people here; even many respectable Quakers have entered the volunteer ranks; three troops of horse, and a large body of infantry, are now in my view; the Jersey, Maryland, and Virginia militia, are advancing, in order to strike, if the overtures shall have been rejected. The insurrection will be quelled, be assured, sir; and if any, to whom you may address yourself, shall draw inferences of disunion, and retract their good temper, they will be fatally disappointed. You will instantly call to mind the course of governments and human nature; and be persuaded that the universal rising of a people, against a handful of insurgents, scarcely the seventieth part of the Union; ignorant, poor, and unprovided with military means, will shoot the roots of that Government deep.

I have the honor, to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 17.

LONDON, *September 18th, 1794.*

SIR:

You will receive, herewith enclosed, duplicates of my letters of the 13th and 14th of this month, which were committed to the care of Mr. Robert Morris, junr. who was to have sailed last Monday, in the Sansom, Captain Smith, for New York; I have since heard that he did not sail on that day, and, indeed, I am not certain that the Sansom has yet left Deptford: the last of these letters was a very short one, intended merely to hint to you that I had reason to hope that the business of the northwest corner might be so managed, as not to be an obstacle to a settlement.

I have prepared, and submitted to the consideration of Lord Grenville, an article stating that it was uncertain and doubtful whether the Mississippi extended to the west line from the Lake of the Woods; and consequently, whether our northern and western lines closed in that corner: stating, also, that it would be premature to decide on, and

endeavor to settle, these questions, and others connected with them, while the parties remained uninformed of the actual extent, and other material circumstances of the river; then providing that all discussions on these subjects be postponed until a survey of the river should be made; and lastly, directing that it be made by joint commissioners, at joint expense, and specifying particularly the manner of its being done. Lord Grenville received, and conversed with me about, this article, in his usual temperate and candid manner; and I expect in a few days to have his answer.

Facilities for our ships in the East Indies, and several other interesting matters, are under consideration; and upon the whole, the probability of our finally agreeing increases.

We shall also, I think, agree that any payments which may be directed by the proposed commissioners relative to the debts, shall be postponed to the evacuation of the posts; in short, sir, my opinion of the disposition of the cabinet, and great mass of this nation, towards us, becomes more confirmed. At any rate, let temper, and a little longer patience on our part, give the negotiation a fair chance; one of two things will then certainly result from it—either peace, or, if war, union. To continue to prepare for war, will be wise; to avoid unnecessary asperities, and indications of ill will, would be equally so.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, September 20, 1794.

SIR:

The mail of yesterday from New York undeceived me in my expectation of your favor of the 6th of July, 1794, being in the hands of the Portuguese minister, as I mentioned in the letter which I had the honor of writing to you on the 17th instant, acknowledging the receipt of yours of the 9th of July, and which will go, together with this, by the ———, destined to Liverpool. I have now before me your letters of the 6th, 12th, and 16th of July, 1794.

Answer to that of July 6th.

Your letters, there referred to, have come to hand. When you recollect the circumstances of the captures under the British instructions of November the 6th, you will not be surprised that none of them had been laid before Lord Grenville, or transmitted to Mr. Pinckney. The merchants had been, for a considerable time, invited by Government to collect the various oppressions of our trade, and forward them to the Department of State. This induced the opinion that the Executive would take up the several cases on public ground; and they were, therefore, consigned to our management, except so far as appeals to England were entered. At the beginning of the last session of Congress, the President informed them by message, that progress had been made in the assembling of the various complaints, and afterwards a summary statement was reported to both Houses. The Senate required an abstract of each case, which produced a further delay; and the different fluctuations of temper, and diversity of projects with respect to Great Britain, stagnated the measures of the Executive, and of the individuals interested, until the whole of the business was concentrated in your mission. But the call for particular cases by Lord Grenville is, notwithstanding the frankness, candor, and promptness to discussion, hitherto shown by him, somewhat inauspicious. For if the principle of those instructions is not to be relinquished, and compensation shall be admitted to be due only where some striking injustice or hardship shall be attached to peculiar examples, it will be only here and there that we shall be retributed, and our discontents will continue in their full asperity. And, indeed, we apprehend that a broad scale of satisfaction could not be contemplated by his lordship, when he expressed that there *might* be such a state of things as would render the interposition of Government proper and necessary to satisfy justice. However, I beg you to believe that, even if my conjectures on this head should unfortunately be true, there is not a man in the United States who is more thoroughly persuaded, than myself, of your exertions to repel the consequences of an attempt to support the intolerable severity of the principle, without the sapping of which complete relief is scarcely to be expected.

The list of captures, with which you were furnished, was not intended to be more than the forerunner of the documents which have since reached you, and were to have been sent to you in ample form, by Mr. Higginson. But although Marston Watson's situation was not known at the time of my delivering his case to you, it has since turned out to be as appears in the enclosed short statement. Of the progress made by Mr. Higginson up to his death, you have been apprised in my letters of the 18th July and 11th August. His widow is possessed of several papers, probably records, which have been withheld from me, on account of their having come in a vessel infected with the yellow fever. As soon as they are purified, I shall despatch them to you; and further measures will be pursued for obtaining the other records from the admiralty courts in the West Indies. But will you not have an immense labor, the duration of which cannot be easily foreseen, if you are *personally* to discuss each case, instead of leaving the minutiae (as was supposed to be best) to some subordinate characters?

Whatsoever may be necessary and proper to be said, on the part of the President, relative to the satisfactory reception given to you by the King and Queen, is submitted to your judgment.

I have the pleasure of informing you that the President approves of your letter to Lord Grenville, on the 3d of July, 1794; and while he is desirous of the expedition in the conduct of negotiation, he thinks, with you, that it ought not to be pushed beyond the dictates of prudence; but that it is expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. It is his wish, too, that the characteristic of an American minister should be marked, on the one hand, by a firmness against improper compliances, and on the other by sincerity, candor, truth, and prudence, and by a horror of finesse and chicanery. These ideas, however, will not oppose those temperate and firm representations which you meditate, should your present plan fail. *For it is fair, and indispensable, in the event of a rupture, to divide the nation from the Government.* The system of peace begun by the President will be adhered to, so far as his functions are concerned, until he is driven from it by the British Government.

Before this letter arrives, Mr. J. Q. Adams will have presented himself to you, and obviated the inconveniences noticed in Mr. S. Bourne's letter to you.

Answer to that of the 12th of July, 1794.

The President approves the agreement that, during the present negotiation, and until the conclusion of it, all things remain and be preserved in *statu quo*. The War Department is instructed to issue correspondent orders, and the Department of State to notify the Governors in the neighborhood of those scenes to which the agreement relates.

Answer to that of the 16th of July, 1794.

The despatches to Mr. Hammond, enclosed in your letter of this date, were yesterday sent off by express to that gentleman.

The conduct of the captain of the William Penn is a specimen of the numerous retardments which the negligence of persons in his line may bring upon our correspondence. His owners certainly gave the box most specially into his care. That you will find several papers, not very important to you, is certain; and I observed in a former letter that they were imperfect. Still it was necessary that they should be forwarded to you; and I am happy to discover that they have been acceptable to you. I have furnished, from time to time, every thing which I could collect.

I can add nothing respecting the insurrection in the western parts of this State, except that there is too much reason to conclude that several of the townships will hold out until the militia shall approach them, or perhaps shall have made themselves felt in some degree. The really leading, rich, and understanding men amongst them, have, we believe, generally subscribed to be submissive to Government.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 18.

LONDON, October 2, 1794.

SIR:

You will, I hope, receive my letters, viz. No. 15 and No. 16, by Mr. Robert Morris, Jr. who lately sailed in the *Sansou*, for New York. Duplicates of them, and No. 17, were committed to the care of Captain Loxley, of the *Pigou* for Philadelphia; those despatches are interesting.

This will be delivered to you by Captain Morgan, of the Brig *Molly*, who will leave this place for Philadelphia this evening.

I can add nothing of importance to my late communications, except that we are occupied in endeavoring to incorporate the two projects into one, to be entitled a treaty of amity and commerce. I have proposed several additional articles. My hopes of agreement are not abated, but still the issue is uncertain. I think a few weeks more will enable me to inform you of the final result of the negotiation.

On the 25th ult. I received a few lines from you, by the way of Cork, of 15th August, informing me "that Mr. James King, the owner of the schooner *Nancy*, the papers in whose case had been forwarded as far as they were received, had that moment laid before you a copy of the record. That, from the whole proceedings, it appeared that she was acquitted at Nassau, upon the payment of costs, and that the captors had appealed. That as this vessel and her cargo came within the catalogue of spoiliations, you request me to give directions for the employment of counsel in behalf of the United States, unless some adjustment, which I might make with the British ministry, on general grounds, should supersede the necessity of such a step."

I am thus particular in reciting this letter, because it seems to countenance implications and admit doubts which embarrass me.

In the case of the schooner *Nancy*, you desire me to employ counsel in behalf of the United States. From this I think I must conclude generally, that the prosecution of the appeal in *this case* is to be carried on by and at the expense of the United States; and that I am to act accordingly.

The reason assigned for this measure is, because this vessel and her cargo came within the catalogue of spoiliations. Is it intended that the like measure should be taken with respect to all or any other vessel and cargoes within that catalogue? Or is this case regarded as discriminated from the others?

I wish to know precisely what is expected from me relative to these subjects; and be assured that I will faithfully endeavor to fulfil your intentions, whatever their latitude or limitations may be.

I have the honor to be, &c.

JOHN JAY.

P. S. Be so obliging as to send the enclosed letter for Mrs. Jay by the post.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 11, 1794.

SIR:

On the 7th current I was honored by your three letters of the 30th and 31st of July, and 2d of August, 1794; to day by your favor of the 21st of August, 1794.

By the conveyance of this letter, which is as yet unknown to me, I repeat duplicates of my former letters of the 12th, 17th, and 20th of September, with their several enclosures.

Having been absent from the practice of the law in Virginia for more than four years, I have written to a professional friend there for an accurate statement of the laws of that State, relative to the evidence of book debts. His answer shall be forwarded. In the mean time, however, I have sufficient confidence in my knowledge of those laws up to July 1790, and in my attention to the others which have been published at the close of each session since, to give the following information. To debts due to British subjects residing in Great Britain, by any of the inhabitants of the colonies, a great facility of proof was afforded by the British statute of the 5th. of Geo. 2d. c. 7. This statute prevailed until the Revolution; when, with all other acts of Parliament not specially adopted, it necessarily expired. It is worthy, too, of remark, that the date of its enactment is long subsequent to that era at which British legislation ought to have ceased. I mean the 4th of James the 1st, which was the general limitation of the operation of British statutes in Virginia, even before the war; although, indeed, you recollect a principle, which our inability to resist sanctified, that statutes, after that epoch, expressly naming the colonies, were permitted to operate. The advantages which the *ex parte* proof, warranted by the statute, gave to the British resident, were immense. But it is generally understood, though I believe it has never been adjudged, that this privileged form of evidence was not so much of the essence of the contract as to be revived with it.

In the year 1748 the act of Assembly, No. 1, was passed upon the same subject, and continued in force until the year 1780, in the May of which year a new act, No. 2, was substituted.

I happened to be clerk of the House of Delegates in Virginia when this last act was moved. The reason assigned was to abolish credit in merchandise, the facility of which had transferred multitudes of fortunes to transatlantic creditors. I recollect, too, that the nation which could give the longest credit, and speak our language, was considered as having too great an ascendancy over its competitors; and this law was designed to produce equality in the struggle by extinguishing credit. However, the consequence is, that the rule bears upon all people, British, French, Americans, and even Virginians in particular. Not a shilling of the old British debts can be affected. Who, then, can complain? I firmly believe that no posterior regulation of the evidence of both debts is admitted in Virginia.

Be assured, sir, that I will co-operate with you *here*, in the very laudable example of moderation which you have set on the other side of the water. I wish that I had any reason to expect a return of temper from the British minister with us. But he shall not lead me astray.

October 13th. Your favors of August 8th and 9th are now received.

If the instructions which Sir William Scott shall prepare, relate in any part to the giving of security, do not Higginson's, of which you carried a copy, show that the Government means to sustain the expenses of prosecution? I take the liberty of hinting this, that the demand for security may create no delay.

The impatience of the people is as great as you apprehend, and I am therefore more communicative than perhaps I should be on any other occasion. For I have, in an unauthoritative way, published the substance of some portion of your intelligence. You will find it in Fennos's papers of the 22d September and 8th instant. But I persuade myself that nothing has been indiscreetly divulged.

The President being at Carlisle, I have forwarded to him copies of your letters noted above; together with another which I presumed to be private, and therefore did not open under the general licence which he left with me. He will proceed to Bedford, where almost the whole force will unite, and he will decide whether to lead the army into the insurgent country, or to return to the meeting of Congress on the 3d day of next month. I rather believe that he will return, because the submission to the laws is now nearly, if not absolutely universal; and the corps which may be required to overawe any latent spark of insurrection, and its object, are too small to demand his immediate presence.

October 18th. Yesterday I had the honor of receiving your favor of the 23d of August.

The intimation of your wish, that I should acknowledge your different letters, must have been found by you before this day to be strictly attended to. The importance of it is so obvious, that I have made it a standing memorandum.

I shall immediately publish your communications, exchanged with Lord Grenville and contained in your letter No. 10. This would have been done upon their coming to hand, but the delicacy of giving in form parts of an incomplete negotiation had restrained me. This is now removed by your letter of the 23d of August, and I feel the propriety of sending them into public so fully, that I will venture to presume upon the President's approbation.

The order of His Britannic Majesty in council, when I first read it, appeared to me to call for some special agent to be appointed by the persons interested. But I own that I have much doubt, whether the powers vested in you do not lead to an expectation that you would cause this branch of the business to be executed by some subordinate characters. However, I am to meet the merchants concerned this morning at 11 o'clock, when I shall converse with them on this subject, and will subjoin the result.

October 19th. The merchants are much gratified by your exertions. But they were too numerous for the doing of real business, and therefore I requested them to appoint a standing committee, who should occasionally confer with me. They have accordingly nominated five, of whom Mr. Fitzsimmons is the first, and I am to receive their sentiments to-morrow.

The enclosed report, from the commissioners of the Union, completes the history of the insurrection, as far as we have it, except that the mission of Messrs. Findley and Reddick to the President, as described in the late resolutions at Parkinson's Ferry on the 2d instant, has been too equivocal to justify an absolute suspension of the march of the army.

Mr. Higginson's death is no small embarrassment to us. His outfit and expenses have amounted to no inconsiderable sum, and the fruit has been small. The apprehension created by his fall, of the ravages of the yellow fever in the West Indies, has rendered it impossible to procure another agent of sufficient fitness. Mr. Fitzsimmons some time ago seemed to think, that the appointment of a new agent had better be postponed, until something definitive should come from you. This was not my opinion; but we were obliged to acquiesce, as no proper successor appeared to our view. I have no doubt that you will see the necessity of entering into some stipulation, which may prevent the sufferers under British depredation from being barred by the time, which, under these circumstances, may elapse before the appeals and claims can be filed.

I have sent instructions to Bermuda for procuring the records of condemnation there. But, from every account, Bridges Goodrich, who is the Prince of Privateers, is sounbounded in his influence over all classes of men in that island, that he may contrive to retard the copies. Indeed, the captures by cruisers issuing from thence, are more numerous than ever, and are multiplying every day. I am hourly asked how these things accord with pacific intentions.

The yellow fever, whatsoever may have been said to the contrary, has produced no alarm, no removal from this city; and if it was imported at all, the instances of its prevalence were few, and the traces of it are now absolutely obliterated. In Baltimore it is supposed to have been severe, but even there it has perfectly vanished.

General Wayne's success is announced in the paper of Bache, of October 2d.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 20, 1794.

SIR:

My letter of the 11th instant, concluding with the date of the 19th, has been sent to Mr. Pragers, whose vessel goes for Amsterdam ultimately, but intermediately for an English port.

Having left the completion of the references in that letter to another hand, I now find that the report of the commissioners has been omitted; and hasten to supply the defect by the same conveyance.

Nothing has yet transpired from the President since the 10th instant. I suspect that he has proceeded to Fort Cumberland. Still I remain under the persuasion that military opposition from the insurgents is not to be expected; although it may be expedient to adopt arrangements for continuing a certain force to cover the officers of excise, and the officers for arresting the delinquents, for a considerable time hence; the representations of Finley and Reddick, as mentioned in Brown's paper, enclosed yesterday, not being so satisfactory as to render, according to my judgment, the return of the *whole* militia proper.

Your letter, No. 10, will not be published with your memorial and Lord Grenville's answer, unless the President shall direct it. The following are my reasons: 1. That the substance of it has been already published, with circumstances indicating its truth, though not with any formal authenticity; 2. that we shall be immediately charged with preparing the public mind for yieldings and sacrifices; 3. because nothing being said of the posts, the cavillers would break out with idle stories (which, although they need not be feared, need not be courted) that the posts are passed over as of scarcely any concern; and thus unpleasant impressions may, uselessly left on the minds of many; 4. because I have read the letter to those here who are alone interested, and who will communicate it to the others in different quarters, who are alike interested; and thus all who have any business with it will know it, and none will be ignorant, except those whose affair it is not; and 5, because it not being absolutely necessary to be posted in a newspaper, both you and ourselves will be more the masters of the whole matter at its winding up.

The mode of conveyance precludes the sending of our newspapers, as they would certainly be rifled if dropped at an outport.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 29, 1794.

SIR:

Duplicates of the two last letters which I had the honor of writing to you on the 19th and 20th current will accompany this letter. They are intended to go by the Wilmington, for Bristol, from this port.

On Tuesday next, the Adriana will carry to London Mr. Samuel Bayard. In consequence of your recommendation that an agent should be sent, that gentleman goes over, with the approbation of the merchants of this city, interested in British captures, for the objects designated in your favor of the 23d August. When I convened them for the purpose of consultation, they seemed to have great reluctance to meddle at all in a business which they considered as taken wholly into the hands of Government. But, after many explanations and remarks, which passed between us, they resolved to appoint a committee, who should act in concert with me. That committee accordingly wrote to me the enclosed letter.

I accepted their proposal, as there expressed; because I knew it to be consentaneous to the views of the President, who has this day signified his approbation. The merchants will immediately push on the appeals and claims as fast as the documents can be forwarded to London by their correspondents in the islands. Too much time cannot be allowed for this purpose, all difficulties being considered. We were all embarrassed by the inquiry whether it was necessary that these appeals and claims should be entered in the islands. I did not myself doubt, that negotiation might change the course of admiralty courts, so as to permit them to be instituted in England. But it did not sufficiently appear that this was your meaning. I therefore proposed, that the persons who procured the records in the West Indies should file appeals and claims there, if contrary to my expectation it should be required in ordinary practice. This, they replied, was impracticable; alleging that neither their own credit, nor that of the United States, could obtain the enormous security which is demanded. So much of the fact as relates to the United

States is verified by one of Mr. Higginson's letters, and what relates to themselves comes from a pure source. I therefore suggested this expedient: that Mr. Bayard should immediately on his arrival apply to you for information, whether the appeals and claims must *begin* in the Islands: that, if this should be found to be according to the usual course required, you should be requested, if it were possible, and proper under all circumstances, to attempt to except from the general rule these instances, in which security would be so serious a difficulty, and so great an impediment to justice: that, if this modification were unattainable, you would endeavor to stipulate for the giving of security in England: and, if at length nothing could be done but in the West Indies, letters of credit might be solicited from some mercantile houses in London to their correspondents in the islands, to induce them to join in the necessary bonds.

The President has confirmed this further branch of the arrangement, and Mr. Bayard can be used by you, in the execution of it, in any manner most agreeable to yourself. Although no special clause is inserted in your instructions with an eye to this shape of the affair, yet it cannot be necessary to send you formal and ostensible powers, to enable you to authorize Mr. Bayard to execute bonds, or to seek out those letters of credit. But you are hereby at the most ample liberty to vest him with the authority necessary for effectuating the foregoing purposes. This is particularized, lest you should not coincide in the opinion which I hinted in my letter of the 20th of September last, that, from the expression which relates to security in Higginson's instructions, and the latitude of your own powers, you might delegate such an authority, even without a special declaration to that effect, in this place.

For the reasons assigned in my letter of the 11th instant, the President concurs in the measure of not publishing yours, No. 10. The memorial and answer which it contained are running through all the papers of the United States.

The return of the President from the militia army confirms, what I have often written to you, that the insurrection would not venture to show any degree of military opposition. Many of the insurgents have been arrested in different quarters, where their force, if they had any, must have been; but the arrests were perfectly quiet, and free from resistance. The army has, however, marched to the centre of the disaffected counties, to impress and overawe. Some force will, no doubt, be left behind, to complete the work. I shall endeavor to send, by Mr. Bayard, the speech which the President will deliver to Congress some time in the next week, as I presume that he will think the insurrection too important a subject to be passed over without notice. The newspapers will go by the same opportunity.

To prove to you the thoughtless severity which the British captains are disposed to exercise upon our citizens, under the name of piracy, I enclose to you my letter, of the 23d instant, to Mr. Hammond, and his disavowal of what Captain Cochrane declares to be his orders.

I also enclose Mr. Hollins's letter, and shall inform him that I mean to transmit it to you, that it may pass into the agent's hands.

I shall write again by Mr. Bayard, and, in the mean time,

Have the honor to be, with sentiments of the highest respect and esteem,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 19.

LONDON, October 29th, 1794.

SIR:

I have been favored with yours of the 15th, 18th, and 30th of August, and of the 5th, 12th, 17th, and 20th of September last.

Although I have materials for another letter as long and particular as the one which I had the honor of writing to you on the 13th of September, yet sufficient time for details cannot possibly be spared from the business of the negotiation. I must confine myself to generals, and postpone a minute statement of the transactions which have taken place since the date of that letter to a future opportunity.

You have been informed that we had agreed to incorporate the two projects, viz: of a settlement and of a commercial treaty. I undertook this business, and prepared a draught, including most of the articles in those two, and adding several others, but all of them for mutual consideration. From these, Lord Grenville, extracting several, omitting some, and adding others, formed a new draught. Difficulties have appeared, and been discussed; some have been removed, some lessened by proposed modifications, and a few still remain. It was proposed that goods for the Indian trade should pass from Canada to the Indians within the United States, *duty free*: to this I could not consent. It has been proposed that alien tonnage and impost should cease: to this there also appeared to me to be very strong objections. I think the former may be yielded, in some degree, to us; as to the latter, I cannot yet form a judgment.

We spent several hours, on Friday and yesterday, in these discussions, and they will be resumed to-morrow morning. I perceive nothing that indicates a desire to protract, and I think it cannot be long before the negotiation terminates either in a treaty, or in a certainty that an amicable settlement is impracticable.

All propositions relative to a new line in our northwestern corner are suspended. We have agreed that the river shall be surveyed, and its source ascertained. I think Canada and its Indian trade will be opened to us, but not the navigation of the St. Lawrence from the sea.

Although a more early day than the 1st of June, 1796, cannot be had for the evacuation of the posts, (for reasons which shall hereafter be mentioned) yet we agreed yesterday to add, "the United States, in the mean time, extending their settlements to any parts within their boundaries, except within the precincts of any of the posts."

I wish to take particular notice of your letters, but, really, sir, I cannot do it now.

I feel very sensibly the confidence reposed in me by the permission to take such notice of my reception here as I might judge proper. The following is a copy of the letter which I have written to Lord Grenville on that subject:

ROYAL HOTEL, PALL MALL, October 27, 1794.

MY LORD:

The President, having been informed of the gracious reception with which their Majesties were pleased to honor me, has made it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation, commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement mutually satisfactory and beneficial.

He requests His Majesty to be persuaded that he will continue to promote every measure that may conduce to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good will which will naturally result from it. I am convinced, my Lord, that this communication will derive advantages, from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your Lordship, as an additional opportunity is thereby afforded me of assuring you of the respect and esteem with which I have the honor to be your Lordship's, &c.

The Right Honorable Lord GRENVILLE, &c.

I am preparing an official representation, touching unfriendly interferences with the Indians, and I have reason to believe that a satisfactory answer will be given to it.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, November 3, 1794.

SIR:

I do myself the honor of writing to you, merely to inform you that I have now received an assurance from Mr. Marshall, (whom you know) of Virginia, that the statement, which I made to you in my letter of the 29th ult. on the evidence of British debts, is accurate. Mr. Bayard sails on the 6th instant, by whom I shall enclose a copy of Mr. Marshall's information, and of the President's speech.

There was not a sufficient number of either House of Congress to proceed to business to-day. To-morrow a quorum is certainly expected.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, November 7, 1794.

SIR:

Notwithstanding Monday last was appointed for the meeting of Congress, a quorum of neither House then appeared. On Tuesday the Representatives assembled in sufficient numbers; but the Senators are yet four short of a majority. This stagnates the communication from the President, and deprives me of an opportunity of adding more at present than the enclosure of Mr. Marshall's letter, mentioned in mine of the 3d instant, and the great respect and esteem with which I have the honor to be, sir, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, November 8, 1794.

SIR:

There is no prospect of Congress assembling until the day after to-morrow; and Mr. Bayard is compelled, by the sailing of the *Adriana*, to leave us to-morrow; I am therefore deprived of the pleasure of sending you the President's speech.

My answer to the letter from the committee of merchants, which I had the honor of enclosing to you on the 29th ultimo, is now forwarded, together with the newspapers.

Permit me to remark to you that there are some cases of spoliation and vexation, which do not strictly come within the compass of admiralty jurisdiction, or have been denied relief, and are not, as far as I can discover, within the stipulations between yourself and Lord Grenville: for example, plundering of goods; violence to the person; loss of freight, &c. where an acquittal has taken place, or no trial has been had. I own that these instances, especially where they have never been before a court, do not admit an easy remedy, if the amenability of the British Government be considered, because they have probably proceeded from privateers; and, having never been brought before a court, that Government cannot readily obtain cognizance of them. However, if it be practicable to make a reservation, for the introduction of them before commissioners, or in any manner which can ultimately create a resort to that Government for satisfaction, it will be extremely acceptable to the persons interested. As to the refusal of redress by the courts, perhaps this reservation may be obtained.

Mr. Fitzsimons has just informed me that, when Martinique and Gaudaloupe were taken, a very large property of American merchants was found in the warehouses there, and carried off or destroyed. I asked him for the documents and proofs: he has promised to send them. If such losses are susceptible of a remedy, I am persuaded that your attention will be drawn to them.

The duplicates, now sent, are of the following dates: October 29, November 3d and 7th, 1794, together with their several enclosures.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

[NOTE.—The following despatches from Mr. Jay, and letters from the Secretary of State, with the exception of despatch No. 22, were not communicated to the Senate with the treaty.]

Mr. Jay to Mr. Randolph—No. 20.

LONDON, November 5, 1794.

SIR:

It has now become almost certain that the draught of the treaty will soon be perfected, and that, when finished, it will, instead of being concluded, be sent to you for the consideration of the President; further instructions to me will then become necessary. I shall, when I send it, write to you on the subject as particularly as may be necessary, or as the time may admit.

With the best wishes for your health and happiness, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Honorable EDM. RANDOLPH, *Secretary of State, &c.**Mr. Randolph to Mr. Jay.*

PHILADELPHIA, November 12th, 1794.

SIR:

Last evening I had the honor of receiving, through Mr. Morris, your favor of the 13th and 14th of September. Although the immediate departure of the *William Penn* leaves too short a time for a copious reply to them, I must, after enclosing a duplicate of my letter of the 8th instant, trouble you with a few remarks on those points which attract notice on the first view.

The reasoning of Lord Grenville, in relation to the negroes, is so new to me, as are his observations on the first aggression, that their accuracy cannot be assented to without the fullest reflection.

Is there not some mistake in the copy of Lord Grenville's proposition for surrendering the posts, when the time is fixed to June, 1796? You proposed June, 1795; but, having made no comment on this extension of the epoch of delivery, you give reason to suppose that 1796 ought to be 1795: for such an epoch must be obviously unnecessarily long, and it is, perhaps, deserving of consideration whether, during so great an interval, they will not be able to enter into more injurious arrangements of the Indian trade than they could if we should be their neighbors at Detroit a twelvemonth sooner?

In the articles enumerated in your instructions, as head of a commercial treaty, the leading idea was briefly stated, as, in most instances, it had been extracted from other treaties subsisting between the United States and other nations. But it was not understood that privateering commissions were to be withheld from our citizens in case of a war between us and Great Britain; especially as treaties are dissolved by war, unless some special provi-

sion is made for the continuance of certain stipulations even in time of war. No such provision exists in the short clause respecting privateering commissions; it being intended, merely, that the citizens or subjects of either nation, being *neutral*, should not engage in privateering against the other. To restrict privateers, on the event of a war between us and Great Britain, would cut up a most effectual resource for naval defence. Although Lord Grenville's counter-proposition seems to continue the right of privateering in full force, I am directed by the President to inform you, for the sake of preventing any mistake, that it is his earnest desire that such an agreement may not be concluded.

Ought not *future* inheritances in land, as well as *present*, be permitted to the people of either country, in the *other*?

May not Lord Grenville's stipulation, for British subjects, and the Indians within our limits, to carry on trade, as usual, in the northwestern country, produce great embarrassment, and all the heart-burnings of rivalry?

I am afraid that the terms *irregular* and *illegal* are not sufficient, when applied to the captures of our vessels, to let many of them into compensation.

Among the correspondence, which you carried with you, between Mr. Jefferson and Mr. Hammond, you will find letters which prove that, for captures made by vessels armed in our ports, within certain periods, we ought not to be accountable. The propositions seem to go to the whole.

The instructions of the 8th of June, 1793, are, in substance, renewed upon us by one of Lord Grenville's propositions.

I am suspicious that the phrase, relative to the exception of prior treaties, to wit: "*in all cases in which they do not apply*," will, at some future day, be tortured to a sense, which, probably, is not intended by Lord Grenville *now*. Suppose that it should be insisted that the French treaty does not apply, because the Government is so essentially changed? I do not think that fair construction will justify such a sentiment; but it will not be amiss to exclude its possibility.

The commercial project will be immediately examined: for we cannot, at this early moment, discover whether it be probable that the concessions will be such as to induce you, under your powers, to sign a commercial treaty, or to digest only; nor can we so immediately appreciate the different parts of the project.

If the prohibition to sell French prizes should commence sooner than the termination of the war, we shall be placed in very great difficulties; and I am pleased to observe that you are impressed with the force of this idea.

I have laid the opinion of Dr. Nicholl and Sir William Scott before the merchants. We shall endeavor to give it its full effect.

These ideas are not felt by me to be in all respects accurate. I shall revise them; and shall particularly keep in view that both the language and matter of the propositions will undergo great alterations and new arrangements. But I will take the liberty of suggesting that it may be well to avoid, as much as possible, postponements of final settlements. You know from history that commissioners, who meet after a peace, are very apt to sow the seeds of war.

I have the honor to be, sir, with great respect and esteem, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 21.

LONDON, November 17th, 1794.

SIR:

A treaty agreed upon and copied, I expect will be signed to day or to-morrow, and sent by the packet.

In my letter, No. 19, dated the 29th October, I mentioned that I had written a letter to Lord Grenville on the subject of my reception here; of that letter I sent a copy, but the answer had not then been received. I now subjoin copies of both, and have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

The Honorable EDM. RANDOLPH, *Secretary of State, &c.*

To the Right Honorable Lord Grenville, &c. &c.

ROYAL HOTEL, PALL MALL, 27th October, 1794.

MY LORD:

The President having been informed of the gracious reception with which their majesties were pleased to honor me, has made it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement, mutually satisfactory and beneficial. He requests His Majesty to be persuaded that he will continue to promote every measure that may conduce to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good will which will naturally result from it.

I am convinced, my lord, that this communication will derive advantages from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your lordship, as an additional opportunity is thereby afforded me of assuring you of the respect and esteem with which I have the honor to be,

My lord, your lordship's most obedient humble servant,

JOHN JAY.

To John Jay, Esquire, &c. &c. &c.

DOWNING STREET, October, 1794.

SIR:

I have taken the earliest opportunity to lay before the King your letter of the 27th instant, and I have it in command to express to you the satisfaction which His Majesty has derived from the sentiments which you have been charged to convey to me on the part of the President of the United States; and to assure you that there exists, on His Majesty's part, the same disposition towards the object of conciliation and friendship.

I trust you are convinced of the satisfaction which those who are honored with His Majesty's confidence will always feel in executing, to the best of their power, His Majesty's intentions in this respect.

It has, on that account, been matter of the greatest satisfaction to me that, in the course of a negotiation directed to the attainment of this desirable object, I have to treat with a minister whose dispositions and conduct are so well calculated to promote it. I trust, with no small degree of confidence, that the final issue of our joint endeavors will be such as, I am persuaded, we both wish; but, in every case, I shall always retain those sentiments of the most sincere respect and esteem,

With which I have the honor to be, sir, your most obedient humble servant,

GRENVILLE.

Mr. Jay to Mr. Randolph—No. 22.

LONDON, 19th November, 1794.

SIR:

The long expected treaty accompanies this letter; a probability of soon concluding it has caused the packet to be detained for more than a week. The difficulties which retarded its accomplishment, frequently had the appearance of being insurmountable; they have at last yielded to modifications of the articles in which they existed, and to that mutual disposition to agreement which reconciled Lord Grenville and myself to an unusual degree of trouble and application. They who have levelled uneven grounds, know how little of the work afterwards appears.

Since the building is finished, it cannot be very important to describe the scaffolding, or go into all the details which respected the business. Explanatory remarks on certain articles might be useful, by casting light on governing principles, which, in some instances, are not so obvious as to be distinctly seen on the first view. Feeling the want of leisure and relaxation, I cannot undertake it in this moment of haste. I must confine myself to a few cursory observations, and hope allowances will be made for inaccuracies and omissions.

My opinion of the treaty is apparent from my having signed it. I have no reason to believe or conjecture that one more favorable to us is attainable.

Perhaps it is not very much to be regretted that all our differences are merged in this treaty, without having been decided; disagreeable imputations are thereby avoided, and the door of conciliation is fairly and widely opened, by the *essential* justice done, and the conveniences granted to each other by the parties.

The term limited for the evacuation of the posts could not be restricted to a more early day; that point has been pressed. The reasons which caused an inflexible adherence to that term, I am persuaded, were these, viz: That the traders have spread through the Indian nations goods to a great amount; that the returns for those goods cannot be drawn into Canada at an earlier period; that the impression which the surrender of all the posts to American garrisons will make on the minds of the Indians cannot be foreseen. On a former occasion it was intimated to them (not very delicately) that they had been forsaken, and given up to the United States; that the protection promised on our part, however sincere, and however, in other respects, competent, cannot entirely prevent those embarrassments which, without our fault, may be occasioned by the war; that, for these reasons, the traders ought to have time to conclude their adventures, which were calculated on the existing state of things; they will afterwards calculate on the new state of things: but that, in the mean time, the care of Government should not be withdrawn from them.

The third article will, I presume, appear to you in a favorable light; a number of reasons which, in my judgment, are solid, support it. I think they will, on consideration, become obvious. It was proposed and urged that the commercial intercourse opened by this article ought to be exempted from all duties whatever on either side. The inconveniences which we should experience from such a measure were stated and examined; it was finally agreed to subject it to native duties. In this compromise, which I consider as being exactly right, that difficulty terminated; but for this compromise the whole article would have failed, and every expectation of an amicable settlement been frustrated. A continuance of trade with the Indians was a decided ultimatum; much time and paper, and many conferences were employed in producing this article; that part of it which respects the ports and places on the eastern side of the Mississippi, if considered in connexion with the — article in the treaty of peace, and with the article in this treaty which directs a survey of that river to be made, will, I think, appear unexceptionable.

In discussing the question about the river St. Croix, before the commissioners, I apprehend the old French claims will be revived; we must adhere to Mitchell's map. The Vice President perfectly understands this business.

The 6th article was a *sine qua non*, and is intended as well as calculated to afford that justice and equity which judicial proceedings may, on trial, be found incapable of affording. That the commissioners may do exactly what is right, they are to determine according to the merits of the several cases, having a due regard to all the circumstances, and as justice and equity shall appear to them to require.

It is very much to be regretted that a more summary method than the one indicated in the seventh article could not have been devised and agreed upon for settling the capture cases; every other plan was perplexed with difficulties, which frustrated it. Permit me to hint the expediency of aiding the claimants, by employing a gentleman, at the public expense, to oversee and manage the causes of such of them as cannot conveniently have agents of their own here; and whether, in some cases, pecuniary assistance might not be proper. I do not consider myself at liberty to make such an appointment, nor to enter into any such pecuniary engagements. It would, probably, be more easy to find a proper person on your side of the water than on this. Here there are few fit for the business, and willing to undertake it, who (having many affairs of their own to attend to) would not be tempted to consider the business of the claimants in a secondary light; several objections to giving him a fixed salary are obvious; in my opinion a moderate commission on the sums to be recovered and received, would be a more eligible method of compensating him for his services. Our consul here talks, and, I believe, in earnest, of returning to America, or I should expect much advantage from his zeal and endeavors to serve such of the claimants as might commit their business to his management.

You will find in the 8th article, a stipulation which, in effect, refers the manner of paying the commissioners very much to our election. I prefer paying them jointly; the objection to it is, that the English pay high. I have always doubted the policy of being *penny-wise*.

The Lord Chancellor has prepared an article respecting the mutual admission of evidence, &c. which we have not had time fully to consider and decide upon; it contains a clause to abolish *alienism* between the two countries. His lordship's conduct and conversation indicate the most friendly disposition towards us; a copy of his article shall be sent, and I wish to receive precise instructions on that head.

The credit of some of the States having, to my knowledge, suffered by appearances of their being favorable to the idea of sequestrating British debts on certain occasions, the 10th article will be useful. Persons wishing to invest their property in our funds and banks, have frequently applied to me to be informed whether they might do it without risk of confiscation or sequestration; my answer has been uniform, viz: that, in my opinion, such measures would be improper, and therefore, that, in my opinion, they would not be adopted; some pressed me for assurances, but I have declined giving any.

The 12th article, admitting our vessels of seventy tons and under, into the British Islands in the West Indies, affords occasion for several explanatory remarks. It became connected with a proposed stipulation for the abolition of all alien duties, of every kind, between the two countries. This proposition was pressed, but strong objections opposed my agreeing to it; a satisfactory statement of the negotiation on this point would be prolix; at present, I cannot form a very concise one, for that would not require less time: the selection and arrangement necessary in making abridgments, cannot be hastily performed. The duration of this article is short, but if we meet the disposition of this country to good humor and cordiality, I am much inclined to believe it will be renewed; the duration of the treaty is connected with the renewal of that article, and an opportunity will then offer for discussing and settling many important matters.

The article which opens the British ports in the East Indies to our vessels and cargoes, needs no comment. It is a manifestation and proof of good will towards us.

The questions about the cases in which alone provisions become contraband, and the question whether, and how far, neutral ships protect enemy's property, have been the subjects of much trouble, and many fruitless discussions. That Britain, at this period, and involved in war, should not admit principles which would impeach the propriety of her conduct in seizing provisions bound to France, and enemy's property on board of neutral vessels, does not appear to me extraordinary. The articles, as they now stand, secure compensation for seizures, and leave us at liberty to decide whether they were made in such cases as to be warranted by the *existing* law of nations; as to the principles we contend for, you will find them saved in the conclusion of the 12th article, from which it will appear that we still adhere to them.

The articles about privateers were taken from the treaty of commerce between Great Britain and France, and the one for treating natives, commanding privateers, as pirates, in certain cases, was partly taken from ours with Holland.

The prohibition to sell prizes in our ports had its use; and we have no reason to regret that your instructions to me admitted of it.

Various articles, which have no place in this treaty, have, from time to time, been under consideration, but did not meet with mutual approbation and consent.

I must draw this letter to a conclusion; Lord Grenville is anxious to dismiss the packet as soon as possible.

There is reason to hope that occasions for complaint on either side will be carefully avoided. Let us be just and friendly to all nations.

I ought not to omit mentioning the acknowledgments due from me to Mr. Pinckney, with whom I have every reason to be satisfied, and from whose advice and opinions I have derived light and advantage in the course of the negotiation. His approbation of the treaty gives me pleasure, not merely because his opinion corresponds with my own, but also from the sentiments I entertain of his judgment and candor.

It is desirable that I should have the earliest advice of the ratification; and be enabled to finish whatever may be expected of me, in season to return in one of the first spring vessels. My health is not competent to a winter's voyage, or I should be the bearer of the treaty. This climate does not agree with me, and the less so on account of the application and confinement to which it was necessary for me to submit.

I had almost forgotten to mention that, on finishing and agreeing to the draught of the treaty, I suggested to Lord Grenville, as a measure that would be very acceptable to our country, the interposition of His Majesty with Algiers, and other States of Barbary, that may be hostile to us. This idea was favorably received, and it is my opinion that this court would, in good earnest, undertake that business, in case nothing should occur to impeach the sincerity of that mutual reconciliation which it is to be hoped will now take place.

It will give you pleasure to hear that great reserve and delicacy has been observed respecting our concerns with France. The stipulation in favor of existing treaties was agreed to without hesitation; not an expectation, nor even a wish has been expressed that our conduct towards France should be otherwise than fair and friendly. In a word, I do not know how the negotiation could have been conducted, on their part, with more delicacy, friendliness, and propriety, than it has been from first to last.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 23.

LONDON, 20th November, 1794.

SIR:

I received last night a letter from Lord Grenville, of which the following is a copy:

DOWNING STREET, November 19th, 1794.

SIR:

I have the honor to transmit to you the papers which you have already seen, relative to the claims of certain persons having rights of remainder, or other interests in estates, confiscated in America during the late war, but whose rights or interests, according to justice, and the established laws under which those estates were held, could not be affected by such confiscation.

I have no doubt, both from the justice of the case itself, and from what has passed between us respecting it, that if, on inquiry in America, it should appear that any impediments to the prosecution of such claims in the ordinary course of justice have existed, or still exist, these cases will be considered as being completely within the principle of the article in the treaty signed between us this day respecting the British creditors. But as you did not possess sufficient information respecting the particulars of this business to be enabled to enter fully into it, I have transmitted to you the papers relative to it, and I shall be obliged to you if, when you have received further information upon it, you will acquaint me in what situation you conceive the parties interested in it to stand, with respect to the means of recovering their rights in the ordinary course of justice.

I also transmit to you, for a similar purpose, an application which I have received from a particular class of British creditors, whose case is there stated.

I cannot conclude this letter without repeating to you the very great satisfaction I have derived from the open and candid manner in which you have conducted, on your part, the whole of the difficult negotiation which we have now brought to so successful an issue, and from the disposition which you have uniformly manifested to promote the objects of justice, conciliation, and lasting friendship, between our two countries.

These dispositions are perfectly reciprocal on the part of this Government, and I am happy in any opportunity of expressing them to you, and of renewing to you the sincere assurances of the very great personal esteem and regard with which I have the honor to be, sir, your most obedient humble servant,

GRENVILLE.

TO JOHN JAY, Esq. &c. &c.

The 5th article of the treaty of peace concluded with the following paragraph, viz:

"And it is agreed that all persons who have any interest in confiscated land, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights."

Lord Grenville lately mentioned to me that there were persons who had interests in confiscated lands, and that it was reasonable those interests should be taken care of by the present treaty. He named the case of Lord Fairfax's estate, and that of Colonel Roger Morris, in the State of New York. I answered that my information respecting those cases was too imperfect to permit me to enter into any particular stipulations respecting them individually, or respecting the others that were generally alluded to in the above article; that I was not apprised of any lawful impediments to the prosecution of such rights as that article contemplated, but I concurred with him in opinion that, if there had been, or still were, such impediments, those cases were within the same principle, and had the same claims to justice and equity as the cases of British creditors, and ought to be provided for accordingly.

The papers I received from him last night are too voluminous to be copied in season to accompany this letter; it is absolutely impossible. You will receive them by the next ship.

The application mentioned in his letter, and which "he had received from a particular class of British creditors, &c." is a memorial of divers American loyalists, &c. These persons (whose estates were confiscated) think they have a right to recover the debts that were due to them, and that the article of the treaty of peace in favor of British creditors applies to them. This cannot, in my opinion, be admitted, and will, I believe, give us no trouble.

I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

To the Honorable EDM. RANDOLPH, Esq. Secretary of State, &c. &c.

Mr. Jay to Mr. Randolph—No. 24.

LONDON, 21st November, 1794.

SIR:

On the 19th instant a treaty was signed. The next day it was, together with my letters to you, Nos. 21, 22, and 23, despatched to the packet at Falmouth, which had been detained.

I now send you duplicates of them all by Mr. Blaney, a gentleman of Virginia, recommended to me by Governor Lee. The earliest advices from you will be expedient. There are articles in this treaty which will give strength to our applications to other Powers for extensions of commerce. Much use may be made of them.

I daily become more and more convinced of the general friendly disposition of this country towards us. Let us cherish it. Let us cultivate friendship with all nations. By treating them all with justice and kindness, and by preserving that *self respect* which forbids our yielding to the influence or policy of any of them, we shall, with the Divine blessing, secure peace, union, and respectability.

I feel very sensibly the confidence that has been reposed in me, as well as the responsibility that resulted from it. If this treaty should prove beneficial, I shall not regret my anxiety and efforts to render it so. The Canada article strikes me as one of the best in it. If discreetly managed, important benefits will, in my opinion, be derived from it. Very much ought not to be written on these subjects.

That the termination of these perplexing differences should be effected during your administration of the foreign department, cannot fail to give you pleasure. It will afford some compensation for the trouble you have had, and relieve you from the disagreeable correspondences to which such differences so frequently give occasion.

Accept my thanks for the many interesting communications and marks of attention I have received from you in the course of the negotiation, and be assured that I am, with every corresponding sentiment,

Sir, your most obedient and most humble servant,

JOHN JAY.

The Honorable EDM. RANDOLPH, Esq. *Secretary of State, &c. &c.*

Mr. Jay to Mr. Randolph—No. 25.

LONDON, December 6, 1794.

SIR:

Copies of the papers mentioned in my letter, (No. 23) are hereunto subjoined.

I have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

OFFICE OF AMERICAN CLAIMS, August 13th, 1790.

DEAR SIR:

I send you extracts of some papers and reports relative to the claim of Colonel Morris and his children. The other cases of a similar nature are those of Lord Fairfax and Mr. Martin, and you will see the attorney general's opinion applies to all of them.

Yours, very sincerely,

JOHN WILMOT.

GEORGE ROSE, Esq. &c.

	Province.	Value of the fee simple.	Value of the life interest.	Value of the reversion.
Colonel Roger Morris and Mary his wife,	New York,	£20,000	£12,605	£7,395
Samuel Martin,	Virginia,	13,115	6,500	6,615
Right Honorable Lord Fairfax,	Virginia,	60,000	13,758	46,242

N. B. Colonel Morris, Mr. Martin, and Lord Fairfax, have received their certificates for the value of their life interests.

Mr. Attorney General's opinion on the case of Mr. and Mrs. Morris.

What interpretation the State of New York may give to their act of attainder I don't know; but nothing is more clear, that, if a similar act of attainder against Mr. and Mrs. Morris had passed here, it would not have affected the remainder limited to the children who are not attainted; and they seem to me, upon this state of the case, to be most clearly entitled to the benefit of the last clause of the 5th article of the treaty of peace with America. Under these circumstances I cannot advise the commissioners to consider this remainder in fee as *absolutely lost*, until an attempt has been made to obtain that justice in America to which they are entitled, and the refusal of which will, in my opinion, be a direct violation of the treaty. If they cannot obtain justice ultimately, they certainly ought to have a compensation, and therefore I think the commissioners, after having made a compensation to Mr. and Mrs. Morris for their life interest, should state specially the case of the children, as that may hereafter be of use to them if they fail in seeking redress in America.

R. P. ARDEN.

31st March, 1787.

N. B. As there are two or three other cases similarly circumstanced, the commissioners considered them altogether in a separate class, and made a general observation upon them in their general reports, particularly that of the 15th May, 1789. Vide extracts.

Extract from the report of the Commissioners of American Claims, dated 7th April, 1786.

We have not considered any interest in confiscated lands, whether by debt, marriage settlement, or otherwise, as lost to the parties, (in cases where such parties are not named in, or are not the immediate object of, the confiscation law) though we apprehend it may be difficult for them, without the aid of Government, to have their rights ascertained and secured.

We have thought it our duty to represent this to your lordships, as we apprehend it to be one of the objects of our inquiry to furnish Government with such information as may promote His Majesty's endeavors to procure from the United States of America restitution of, or recompense for, the estates and effects of the sufferers under the provisional article, as stated in the preamble of the act which first instituted the inquiry.

Extract from the report of the Commissioners of American Claims, dated 5th April, 1788.

There is likewise another description of persons, concerning whom we have been under considerable difficulties, as stated in our fifth report of the 7th April, 1786, namely, of loyal British subjects, who appear to have relief under

the treaty of peace, but state the utter impossibility of procuring it. We have stated these losses, therefore, in a separate class, (the eleventh) in order to facilitate the endeavors of Government to procure from the United States of America a restitution of, or recompense for, the estates and effects of the sufferers under the treaty of peace, or if that Government and the Legislature may be enabled to make them compensation at home, if it should be thought proper.

Extract from the report of the Commissioners of American Claims, dated 15th May, 1789.

With respect to the eleventh class, viz. of those who appear to have relief by the treaty of peace, it is to be observed that it consists of the value of reversionary interest in estates expectant on the determination of lives now in being, the value of the life interests being included in some of the other classes. It is proper to observe, likewise, that the fee of the property in these instances has been seized, confiscated, and sold, by the respective States in whose territory the property lies; and notwithstanding the provisions of the treaty of peace, we are afraid there is little probability of the recovery of such reversionary interests by the persons entitled in remainder. We submit, therefore, to the consideration of Government and Parliament, whether it will be more eligible to make those persons who have lost their life interests, a compensation only for the loss of those life interests, or to make a compensation for the fee simple of the property, to be paid to trustees, subject to the same uses to which the estates were settled; by which means, for a comparatively small additional consideration, those entitled in remainder will have no future claim on the justice and liberality of the nation, if they should not recover their property on the death of the tenants for life; and this country will become creditor of the different States for the value of this reversionary property, whenever an arrangement shall take place between the two countries of their respective interests and pretensions.

Extract from the decision of the Commissioners of American Claims, on the claim of Colonel Roger Morris, and Mary, his wife.

The Board is of opinion that the value of the fee simple of the said estate was £20,000, and that the value of the interest of the said Colonel R. Morris, and Mary, his wife, for their joint lives, and the life of the survivor, (as calculated by Mr. William Morgan, actuary to the equitable society of annuitants) is £12,605.

The Board, under all the circumstances of the case, is of opinion that the loss of the said Colonel R. Morris, and Mary, his wife, must be confined to the said sum of £12,605, which sum they accordingly allow for the same; but they do not consider the interests of the children of the marriage as being lost, the same being protected by the fifth article of the treaty of peace.

Extract from the decision of the Commissioners of American Claims, on the claim of Samuel and George Martin.

The commissioners disallow the claim, (so far as the reversionary interest of the son, George Martin, is concerned) considering the same to be protected by the fifth article of the definitive treaty of peace between Great Britain and America.

Although the commissioners are of opinion the reversionary interest of the claimant, George Martin, must be considered as being protected by the fifth article of the treaty of peace, it appears, nevertheless, that the whole property has in fact been seized and forfeited as the fee simple estate of the said Samuel Martin. And although a representation has been made to the Legislature of Virginia, setting forth the interest the said George Martin was entitled to therein, no attention whatever has been paid thereto.

Decision on the claim of the Right Honorable Robert Lord Fairfax, on behalf of himself and of Frances Martin, widow, his sister, and of Denny Fairfax, D. D., Philip Martin, Esq. and Thomas Martin, Esq. his nephews, and their three sisters, his nieces. Claim, £98,000.

MY LORDS:

The case of the Right Honorable Lord Fairfax being in many respects peculiarly circumstanced, and being of considerable importance in respect to the magnitude of the claim, we have thought fit to make it the subject of a separate report.

We find that His late Majesty, King James the Second, by letters patent, bearing date the 27th day of December, in the fourth year of his reign, which recite former letters patent of King Charles the Second, bearing date the 8th day of May, in the 21st year of his reign, did give, grant, and confirm, unto the Right Honorable Lord Culpeper, (grand-father of the claimant) all that entire tract, territory, or parcel of land in Virginia, in America, and bounded by and within the first heads or springs of the river of Tappahannock, alias Rappahannock, and Quoroug, alias Potomac river, the courses of the said rivers from their first heads, or springs, as they are commonly called, and known by the inhabitants and descriptions of those parts, and the Bay of Chesapeake, together with the said rivers themselves, and all the islands within the uttermost banks thereof, and the soil of all and singular the premises, and all the lands, &c. &c. to have, hold, and enjoy, the said granted premises to, and to the use of, the said Thomas Culpeper, his heirs and assigns forever, at the rent of £6 13s. 4d., payable as therein mentioned, all which said granted premises are commonly known and distinguished by the name of the Northern Neck of Virginia.

That all the said granted premises were, under such grants, held and enjoyed by the said Thomas Lord Culpeper from thenceforth to the time of his death, when the same became the property of, and vested in, the Right Honorable Catharine, late Lady Fairfax, his daughter, who, by her last will and testament, bearing date the 21st day of April, 1719, devises the same (inter alia) by the description of all her honor's lands, plantations, and premises in Virginia, unto William Cage, of Milgate, in the Parish of Bersted, in the county of Kent, Esquire, and Edward Filmer, of East Sutton, in the said county, Esquire, to hold the same unto the said William Cage, and Edward Filmer, and their heirs and assigns forever, upon the said several trusts therein and hereinafter described, that is to say:

Upon trust in the first place by mortgage, a sale of a sufficient part of the estates thereby devised to raise a sufficient sum for discharging all her debts, legacies, and funeral expenses; and after such mortgage, sale, and disposition,

To the use of her eldest son, Thomas Lord Fairfax, and his assigns, for life.

Remainder to the said William Cage, and Edward Filmer, and their heirs, as trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Thomas Fairfax, in tail male.

Remainder to her second son, Henry Culpeper Fairfax, and his assigns, for his life.

Remainder to trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Henry Culpeper Fairfax, in tail male.

Remainder to her third son, Robert Fairfax, and his assigns, for his life.

Remainder to trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Robert Fairfax, in tail male.

Remainder to the daughters of the said testatrix as tenants in common, in tail.

Remainder to the right heirs of the said testatrix in fee.

The said Catharine Lady Fairfax died in the said year 1719, soon after the making of her said will, whereupon the aforesaid lands and premises under the devise contained, became vested in the said Thomas Lord Fairfax, for the term of his natural life.

We find by a survey produced to us, made in the years 1736 and 1737, that the quantity of land contained within the boundary described in the aforesaid grant of King James the Second, was five millions two hundred and eighty-two thousand acres, a considerable part whereof, at the time of the breaking out of the troubles in America, had been granted by the late Thomas Lord Fairfax, and his predecessors, upon quit rents; other parts had been appropriated by his lordship as his private estate, and the remainder lay waste and ungranted.

We find, that the said Thomas Lord Fairfax, who resided in Virginia, at the commencement of and during the troubles in America, conducting himself as a loyal subject to His Majesty, but being of a very advanced age, (upwards of fourscore years) for that reason, as we presume, he was not divested of the said estates during his lifetime, but was permitted to hold and enjoy the same, until his death, which happened in the year 1781; whereupon the same descended to, and became vested in, the claimant, Lord Robert Fairfax, for the term of his natural life, (the said Henry Culpepper Fairfax having, many years before, died unmarried, and without issue) but owing to divers laws which have been since enacted by the State of Virginia, and which are hereafter set forth, he has been prevented from taking possession of, and enjoying, the same: for we find that, by an act of Assembly of the said State, passed at a session begun the 21st day of October, 1782, entitled "An act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act:" after reciting that, amongst other things, that no provision was made by the said act, or by the act for equalising the land tax, to credit the citizens in the Northern Neck for so much of the land tax as their respective quit rents might amount to; and that, since the death of the late proprietor of the Northern Neck, there was reason to suppose that the said proprietorship had descended upon alien enemies. It was therefore enacted, that persons holding land in the Northern Neck should retain sequestered in their hands all quit rents which were then due, until the right of descent should be more fully ascertained, and the General Assembly should make final provision thereon. And all quit rents which might thereafter become due within the limits of the said Northern Neck, were directed to be paid into the public treasury under the operation of the laws of that session of Assembly, from which quit rents the inhabitants of the said Northern Neck were thereby exonerated from the future claim of the proprietor.

By another act of the same session of Assembly, entitled "An act concerning surveys," after reciting that the death of the Right Hon. Thomas Lord Fairfax might occasion great inconvenience to those who might incline to make entries for vacant lands in the Northern Neck, it was enacted that all entries made with the surveyors of the countries within the Northern Neck, and returned to the office formerly kept by Thomas Lord Fairfax, should be held, deemed, and taken, as good and valid in law, as those theretofore made under the direction of the said Thomas Lord Fairfax, until some mode should be taken up and adopted by the General Assembly, concerning the territory of the Northern Neck.

By another act, passed at the session begun the 5th day of May, 1783, entitled "An act to amend the act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," after reciting "that, by the said act, all persons who were indebted for quit rents, due within the Northern Neck, were permitted to retain the same in their hands until the further directions of the Assembly, and that it was unjust that the executors of the late proprietor of the Northern Neck should be any longer prevented from receiving what was due to the said proprietor, at the time of his death, it was enacted that so much of the said act as permitted the persons indebted as aforesaid, to retain in their hands the sums due at the time of the death of the said proprietor, should be, and the same was thereby, repealed."

And by another act, passed at a session begun the 17th day of October, 1785, entitled "An act for safe keeping the land papers of the Northern Neck in the Register's office," after reciting "that, since the death of the late proprietor of the Northern Neck, the Right Hon. Thomas Lord Fairfax, no mode had been adopted to enable those who had, before his death, made entries for waste and unappropriated lands, in his office, nor to enable those who, since his death, had made entries within the said district, according to an act of Assembly, entitled "An act concerning surveys," to obtain titles for the same," it was enacted that, "where any surveys had been theretofore made, or thereafter should be made, under entries made in the life of the said proprietor, or under entries made with the surveyor of any county, under the act of Assembly aforesaid, and which had been returned to the said proprietary office, should thereafter be returned to the register's office, the register should make out grants therefor, to bear test under the hand of the Governor, and the seal of the Commonwealth, in the same manner as was by law directed in cases of other unappropriated lands; and the surveyors with whom such entries had been made, were thereby directed and empowered to proceed to survey and record the same, and to make return of such surveys to the register's office, in the same manner, and within the same time, as was, or should be directed, in cases of warrants issued for other unappropriated lands within this Commonwealth, and therefor grants should issue in the manner therein before directed." And it was further enacted, that, "from and after the passing of the aforesaid act, the unappropriated lands within the said district should be subject to the same regulation, and granted in the same manner, and all caveats should be proceeded upon, tried, and determined, as was by law directed in cases of other unappropriated lands belonging to the said Commonwealth." And it was further enacted "that the land holders within the said district of the Northern Neck, should be forever thereafter exonerated and discharged from composition and quit rents, any law, usage, or custom, to the contrary notwithstanding."

It has been represented to us, that, in the year 1786, a memorial was presented to the Assembly, on behalf of the claimant, (Robert Lord Fairfax) who, together with all the heirs in remainder, (except Thomas Martin) we find to be loyal subjects of His Majesty, who resided in Great Britain during the troubles, by his agents in Virginia, praying to be relieved from the effects of the acts before recited, and to be restored to the possession of the quit rents within the said Northern Neck, to which he was entitled under the will of his mother, as before mentioned, which application was unsuccessful; but no copy of the said memorial, nor of the minutes of the said Assembly, relative thereto, having been produced to us, we are unable to state the particulars of the said application, or the grounds upon which the same was rejected.

On a full consideration of the above acts, it does not appear to us that there is anything contained in them (excepting the act of 1785) which operates as a forfeiture of the estate of Lord Fairfax, or those in remainder, after his decease: for, although the first act, of October, 1782, directs the payment of all quit rents that should thereafter become due, into the treasury, yet we cannot infer the object of that direction to have been any other than the same which is expressed in that act, as to the prior quit rents, which are thereby directed to remain sequestered in the hands of the landholders in the Northern Neck, viz: there to remain until the rights of descent to the said territory should be ascertained, and the General Assembly should make final provision thereon. But the act of 1785 having placed the said district under the same regulations with all the other lands within the said State, and having, also, totally abolished the quit rents due therein, we are of opinion that Lord Fairfax, and those in remainder after his decease, are, thereby, entirely divested of their estate, and interest therein, and have lost every prospect of recovering the same.

At the same time we cannot help remarking, that this act appears to us to militate strongly against the spirit and meaning of the sixth article of the treaty of peace, which provides that there shall be no future confiscations made, or any prosecution commenced, against any person or persons, for, or by reason of, the part which he or they have taken in the (then) present war, and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property: for, although it is not, by the terms thereof, an act of confiscation, yet it has all the effect and operation of an express act of forfeitures; and although the grounds and motives of passing it are not expressed in the act itself, we cannot but conclude that, if the parties interested had not been considered as British subjects and aliens, either the landholders would not have been exonerated from the payment of quit rents, or that some compensation would have been made in lieu of the same.

It does not appear to us that the act of 1779, entitled an act concerning escheats and forfeitures from British subjects, which is the only act of the State of Virginia which operates as a general act of forfeitures, has any relation to the present case, the same having been passed a considerable time previous to the death of the late Thomas Lord Fairfax, and none of the directions therein contained for ascertaining who were objects of the same act, having been pursued with respect to the present claimant, or, granting that they had, it could only operate as a forfeiture of the

individual interest of Lord Fairfax for the term of his life; the estate of those in remainder being, in that case, as we conceive, protected and preserved by the fifth article of the treaty of peace, by which it is agreed "that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights." We submit, therefore, whether this be not, under all its circumstances, of the cases which call for the interposition of Government, to assist the parties in obtaining a restitution of their just rights, which are thus guaranteed and protected by the treaty.

We have had some difficulty in ascertaining the value of the estate in question, for the several books and papers relative to the land office, having been, as we are informed, and appears by the act of Assembly of 1785, taken possession of by the State, it has not been in the power of Lord Fairfax to lay before us such clear and decisive evidence of the amount of the annual quit rents as was desirable; we have, therefore, been obliged to estimate them from the parole evidence of severable respectable witnesses, as to the general repute of the country of their amount, previous to the war, and the positive testimony of his lordship of their produce in the year 1768, when he was in Virginia, and had access to the books wherein the accounts thereof were kept; and, on a general consideration of all its circumstances, we are of opinion it will be just to value the said estate at £60,000; and, in order that Parliament may have every information to guide its determination, with regard to the compensation it may think fit to make for the loss of this property, if that should be its ultimate resolution, we have calculated the value of Lord Fairfax's life in the above sum, which we find to be £13,758.

In the above sum, we have not, for the reasons stated in our first general report, taken into account the arrears of quit rents, which are stated, by Lord Fairfax, to amount to £28,000, nor of the waste or unappropriated lands, no proof having been laid before us of their extent or value, nor any claim made for the loss thereof.

With respect to the private and unappropriated estates of the late Thomas Lord Fairfax, no evidence has been laid before us to show that the present Robert Lord Fairfax has any title thereto, or interest therein, neither does it appear that the same has been confiscated or forfeited; on the contrary, the inference is, that no forfeiture has taken place: for the act of 1783, having declared that it was unjust that the executors of the late proprietor of the Northern Neck should be any longer prevented from receiving what was due to the said proprietor at the time of his death, and having repealed the provisions of the former act, whereby the quit rents were ordered to remain sequestered in the hands of the landholders, it is to be presumed that the residue of his private estate has been equally protected and preserved, for the benefit of those entitled thereto.

For these reasons, and because no express claim has been put in for the loss of the private estates of the late Lord Fairfax, we have not thought it material to go into a particular inquiry respecting the same.

Copy of a letter written by John Wilmot, Esq. to George Rose, Esq.

Mr. Wilmot presents his compliments to Mr. Rose, and acquaints him that Lord Fairfax's property in America claims at £60,000, in which Lord Fairfax had only a life estate. The commissioners made a special report on this case, being under very particular circumstances. The result, however, was, that Mr. Pitt recommended to Parliament to pay Lord Fairfax the value of the life estate, which, after deducting what his lordship had already received from Government, amounted to the sum of £11,868.

No sum was recommended by Mr. Pitt to be granted to those who have the reversionary interest after Lord Fairfax's death.

JANUARY 24, 1792.

To the Right Honorable WILLIAM LORD GRENVILLE,

His Majesty's Principal Secretary of State for the Foreign Department, &c. &c.

The memorial of divers American loyalists, in behalf of themselves and others, residing in Great Britain and elsewhere, in His Majesty's dominions, most respectfully sheweth:

That your memorialists, at the time of their banishment, and confiscation of their estates, had large sums of money justly due to them, by some of the richest inhabitants of the American States, on bond, note, and other securities, which were included in your memorialists' claims, delivered in to the commissioners of an "Act for appointing commissioners to inquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to His Majesty, and attachment to the British Government." But, on the discussion of those claims, your memorialists were informed, by the said commissioners, that they could not take cognizance of such debts, as provision was made for the recovery thereof by the definitive treaty of peace between Great Britain and the American States.

That your memorialists have since exerted every endeavor to recover the moneys so due to them from their debtors, but were restrained by laws, passed from time to time, in the American States, regardless of the treaty; and where your memorialists' debts had been confiscated by laws of any of the States, on suits instituted by them, for the recovery thereof, it has been adjudged by the federal courts of the Union, "that those debts were extinguished as to your memorialists, and vested in the States that passed the confiscatory law;" your "memorialists not being real British subjects, but American British subjects, and therefore not entitled to the benefit of the treaty of peace;" which adjudication equally precludes your memorialists from relief where their moneys had been paid, for their use, by their debtors, into the public treasuries, pursuant to laws of any of the States; and also where their debtors had discharged the moneys owing by them in a depreciated paper currency, at the rate of six pence or less in the pound, under the sanction of arbitrary and unjust tender laws, passed from time to time in the American States during the war; although it is expressly stipulated by the 4th article of the treaty of peace, "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted;" which article of the treaty mentioning creditors on either side, generally, without the least allusion to creditors of any particular description, the words "shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts, heretofore contracted, must necessarily refer to laws and adjudications that would defeat the object as to any creditor who had adhered to Great Britain, and made themselves a party in the controversy; nor is the distinction between real British subjects and American British subjects reconcilable with the intent of the treaty, as it would promote a spirit of resentment and persecution, which ought to subside on a return of the blessings of peace. Besides, this distinction is evidently repugnant to reason; because it admits a right to recover debts in the British merchants who took no active part in the contest; and disallows that right to your memorialists, who manifested their allegiance by submitting to the attainer of their persons, and confiscation of their estates, and all the calamities of war, which are the strongest proofs of national attachment to natural justice, because it enable debtors to evade the just demands of their creditors, in violation of the most solemn contracts and obligations, which have ever been held sacred among all civilized societies.

That your memorialists, being informed that the British merchants have been called on by His Majesty's ministers for some statement of their demands against the subjects of the American States, in the negotiation now pending between their plenipotentiary and the British court, your memorialists think it a duty they owe to themselves and to the Government, to lay this representation of their hard case before your lordships, trusting their rights will meet with due attention in that negotiation; and that, if they should not ultimately obtain satisfaction of their just demands in America, according to the treaty of peace, to which they have been referred by the commissioners of

the act of Parliament, above mentioned, your memorialists' claim on the national justice for compensation and relief, pledged to them by that act, will merit your Lordships' countenance and protection.

In the hopes whereof, your memorialists in gratitude will pray, &c. &c.

ROBT WILLIAMS,
J. PARKER,
EDMUND HEAD,
JOHN DAVIS,
W. P. TONGE,
R. W. POWELL,
JOHN STOPTON,
ROBT GILMOUR,
WM. BROWN,
S. H. JENKINS,
LEWIS JOHNSTONE,

As executor to

By his attorney, John Irvine.

CHARLES and RT. COOKE,
JAMES WILSON,
for Cumberland Wilson.
THOMAS HARPER,
THOMAS YORKE,
ROBERT COOPER,
Henry Permann, Esq., deceased.
JOHN RENNIE,
JOSIAH TATHNALE,
for John Hamilton & Co.
CHARLES ATKINS.

LONDON, October 9, 1794.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, December 3, 1794.

SIR:

As I cannot get a confidential person going to *Liverpool* in the ship which will carry this letter, to take charge of some remarks which will be submitted to your consideration, I prefer to send them by two other ships going to-morrow or next day. In them a passenger will be found, who will hasten to you with fidelity.

You must have received, almost by this time, my letter, which requests you not to stipulate against our citizens in case of a war between us and Great Britain, taking privateering commissions against that country. I barely repeat it now.

The remarks above alluded to relate to the treaty on foot. Although, in the combining of your and Lord Grenville's projects, things may be so changed as that observations directed to each may be unavailing and inapplicable, yet, I must, in the hurry of the moment, take the liberty of suggesting that I am extremely afraid that the reasoning about the negroes will not be satisfactory. Indeed, I own that I cannot myself yield to its force. But, if you omit mentioning them *at all*, will not some quarters of the Union suppose themselves neglected?

If the British are to retain the posts until 1796, and have free access to the Indians within our limits in the mean time, have we not reason to apprehend that they will contrive to perpetuate their ascendancy over them?

The departure of the vessel precludes more at present. I will, therefore, only acknowledge your duplicates Nos. 15 and 16, and your letters of the 18th of September and 2d of October, being Nos. 17 and 18.

The arrival of Mr. Bayard, and a letter from me preceding his appointment, will explain to you that it is the intention of the Government that the costs and damages attending *all* vessels and cargoes, within the catalogue of spoiliations, should be defrayed by the United States; and that Mr. King's case, mentioned in my letter of August 15, is not regarded as discriminated from the others; but that all are to receive equal patronage in this particular. It will be, however, of course, understood, that if, in this and the other cases, you can obtain redress, without a process through the courts, it is the wish of Government that the shortest method be pursued.

I have the honor to be, sir, with great respect, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 26.

LONDON, December 10, 1794.

SIR:

I have been favored with your letters of the 11th and 20th October last, with the papers mentioned in them. As the treaty concluded on the 19th of last month was sent by the packet, and a duplicate was committed to the care of Mr. Blaney, who sailed in a vessel for Virginia, commanded by Captain Vickary, I flatter myself it will arrive before you receive this letter.

It gives me pleasure to acknowledge the attention and punctuality manifested in your letters, and your prudence in publishing only, in the way you mention, advices respecting the negotiation.

Yesterday I received a letter from Mr. Bayard, informing me that he was on the road from Falmouth to this place, and giving me a hint of his appointment.

Being very solicitous to return home, I purpose to embark in one of the spring vessels for New York or Philadelphia. The treaty may possibly not arrive so soon as that the ratification will reach this place before my departure, especially as not only the packet, but also Mr. Blaney, were detained a considerable time by contrary winds. I beg leave, therefore, to submit to the President's consideration the expediency of instructing Mr. Pinckney to make the exchange, in case of my absence, and of authorizing him to execute such instructions to me as may be sent with the ratification.

I wish I was now at Philadelphia, not only because I should then be in my own country, but because I could give you interesting information, which cannot be so advantageously communicated in writing as in conversation. I will make one remark. This treaty may be used to open the Mississippi and rivers running through Florida.

With sentiments of respect and esteem, I have the honor to be, sir,

Your most obedient and humble servant,

JOHN JAY.

The Honorable EDMUND RANDOLPH, Esq. *Secretary of State, &c. &c.*

P. S. You will receive, herewith enclosed, a copy of Lord Grenville's full powers. Duplicates of Nos. 23, 24, and 25, are already on board the ship which will bear this.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, December 15, 1794.

SIR:

I suggested to you, in my last letter, on the 3d instant, the reason why much scope of observation could not be indulged, by the opportunity which then occurred, on your letter of September 13, 1794. Having a full assurance now that the danger of the sea can alone prevent this despatch from reaching you in safety, I shall take the liberty, under the correction of the President, to run through, in a summary way, some parts of your interesting communication.

At the threshold, however, this important difficulty awaits us. Upon the fitness of your own or Lord Grenville's propositions, separately viewed, we might, perhaps, decide with satisfaction to ourselves. But, until the

two projects shall be moulded into one—until we shall, at least, see how much will be yielded, on either side, our remarks may not only wander from the true points, which may be best entitled to examination, but may also mislead you, if they be not cautiously applied to a state of things which is not precisely the same with that which gave rise to them. You will be pleased, therefore, to accept them as testimonies of our anxiety that your mission may terminate happily to our country, and honorable to yourself; hoping that, although they should arrive after some conclusion with the British ministry, they will operate so far as the then position of affairs will permit.

As a mere point of honor, it would certainly have been immaterial to settle what act, on either side, constituted the first violation of the treaty of peace. Nor can we, at this distance, judge as well as yourself to what degree the whole of our claims, pretensions, and complaints, may be affected by relinquishing, or failing to fix on the British Government, the first infraction. But, really, sir, the force of Lord Grenville's reasoning appears to fall very short of its object.

That a property is acquired in moveables as soon as they come within the power of the enemy, is acknowledged. But it will not be denied that rights, even in moveables, acquired by war, may, by the treaty of peace, be renounced. In this instance, there was great reason for such a renunciation. Negroes were not, like moveables in general, difficult to be distinguished. They carried an infallible mark. British debts were stipulated to be paid, and the States in which the mass of them lay, depended for their payment, principally, on the culture of their soil, and, for the culture of their soil, on this species of labor. As property, the British Government could not have been tenacious of negroes; and it may, therefore, be supposed that, in this view, they were so indifferent as to be the more easily given up.

If the stipulation as to negroes did not mean an alteration in the actual state of property, and imported only an engagement not to cause any destruction, or carry away any negroes, or other American property, why was it made? The cessation of war implied the cessation of further depredations; the renewal of depredation would have been the renewal of war. The words of treaties, if they can be construed in an operative sense, ought not to be turned to signify merely what would have existed without them. It was a thing, of course, that orders should be given by the British Government against plundering, on the evacuation; or, if they should not be given by Government, it became incumbent upon the commander, in behalf of the British army in America, to issue them under his own authority.

The essence of Lord Grenville's argument seems to consist in a refinement of interpretation which he gives to the words "*other property of the American inhabitants*," as if they confined the word "negroes" to those negroes who should be thereafter captured from the Americans by the British arms, and excluded such as were then denominated, by the rights of war, British property. The use of the term "*negroes*," by itself, proves that the inquiry was simply to be, whether the persons who were not to be carried away came within the description of negroes, generally; and it is as fair to conclude, from the words "*other property of the American inhabitants*," that the opinion of the negotiators was, that negroes within the British power were made, thereby, American property, as the reverse. The fact, too, is, that the original proprietors of the negroes never lost, entirely, the hope of recovering them, still called them theirs, would have reclaimed them, upon the principles of postliminy, if they had been retaken by the army of America, or its ally, and thus even the plenipotentiaries themselves might, without any impropriety, have talked of the negroes in British possession as the negroes of the American inhabitants. These ideas are supported by other parts of the 7th article. Why is the "*carrying away*" only mentioned, if negroes which might be thereafter seized were chiefly contemplated? Is it not reasonable to believe that, with this impression, it would have been said that negroes shall not be *captured and carried away*? If a critical exposition must be resorted to, "*carrying away*" implies that the thing to be carried away is already in possession. Another part of the stipulation is, that the American artillery that may be in the fortifications shall be left therein. That is, not artillery made in America, but artillery the property of America, or, in other words, of the United States. Now, this artillery was surely the property of the British, at the moment of capture, and yet no pretence, as far as I can learn, was hatched up to carry away our cannon.

For the interpretation of treaties, as well as in all moral reasoning, general rules are prescribed; but your own experience must have satisfied you that these rules can be seldom applied with mathematical precision. We have an example of this in Lord Grenville sheltering himself from the true construction of the article of the treaty, by branding it with the epithet "odious." What is more customary than for nations to surrender rights? What more common than for them to surrender, on a peace, rights acquired purely and solely through a war? The construction is not odious, because the British Government hate slavery. No, sir, they established it in the United States, while colonies; they continued the importation of slaves against the will of most of the States; it exists, by their authority, in many of their foreign dominions. The odium, then, of the business, must be in depriving the slaves of the liberty granted to them, that is, in first giving, and then taking away. In answer to this, I observe, that the construction is not so doubtful as to let in any remarks upon odium: for vague ideas of this kind are inadmissible, except in truly doubtful cases. There might, perhaps, have been some countenance to this plea, if we should insist that slaves, originally belonging to the British, and afterwards manumitted by them, were now demanded by us to return to their former condition. But those in question belonged to our citizens: the war only presented the chance of liberation. They were covered in their flight from their masters by the operation of war. They must have been conscious (and such is the law of nations) that, if they had been regained by their former proprietors, in the course of the war, they would have reverted to the condition of slaves; and that what the war gave, might, by a peace, be taken away.

You must be too sensible of the anxiety of many parts of the United States, upon this subject, to pass it over unnoticed. Permit me, therefore, to beg your attention to the foregoing ideas, since I have it greatly at heart that your negotiation may not be encumbered by any objection which may be anticipated.

It was at first hoped that, as you had proposed June, 1795, for the epoch of surrendering the posts, and have not commented upon the proposition of Lord Grenville, for June, 1796, there might have been a mistake in copying what he wrote. But the duplicate of your letter of September 13th confirms the truth of 1796. In a past letter, you have been apprised of the unpleasantness which will accompany such a result. Further reflection has not diminished, but, on the contrary, has increased the repugnance of the President to this extension of the time. There may be a danger of our losing the moment when we may be the most impressive. If we have been fortunate enough, at present, to catch the wheel of political events, in its rapid revolutions, before June, 1796, the face of things may be so much changed as to substitute the spirit which governed Great Britain in her past injustice towards us, in the place of that moderation which we experience in the hour of her depression. Every artifice for riveting an ascendancy over the Indians, and counteracting our competition for the fur trade, will have had its fullest scope. In short, the interval will be employed in rendering the transference of the British fort, from one side of the river to the other, as little operative as possible on the minds of the Indians, by gradually managing and persuading them to believe that the new position is more convenient to them, and that the removal was the effect of choice, and by an infinity of other pretences. And truly, sir, it cannot be deemed severe to insist upon June, 1795. For what purpose, sincere in all its aspects, is a twelvemonth more wanted? The distance for transporting the appendages of the garrison within the British territory is trifling, and becomes more so, by the facility of water carriage. The settlers under British auspices will be protected. The season will be favorable. The President is therefore very much fixed in the opinion that the arrangements for June, 1796, will be injurious to the United States. We are fully sensible that something was to be yielded for the accommodation of the British garrison, so as not to precipitate their surrender of the places unnecessarily; but no title to indulgence seems to go beyond June, 1795; and the President instructs me to add that, as long as the British retain Detroit, and other posts within our limits, he is convinced that we shall never have perfect tranquillity with the Indians. The free ingress and egress stipulated for British subjects, and the Indians, will, it is feared, strike deep into our Indian trade; nor can we be sure that the reciprocity claimed by you will compensate the inconvenience. Nor yet can it be calculated how much our revenue may be impoverished, if goods may be imported through Canada duty free.

I have the pleasure to inform you that your reasoning and conduct respecting the St. Croix and the Mississippi appear to be very judicious, and the form in which those subjects have been placed by you, according to your different letters, is approved by the President.

The correspondence between Mr. Jefferson and Mr. Hammond, relative to the captures of British vessels by French cruisers, fitted out of our ports, or manned by our citizens, places the subject of compensation upon the ground which is the most acceptable to the President.

Ought any settlers or traders within the precincts of any British garrison within the United States, to be protected in their landed property there, unless it lies strictly within the just limits of a garrison, and their title originated before the peace? Perhaps nothing more is meant; my suggestion is for greater certainty only.

Neutral commerce, if it can be so settled, had better be freed, as much as possible, from contraband. But it is peculiarly important that provisions should be so.

I am apprehensive that, to bind the British King to compensation only where our property has been illegally captured and condemned, under color of his authority and commission, or where apparent full justice and compensation cannot be obtained, and actually had, by judicial proceedings, will not reach the mischief; and that there is no effectual mode for repairing it but by granting compensation upon the broad ground of the principle of the instructions of November 6, 1793, being unsound; that is, by providing that they violated our rights in authorizing condemnations; or it will amount to the same thing if it be said that it was not the intention of those instructions that they should form a law for condemnation. In either case, compensation will follow.

My former letters have communicated the desire of the President that, in case we should have a war with Great Britain, we should not be excluded from privateering commissions.

You, sir, who have before you the whole of this affair, from its first breaking to the British ministry, know best how to balance reciprocal concessions, which shall be satisfactory to the people of the United States. But the difficulty of accomplishing such a work is very apparent at all times; and the delicacy of undertaking to pay the damages sustained by British creditors by lawful impediments, in consideration of advantages under a different deal, is, at this time, exceedingly great.

The question as to the first violation of the treaty assumes an important shape, when your proposition for the United States to compensate the consequences of impeding the recovery of British debts is examined; because, if the British were the aggressors as to the negroes, we had a right to retaliate. But, throwing this out of sight, since it appears that you and Lord Grenville could not begin to agree until this discussion was dismissed, permit me to add, that the litigation will be extremely involved when it is attempted to ascertain the various kinds of losses arising from the deaths of the debtors, the loss of evidence, &c. &c. &c. The sum will not be inconsiderable. Many estates have been incapacitated to pay British debts by being deprived of their negroes by British arms. One-half, at least, of the United States would be very reluctant in assuming the payment of these sums, and, perhaps, would not think the *douceur*, in trading to the West Indies, and other places, as sufficient. However, if it is necessary, in order to accomplish the negotiation amicably, that this species of compensation should be made, ought not the United States to be considered as assignee of the judgment entered up against the debtor, that they may reimburse themselves as far as they can?

You have doubtless considered how far we may be compelled to extend to the nations with whom we have treaties of commerce, the same privileges which are granted to Great Britain, and what the effect may be upon our revenue and commercial regulations.

Not only in the foregoing observations, but also in those which follow, and are more particularly directed to the commercial project of Lord Grenville, have I been guided by these two ideas: 1. that, as much conference had taken place between yourself and Lord Grenville, at an early period after your arrival, and before any shape was given to the business by formal propositions, many points may have received, before that time, by mutual understanding, a form which candor or delicacy may create a difficulty in attempting to change; and 2. that, from the latitude of your instructions, you were left at such full liberty as to render it improper to seem to get rid of some share of responsibility, by passing too minute strictures on what has been done. I flatter myself that the style of our intercourse has satisfied you that nothing can be farther from my mind than any measure which, in a similar situation, I should not wish to be pursued in my own case; and you may be assured that, if it was not for the hope that the course of this transaction, and my letter of the 12th ultimo, may, perhaps, have kept it unclosed, I would not trouble you with any remarks.

The greater part of the first article, in Lord Grenville's commercial project, seems to be little more than that courtesy, and liberty of trade, and access to our ports, which is usually granted by one friendly nation to another. But, if its meaning extends further, will not the provision which subjects what respects this article to the general laws and statutes of the two countries, respectively, leave the whole of this matter to the discretion of the two countries, and thereby render the stipulation totally unavailing, at least when the Legislature of either chooses to make it so?

The second article is customary, and Lord Grenville's correction of it is, perhaps, more suitable to the temper of the United States, which would steer as clear as possible of giving the least handle to a foreign Government to seduce our citizens by the allurements of office. Is it intended that there should be no delineation of consular powers, in any stage of the negotiation? The customs of most nations differ on this head; and, for ourselves, it can hardly be said that we have any, except those which are defined in the consular convention with France.

In article 3d, the light house duties of the particular kind being relinquished, it is an important consideration that, as the distinctions which now exist between foreign and our own vessels are really of moment to our trade, our merchants will see them relinquished with reluctance, unless there be some very obvious equivalent; and if the stipulation extends to the removal of the distinction in the duties on goods brought to the United States in British bottoms, their reluctance will be so much the stronger.

The fifth article wants reciprocity. The British system is established upon the most abundant experience and examination of all the relations of British commerce, and contains now numerous prohibitions. Our system, which time will mature and improve, contains none. By fixing this state of things, we should renounce an important right, of the defensive kind at least, and place ourselves on an equal footing. At any rate, it gives a claim to some very considerable equivalent.

I should have probably conjectured that this equivalent was supposed to be found in the sixth article, which opens to us the British West Indies to a certain degree, had it not been for your observation, that "you had strenuously urged the justice of compensation for the detention of the posts, and that you consider the privilege of trading to the West Indies as providing for claims of that kind." We are, therefore, led to weigh one part of this article against the other; to compare this article with the arrangements of our trade to British Europe, in the preceding articles, and to ascertain where the balance of advantage lies. Upon this head three remarks more particularly arise: 1st. The duration of the privilege to trade to the West Indies not being co-extensive with the other parts of the treaty, the short term of its existence, as proposed to be granted, renders it of inconsiderable value. 2d. I confess that I would not positively say that the proviso which prohibits vessels of the United States from carrying "*West India productions or manufactures in American vessels*" from the British islands, or the United States, to any part of the world, except the United States, is to be interpreted so literally as to extend to the West India productions or manufactures, or the West India possessions of other countries than the dominions of Great Britain. But there is a doubt of some magnitude whether this proviso may not be so interpreted. If it is to be so interpreted, we should renounce a valuable branch of trade, now enjoyed, and probably much more than would be gained. You will, therefore, I am sure, see the propriety of removing the doubt and preventing the mischief. 3d. But, even if the proviso is not to be construed in this harsh sense, still it would imply, in its mildest signification, that, after we have brought into the United States the productions or manufactures of the British West Indies, and have, by our own labor, improved them, or converted them into another form, we shall not carry them, except in sea stores, or rum made in the United States, to any foreign dominion whatsoever, although it may not have the smallest dependency on Great Britain. This is unreasonable in every view. The restriction applies even to those West India productions and

manufactures which *British vessels themselves* bring hither, because they find it profitable to do so. It dictates too much to the United States in what manner a certain portion of our foreign export trade is to be conducted. And why is Lord Grenville desirous that this should be done? Ought not the British Government to be contented with the advantage which they will possess by being able to carry the productions and manufactures of their West Indies directly to foreign ports, while we should be first obliged to land them in the United States? Besides, we shall expose ourselves, by such a stipulation with Great Britain, to be urged upon the same points by every nation which is entitled to enjoy the privileges of the most favored nation.

The duration of twelve years, given by the seventh article to the treaty, as it respects the trade with Europe, and of only two years, as it respects the trade with the West Indies, will probably be very unacceptable. It will be the more so, as the commercial project of Lord Grenville does not even secure the *status quo* with the European dominions of Great Britain; that is, it does not secure the particular privileges and exemptions which we now enjoy by proclamation, compared with other foreign nations.

We might, perhaps, be better able to decide what is proper to be done, if we knew how far the whole of one project might be made, in the purpose of the British ministry, the condition for the whole of the other; how far one part of one project may be the condition of another part of the other; or how far any particular part of either project may be the condition of the whole of that project. It is a great satisfaction, however, to believe that most of these remarks have occurred to yourself, and that the interest of the United States is well reposed in your discernment, talents, and zeal.

I have the honor to be, with the greatest respect, sir, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 27.

LONDON, January 7, 1795.

SIR:

I have been favored with yours of the 29th October, 3d of November, and 12th of November, with the papers mentioned in them.

Considering the number of capture cases which Mr. Bayard would have to manage, and apprehending that it might cost much time and trouble to prevail on private persons to become sureties for costs, it appeared to me advisable to propose to Lord Grenville a stipulation on that subject.

On the 17th of last month, I had a conference with his lordship. He expressed much satisfaction with Mr. Bayard's appointment. He considered it as a conciliatory measure, and would, with pleasure, do whatever might depend upon him to facilitate the business. We both saw that difficulties would occur in forming such a stipulation. He promised to consider it, and, after consulting the advocate general, to converse with me again upon the subject.

In the mean time, Colonel Trumbull set about making an accurate list of the papers in my possession, and which Mr. Bayard was to receive from me. That no time might be lost, several of the cases were delivered to him within a few days after his arrival.

On the 25th December, I received the following letter from Mr. Bird, viz:

[LONDON, 25th December, 1794.]

DEAR SIR:

The offer I made two days ago to you and Mr. Pinckney was under the impression of the moment, and to give what little assistance might be in my power to remove any difficulty in the arrangements to be made for the adjustment of the appeals from our courts of Vice Admiralty.

On hearing that the security of the United States was to be offered as bail in these appeals, it struck me that, although no possible difficulty could arise as to the validity of the security, an objection might be made to the bail being given by a Government, not liable to be sued, instead of the usual mode of the bail of a person, resident in London, who could be sued. Under this impression, I immediately made the offer that, in such case, where it would be wanted, I and my partners would give the bail, taking the counter security of the United States.

Having since made inquiries in the commons, I find it likely that the objection would be made there on the ground of informality and deviation from the practice of the court, unless it was set aside by an order in council.

Under these circumstances, having consulted my partners, and obtained their full concurrence, I beg leave to repeat the offer, that in all such cases where the security of the United States was intended to be offered, which I suppose to be in those appeals where the parties in America have not the means of giving security by their regular correspondents, and even in these cases, if it be the intention of the United States to give their security in them, my partners and I are ready to give the requisite bail, taking as our counter security the bail of the United States, in such manner and form as you are empowered to give it, and as shall by our counsel be deemed sufficient to secure us, and provide for the reimbursement of such sums as our bail may make us liable to.

This offer is made from an anxious desire to serve both countries, by assisting in paying the way for your obtaining full justice to your citizens for the real injuries they have suffered, particularly under the hasty order of November 6, which, from the first moment of knowing it, I have never ceased to condemn, as equally unjust and impolitic. As nothing but proper compensation for the injuries your citizens have suffered, under that and similar measures, can restore that cordial friendship which it has ever been my wish to promote between the two countries, I trust that, by this offer of my feeble services to America, I cannot give a stronger proof of my zealous attachment to the real interests of my own country.

I have the honor to be, &c. &c.

H. M. BIRD.

To the Honorable JOHN JAY, &c. &c.

To this letter I returned the following answer:

LONDON, December 26, 1794.

DEAR SIR:

I have been favored with your letter of yesterday, and am much obliged by the offer contained in it, which I think it expedient for Mr. Bayard to accept; I will prepare an instrument to provide for your being indemnified by the United States, which, when finished, I will submit to your consideration.

A copy of your letter shall be transmitted to the Secretary of State at Philadelphia, and I am persuaded that the friendly conduct of you and your partners, on this occasion, will make correspondent impressions on the Government and people of the United States.

I am, dear sir, your most obedient and humble servant,

JOHN JAY.

To H. M. BIRD, Esq.

In consequence of Mr. Bird's offer, I wrote the following letter to Lord Grenville, viz:

To the Right Honorable Lord Grenville, &c. &c. &c.

ROYAL HOTEL, PAUL MALL, December 26, 1794.

MY LORD:

I have received a letter from Mr. H. M. Bird, of this city, containing an offer to become surety, together with his partners, for costs in the prosecution of claims and appeals in the capture cases, on engagements to be indemnified by the United States.

The difficulties which attend the stipulation on this subject, which I had the honor to propose to your lordship, induce me to think it advisable to accept this offer, and thereby relieve your lordship from further trouble on that head. I shall endeavor to make the necessary arrangements with Mr. Bird and his partners, and will inform your lordship of the result.

I have the honor to be, with great respect and esteem, your lordship's, &c. &c. &c.

JOHN JAY.

To this letter I received the following answer, viz:

DOVER STREET, December 26, 1794.

DEAR SIR:

I was about to write to you on the subject of the security, when I was prevented by your obliging letter. A slight indisposition, which has confined me to my room for these last three days, had hindered my seeing the King's advocate, as I had proposed. I had, however, taken some steps to bring the subject under his consideration.

The difficulties which seemed likely to arise, are completely done away by the mode which you have adopted; and I cannot omit this opportunity of again expressing to you the great gratification which we have all derived from so judicious and conciliatory a step as that taken by the President of the United States.

GRENVILLE.

To the Honorable JOHN JAY, &c. &c. &c.

After having prepared the papers which, in my judgment, were proper for Mr. Bayard and myself to execute, in order to indemnify Mr. Bird, I sent them to him for his consideration. On the 3d instant, Mr. Bird called upon me: I explained to him exactly, in the presence of Mr. Pinckney, the precise state of the business; I observed to him that the Congress had not as yet passed any act for appropriating money to these purposes; but I had no doubt but that the arrangements contemplated, and the measures adopted by the President, relative to these cases, would meet with their approbation. He was desirous that the papers should specify the manner in which he should be reimbursed any sums which he might be obliged to pay. I observed that it was not in my power to make any provision of that kind, without further instructions. We then completed the draughts of the papers. He said he would consult his partners, and inform me without delay of their joint determination. In the evening I received the following letter from him, viz:

JEFFRIES SQUARE, Saturday, three o'clock.

DEAR SIR:

My partners agreeing with me that we run no risk in trusting to the honor and integrity of the Executive and Legislature of the United States, to perfect what Mr. Bayard has been authorized to engage for, you may complete the writings, and I will call on you on Tuesday at 12 o'clock.

I am, &c. &c. &c.

H. M. BIRD.

Honorable JOHN JAY, &c. &c. &c.

The following are copies of the papers above mentioned, viz:

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States has been pleased to appoint you agent to manage claims and appeals in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty: And whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given: And whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, and Bird, have offered to become sureties, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement of the said United States to indemnify them for any losses or damages which they may sustain thereby: And whereas I am empowered and instructed to authorize you to execute bonds, and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, and Bird, that the said United States shall and will well and truly indemnify, and keep harmless, the said Bird, Savage, and Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the 5th day of January, in the year of our Lord one thousand seven hundred and ninety-five.

JOHN JAY.

Sealed and delivered in presence of

JNO. TRUMBULL,
P. A. JAY.

To SAMUEL BAYARD, Esq.

Know all men by these presents, That, whereas John Jay, envoy extraordinary from the United States of America to His Britannic Majesty, hath made and delivered to me an instrument in writing, under his hand and seal, in the words following, viz:

To SAMUEL BAYARD, Esq.

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States has been pleased to appoint you agent to manage claims and appeals in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty; and whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given; and whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, and Bird, have offered to become sureties, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement of the said United States to indemnify them for any losses or damages which they may sustain thereby; and whereas I am empowered and instructed to authorize you to execute bonds and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, and Bird, that the said United States shall and will well and truly indemnify, and keep harmless, the said Bird, Savage, and Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties, as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Now, know ye, that I, the above named Samuel Bayard, agent, as aforesaid, do hereby pledge the faith of the said United States to the said Bird, Savage, and Bird, that the said United States shall and will well and truly indemnify and keep harmless the said Bird, Savage, and Bird, and each and every of them and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties, as aforesaid, and shall and will well and truly repay to them, their heirs, executors, or administrators whatever sums of money they, or either of them, shall be obliged to pay on that account, with interest for the same.

In witness whereof, I, the said Samuel Bayard, agent, as aforesaid, have hereunto set my hand and seal, at London, on the — day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Sealed and delivered in the presence of —.

Having more public money in my hands than I shall probably want, and Mr. Pinckney thinking that he could draw some money from Holland, we agreed each to place five hundred pounds in Mr. Bird's hands, as a fund to defray the current expenses of the prosecutions, until the measures to be taken on your side of the water for the purpose can be concerted.

When this is done, I purpose to give Mr. Bayard instructions relative to his drawing and applying moneys from this little fund; as to his agency, in general, I have given him the following, viz:

To SAMUEL BAYARD, Esq. appointed by the President of the
United States of America agent for claims and appeals, &c. &c. &c.

It having been made my duty to give you instructions relative to your agency, I think it expedient to give you the following for the present, and will add to them as circumstances may require:

Agreeably to the advice which you have already received from me, you will procure a proper register, and enter in it the title of every cause, and note the different papers which belong to it, and minute, from time to time, every step and proceeding in the cause.

You will, I think, find it useful to class all the cases according to their discriminating and governing principles and merits. Considering the number and variety of cases, this cannot be hastily accomplished; much examination, care, and judgment, will be indispensable to performing it with accuracy; but, without such a classification, there will be danger of confusion; order facilitates every kind of business.

Make a correct statement of one or two cases of each class for the consideration and opinion of counsel; take their opinions in writing, and send them to the Secretary of State.

With respect to such of the classes as, in their opinion, may be prosecuted with a prospect of success, put all the cases of such classes as speedily as possible into a state for decision, but select one or two to take the lead for formal argument: to the end that the decrees in those cases may become rules whereby to decide all others under similar circumstances. There can be no use in expending time and money in causing long briefs and labored arguments to be prepared, in a great many causes, whose merits are essentially alike.

If any one or more of the classes cannot, in the opinion of counsel, be prosecuted with a prospect of success, you will, nevertheless, file the claims and appeals, but, not proceed further, until you shall have sent the opinions to the Secretary of State, and received his instructions, provided there be time; otherwise it will be best to give one or two of the strongest cases a strenuous trial, even though the last resort; and, in the mean time, take care that none of the others go against you by default.

You will find that, in many of the cases, necessary documents and proofs are wanting; in such cases state the defects immediately to the Secretary of State; and (when opportunities offer) write also to the claimants or owners; point out, very particularly, what you want, and the manner in which the business should be done; and, if you have doubts, consult your counsellors. You know that commissions for examining witnesses abroad may be had, and may be expedient, in cases where extra proofs may be had, and be permitted. By all means avoid delay, and take care to be particular, perspicuous, and explicit, in your communications.

Money will, from time to time, be wanted, to defray the expenses incident to the suits. Mention this to the Secretary of State, in order that proper measures for the purpose may be taken, without loss of time. The fund I am preparing for those expenses will not be adequate.

In some of the cases the claimants or owners will probably constitute agents of their own to manage them; should papers respecting such cases be in your hands, you will deliver them to such agents, taking their receipts for the same; cultivate a good understanding with such agents; be useful to them, and endeavor to dispose of them to be useful to you.

You will regularly inform the Secretary of State of your progress and prospects in the business: and I think it would be well to submit to his consideration the expediency of sending you a formal appointment, together with such instructions as may be deemed proper.

Whenever an application to the Government here would, in your opinion, be advisable, and on every other occasion, when you may desire advice and aid, you will apply to me, or, in my absence, to Mr. Pinckney.

You have undertaken an arduous task—great responsibility is attached to it. Although you have able counsellors in Sir William Scott and Dr. Nicholl, yet unremitting attention and diligence, on your part, will be absolutely necessary to your giving even a moderate degree of satisfaction to the many persons whose important interests are confided to your care and management. You will always find me ready to assist you in so conducting your agency as to render it beneficial and satisfactory to them, and honorable to yourself.

Given under my hand, at London, the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Permit me to suggest the expediency of arranging all matters that may relate to Mr. Bayard's agency, as speedily as possible, and of giving him explicit instructions relative to the conduct of it. I shall, if alive and well, return in the Spring, and it will be best to provide for exchanging the ratifications of the treaty, in case of my absence, by committing that formality either to Mr. Pinckney, if here, or to our consul, Mr. Johnson.

I have had some conversation with the Lord Chancellor about the Maryland cause, and am inclined to think it will have a favorable issue. In this I may be mistaken; but I shall continue to attend to it. During the negotiation I could think of and attend to little else.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, *Secretary of State, &c.*

P. S. In my opinion, Mr. Pinckney should defer a certain business until the treaty is ratified; it will afford him strong ground for strong measures. I think this Government would rather promote than mar the business alluded to; indeed, I am convinced of it, from a variety of considerations.

Mr. Jay to Mr. Randolph—No. 28.

LONDON, January 31, 1795.

SIR:

You will herewith receive a duplicate of my letter of the 7th instant, to which this will be little more than a supplement; since the date of it no letters from you have come to hand, nor has any thing very interesting to the object of my mission occurred. My health is mended, and I wait with as much patience as I can command, for the day of my return to my country and family.

On the 27th instant Mr. Bayard wrote me the following letter, viz:

HATTON GARDEN, January 27, 1795.

DEAR SIR:

Your instructions of the 5th reached me on the 8th instant. The receipt of them I wished to acknowledge immediately, but was prevented by the circumstance of then changing my lodgings. Since my removal, I have delayed this duty till I could announce to you some progress in the business under my care.

In pursuance of your former advice I had procured a "proper register," in which, conformably to your recent instruction, I have, with the assistance of a proctor, been engaged in entering the "title of every cause," in their order; as marked in Mr. Trumbull's list; the contents of every record and paper are examined, and the prominent features of every cause are copied into the register. In doing this, the first object of regard is to ascertain whether the usual time of entering an appeal has expired in any of the cases; that, if it has not, but shortly would expire, we might avoid the extra expense, delay, and trouble, of specially applying for *leave to enter such appeal*. Having accomplished this, our next step will be, agreeably to your instructions, to "class the cases according to their discriminating and governing principles and merits." After which your other directions will regularly come into operation, and be faithfully executed.

There are, as you observe, sir, "in many of the cases, necessary documents and proofs wanting." In such, as soon as I possibly can with accuracy, I propose "to state the defects to the Secretary of State, and (when opportunities offer) to the claimants or owners." But to supply, for the present, the want of this particular information, I have described minutely to the Secretary of State the kinds of evidence, and the mode of authenticating the same, that will be requisite to support the claims and appeals I am about to institute. If this should be communicated to the merchants of the United States, it will inform such as *have* sent forward some papers, the deficiencies to be supplied; and it will instruct such as have not yet forwarded any of their proofs, how to render them complete.

There is no one of your instructions, I have more at heart, sir, than that which enjoins me, "by all means, to avoid delay." I am fully aware of the anxiety of the many persons whose interests I have in charge, speedily to obtain a restoration of the property of which they have been illegally deprived. I am aware, also, that our fellow-citizens, particularly those of the Eastern States, from being unaccustomed to great delay in legal controversies, will brook with impatience the dilatory proceedings of the English courts of admiralty. Rest assured, sir, I shall, therefore, diligently exert myself, and constantly urge our proctors to have the causes prepared for a hearing at the earliest moment, that no avoidable delay may exist, but, if any should, that it may not be attributable to us.

The sum of money which the United States will have to advance for the prosecution of this business, I am sorry to say, will be very considerable. I have mentioned to the Secretary of State the average expense that will be incurred in each cause, and that ought to be provided for by the General Government. The proctors will expect an advance of about thirty pounds, in each cause where proceedings are instituted, which they must disburse to the advocates, register, &c. and for which they will particularly account.

If am occasionally to take the opinion of counsel, as you intimate, by remarking that "I shall have able counsellors in Sir William Scott and Doctor Nicholl," it seems necessary to apprise you that a compensation for the advice I may take will always be expected.

There are, sir, as you know, sundry agents of American merchants in town, who have under their care some cases of appeal or claim. I have been requested by some of them to assume the direction of these causes, and to prosecute them at the expense of the United States; this, however, I have declined doing, until I could have your express instructions on the subject, which I request, as well for my own government as for the satisfaction of the gentlemen making the application.

In regard to the proctors whom we had best employ, I have made inquiry and taken advice. Messrs. Cricket and Townley, and Mr. Slade, have come forward with the strongest recommendations. Into the hands of the latter gentleman my judgment clearly points it out as our interest to put the larger part of the business; and for these reasons: He has in a Mr. Keernan a very able assistant; he has not much business at present on hand; he is highly recommended for his ability, energy, and despatch; he offers the whole time and attention of himself and associate, to the American business; he has in no instance, during the present war, been concerned for captors, but always for neutral claimants; his principles, and many of his friendships, are American. To me, personally, it is more agreeable to transact business with him and his assistant, than with others of his profession.

On the other hand, Messrs. Cricket and Townley have a large mass of the Danish and Swedish business still on hand; this may interfere in some degree with that of our fellow-citizens. Mr. Cricket's public engagements throw the burthen of business on his partner; we cannot, of course, expect a devotion of even the *larger* part of his time to our causes. These things, however, sir, I state in perfect submission to your direction. Whatever instructions you may please to give in relation to the claims and appeals I am about to institute, it shall always be my pleasure, as it is my duty, implicitly and cheerfully to obey.

I have the honor to be, &c. &c.

SAMUEL BAYARD.

To the Hon. JOHN JAY, Esq.

To this letter I returned the following answer, viz:

ROYAL HOTEL, PALL MALL, 27th January, 1795.

DEAR SIR:

I was this afternoon favored with your letter of yesterday, informing me, among other things, "that there are sundry agents of American merchants in town, who have under their care some cases of appeal or claim, and that you have been requested by some of them to assume the direction of those causes, and to prosecute them at the expense of the United States; that you had, however, declined doing it, until you should receive my express instructions on the subject."

In my opinion it will be proper for you to state this application to the Secretary of State, and be directed by such instructions as he may send to you relative to it. The claimants are now prosecuting these causes by *their own agents*, and perhaps from *preference*; and I much doubt the propriety of your assuming those causes at *present*, on the *spontaneous* applications of those agents. The United States will doubtless conduct their interposition in favor of claimants on such principles as shall be just and proper; and it will probably not be long before their arrangements and orders will be perfected and communicated to you.

As to the proctors most advisable to employ, Sir William Scott, from motives of professional delicacy, declined recommending any in particular. Having no personal knowledge of the characters or professional merits of any of them, I found it necessary to be guided by the opinions of others. Mr. Pinckney, our minister, and Mr. Johnson, our consul, assured me, (as I mentioned to you) that Cricket and Townley, whom they had employed, had managed

their business to *their satisfaction*. Their recommendation is with me decisive, as well from their ability, and means of forming a right judgment, as from the confidence due to their private and public characters. As men, they are judicious and upright; as public officers they gave me their opinions and advice, under a sense of official obligations, and under the influence of that attachment to our country and its interests which foreigners cannot readily be supposed to possess in an equal degree. Besides, it is a maxim with me, that they who are faithful to us, and who conduct our affairs to our satisfaction, should not be neglected by us. Neglect, under such circumstances, gives unmerited pain, and encourages malevolent imputations. For these reasons I think it my duty to instruct you to employ Messrs. Cricket and Townley in all cases in which the claimants shall not have already employed proctors, or in which they shall not otherwise direct; provided, however, that you are perfectly free from all commitments to Mr. Slade. But if you are so circumstanced, relative to that gentleman, as that he has good reason to expect at least some share in the business, then, sir, I think it will be proper to give him such a number of the causes, not exceeding fifty, as in your opinion may be necessary to evince the fairness and sincerity of your intentions, in giving occasion to any reasonable expectations which your communications with him may have led him to entertain.

I postpone observations on pecuniary matters until the arrangement I am making on that subject, and which I mentioned to you, shall be completed. Be assured that every measure which may conduce to facilitate the business of your agency will command the earnest attention and best endeavors of,

Dear sir, yours, &c. &c.

To SAMUEL BAYARD, Esq.

Thus, sir, from this letter, and from No. 27, you will acquire exact information of my proceedings relative to Mr. Bayard's agency. I am endeavoring, in concert with Mr. Pinckney and Sir William Scott, to form such an arrangement relative to pecuniary matters as to regulate payments to the proctors, to prevent improper charges, and so to conduct that part of the business, as that proper vouchers for all the expenditures may be kept and preserved. I am solicitous to prevail on Sir William Scott to examine the proctor's bills, and certify them to be right before they are paid. He has taken the subject into consideration, but as yet I have not got his answer. There are difficulties in forming this arrangement; I will do the best I can.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

HON. EDM. RANDOLPH, Esquire, *Secretary of State, &c. &c.*

P. S. Such is the nature and magnitude of the business of these capture cases, as that, on certain occasions, diplomatic, and prudential, as well as legal proceedings may be advisable. Having maturely reflected on the subject, I take the liberty of submitting to your consideration the propriety of giving Mr. Pinckney a general superintendence over the business, and authorizing him to give Mr. Bayard such instructions as he may from time to time judge proper.

Mr. Jay to Mr. Randolph—No. 29.

LONDON, *February 2d, 1795.*

SIR:

It occurs to me that I have omitted to inform you that, after signing the treaty, I took the three first opportunities which offered, of writing to our minister at Paris, "that it contained an express declaration that nothing contained in it should be construed, or operate, against existing treaties between the United States and other Powers.

The following are copies of those letters, viz:

No. 1.

LONDON, *November 24th, 1794.*

SIR:

It gives me pleasure to inform you that a treaty between the United States and His Britannic Majesty was signed on the 19th instant.

This circumstance ought not to give any uneasiness to the Convention. The treaty expressly declares that nothing contained in it shall be construed or operate contrary to existing treaties between the United States and other Powers. I flatter myself that the United States, as well as all their ministers, will, upon every occasion, manifest the most scrupulous regard to good faith; and that those nations who wish our prosperity will be pleased with our preserving peace and a good understanding with others.

I have the honor to be, &c.

HON. JAMES MONROE, Esq. *Minister of the United States at Paris.*

No. 2.

LONDON, *November 25th, 1794.*

SIR:

By a letter written and sent a few days ago, I had the pleasure of informing you that, on the 19th instant, the principal business of my mission was concluded by a treaty signed on that day.

It contains a declaration that it shall not be construed nor operate contrary to our existing treaties. As, therefore, our engagements with other nations remain unaffected by it, there is reason to hope that our preserving peace and a good understanding with this country, will not give uneasiness to any other. As the treaty is not yet ratified it would be improper to publish it. It appears to me to be, upon the whole, fair, and as equal as could be expected. In some respects both nations will probably be pleased, and in others displeased.

I have the honor to be, with great respect, &c.

HON. MR. MONROE, &c. *Paris.*

No. 3.

LONDON, *November 28th, 1794.*

SIR:

Within this week past I have written to you two letters, to inform you that, on the 19th instant, a treaty between the United States and His Britannic Majesty was signed. The design of this letter is chiefly to introduce to you Mr. Pleasants, of Philadelphia, whose connexions there are respectable. I have not the pleasure of being personally acquainted with this gentleman, but as a fellow-citizen I wish to do him friendly offices; and I am persuaded that a similar disposition on your part will ensure to him such a degree of attention as circumstances may render proper.

As Mr. Pinckney has a cipher, with our other ministers in Europe, either he or I will shortly use it, in communicating to you the principal heads of the treaty confidentially. You need not hesitate, in the mean time, to say explicitly that it contains nothing repugnant to our engagements with any other nation.

With the best wishes for your health and prosperity, I have the honor to be, &c.

THE HON. JAMES MONROE, Esq. *Minister of the United States to the French republic.*

Considering that the declaration in question need not be kept secret, but, on the contrary, that advantages would result from its publicity, I also authorized a respectable American merchant here, who had correspondents in France, to mention it in explicit terms. My letters to Mr. Short and Mr. Adams conveyed the like information; it appeared to me proper to take these early measures to obviate any disagreeable apprehensions which the French Convention might perhaps otherwise entertain. Whether our minister at Paris received those letters I have as yet no information from him. From Mr. Short and Mr. Adams I have received answers.

I have the honor to be, with sentiments of respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq. *Secretary of State, &c.*

Mr. Jay to Mr. Randolph—No. 30.

LONDON, February 5, 1795.

SIR:

I received yesterday the following letter from Mr. Monroe, our minister at Paris, viz.

PARIS, January 17, 1795.

SIR:

Early in December last, English papers were received here, containing such accounts of your adjustments with the British administration as excited much uneasiness in the councils of this Government, and I had it in contemplation to despatch a confidential person to you, for such information of what had been done, as would enable me to remove it. At that moment, however, I was favored with yours of the 25th November, intimating that the contents of the treaty could not be made known until it was ratified, but that I might say it contained nothing derogatory to our existing treaties with other Powers. Thus advised, I thought it improper to make the application, because I concluded the arrangement was mutual, and not to be departed from. I proceeded, therefore, to make the best use in my power of the information already given.

To-day, however, I was favored with yours of the 28th of the same month, by which I find you consider yourself at liberty to communicate to me the contents of the treaty; and as it is of great importance to our affairs here to remove all doubt upon this point, I have thought it fit to resume my original plan of sending a person to you for the necessary information, and have, in consequence, despatched the bearer, Mr. John Purviance, for that purpose. I have been the more induced to this, from the further consideration, that, in case I should be favored with the communication promised in cipher, it would be impossible for me to comprehend it, as Mr. Morris took his off with him. Mr. Purviance is from Maryland, a gentleman of integrity and merit, and to whom you may commit whatever you may think proper to confide, with perfect safety. It is necessary, however, to observe, that, as *nothing will satisfy this Government but a copy of the instrument itself*, and which, as our ally, it thinks itself entitled to, so it will be useless for me to make to it any new communication short of that; I mention this, that you may know precisely the State of my *engagements* here, and how I deem it my duty to act under them in relation to this object. I beg leave to refer you to Mr. Purviance for whatever other information you may wish to have either on this subject or the affairs more generally of this republic.

I have the honor to be, with great respect, your most obedient servant,

JAMES MONROE.

To this letter I returned the following answer, viz:

LONDON, February 5, 1795.

SIR:

I have received the letter which you did me the honor to write on the 17th of last month, by Mr. Purviance. It is much to be regretted that any unauthorized accounts, in English newspapers, of my *"adjustments with the British administration,"* should have excited much uneasiness in the councils of the French Government; and the more so, as it does not imply that confidence in the honor and good faith of the United States which they certainly merit.

You must be sensible that the United States, as a free and independent nation, have an unquestionable right to make any pacific arrangements with other Powers which mutual convenience may dictate; provided, those arrangements do not contradict or oppugn their prior engagements with other States.

Whether this adjustment was consistent with our treaty with France, struck me as being the only question which could demand or receive the consideration of that republic, and I thought it due to the friendship subsisting between the two countries that the French Government should have, without delay, the most perfect satisfaction on that head. I therefore, by three letters, of the 24th, 25th, and 28th of November, 1794, gave you what I hoped would be very acceptable and satisfactory information on that point. I am happy in this opportunity of giving you an exact and literal extract from the treaties; it is in these words, viz:

"Nothing in this treaty contained shall, however, be construed, or operate, contrary to former and existing public treaties with other Sovereigns or States."

Considering that events favorable to our country could not fail to give you pleasure, I did intend to communicate to you concisely some of the most interesting particulars of this treaty, but in the most perfect confidence, as that instrument has not yet been ratified, nor received the ultimate forms necessary to give it validity. As further questions respecting parts of it may yet arise, and give occasion to further discussions and negotiations, so that, if finally concluded at all, it may then be different from what it now is, the impropriety of making it public, at present, is palpable and obvious; such a proceeding would be inconvenient, and unprecedented. It does not belong to ministers who negotiate treaties to publish them even when perfected, much less treaties not yet completed, and remaining open to alteration, or rejection. Such acts belong exclusively to the Governments who form them.

I cannot but flatter myself that the French Government is too enlightened and reasonable to expect that any consideration ought to induce me to overleap the bounds of my authority, or to be negligent of the respect which is due to the United States. That respect, and my obligations to observe it, will not permit me to give, without the permission of their Government, a copy of the instrument in question, to any person, or for any purpose; and by no means for the purpose of being submitted to the consideration and judgment of the councils of a foreign nation, however friendly.

I will, sir, take the earliest opportunity of transmitting a copy of your letter to me, and of this in answer to it, to the Secretary of State, and will immediately and punctually execute such orders and instructions as I may receive on the subject.

I have the honor to be, with great respect, sir, your most obedient humble servant,

JOHN JAY.

The Hon. JAMES MONROE, *Minister of the United States of America to the republic of France.*

As this letter and the answer to it speak for themselves, I forbear making any remarks.

I have the honor to be, with respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDMUND RANDOLPH, Esq. *Secretary of State.*

Mr. Jay to Mr. Randolph—No. 31.

LONDON, 6th February, 1795.

SIR:

I was yesterday honored with yours of the 3d December last. Our vessels here being confined by the ice, I think it best to send you some despatches by the packet.

In considering the treaty it will doubtless be remembered, that there must be two to make a bargain. We could not agree about the negroes. Was that a good reason for breaking up the negotiation? I mentioned, in a former letter, that I considered our admission into the islands as affording compensation for the detention of the posts, and other claims of that nature. In that way we obtain satisfaction for the negroes, though not in express words.

We are not obliged, by treaty, to permit the French to sell prizes in our ports. By denying that privilege to all, we adhere to the line of impartiality; and without being assured of impartiality on our part, Britain would not have granted us what she has.

I wish the season had permitted me to accompany the treaty, for I think it is in my power to give you satisfactory answers to every question that can arise from it.

I have the honor to be, with respect and esteem, sir, your most obedient servant,

JOHN JAY.

HON. EDM. RANDOLPH, Esq. *Secretary of State, &c.**Mr. Jay to Mr. Randolph—No. 32.*

LONDON, 22d February, 1795.

SIR:

This letter will comprise a duplicate of my letter to you, No. 30, of the 5th instant, and also a copy of an additional letter which I wrote to Mr. Monroe, on the 19th instant, and which will be carried to Paris by Col. Trumbull. (See No. 30.)

Copy of an additional letter, viz:

LONDON, 19th February, 1795.

SIR:

On the 5th of this month I had the honor of writing to you a letter, in answer to yours of the 17th ult. by Mr. Purviance, who is still here waiting for an opportunity to return, and who will be the bearer of *that* letter.

You will receive this by Col. Trumbull, who, for some time past, has been waiting for an opportunity to go through Paris, to Stutgard, on private business of his own. He did me the favor to accompany me to this country, as my secretary. He has been privy to the negotiation of the treaty between the United States and Great Britain, which I have signed; and having copied it, is perfectly acquainted with its contents. He is a gentleman of honor, understanding, and accuracy, and able to give you satisfactory information relative to it. I have thought it more advisable to authorize and request him to give you this information personally, than to send you written extracts from the treaty, which might not be so satisfactory. But he is to give you this information in *perfect confidence* that you will not impart it to any person whatever; for as the treaty is not yet ratified, and may not be finally concluded in its present form and tenor, the inconveniences which a premature publication of its contents might produce, can only be obviated by secrecy in the mean time. I think myself justifiable in giving you the information in question, because you are an American minister, and because it may not only be agreeable, but, perhaps, useful.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. JAMES MONROE, Esq.

Minister of the United States of America to the republic of France.

I flatter myself that these letters which I have written to Mr. Monroe will meet with the President's and your approbation.

I have the honor to be, with sentiments of respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq. *Secretary of State, &c.*

P. S. I have been honored with yours of the 4th November, and 11th and 16th of December, and with *duplicates* of yours of 15th, 20th, and 23d December last, and, in reply, shall write by one of the Philadelphia vessels, soon to sail.

Mr. Jay to Mr. Randolph—No. 33.

LONDON, 5th March, 1795.

SIR:

On the 7th of last month I received the letter you was so obliging as to write me on the 16th December last, requesting to be informed what would probably be required for my expenditures, over the eighteen thousand dollars, in order that you might lodge a proper sum for me in Amsterdam.

It gives me pleasure to inform you that the eighteen thousand dollars will, in my opinion, be more than sufficient for the expenses incident to my mission. When you receive my letter respecting Mr. Bayard's agency, and the expenses that will attend it, and for which provision was yet to be made, you will be informed of my intention to apply part of these eighteen thousand dollars to those expenses; and consequently, that further supplies to me would not be requisite. It is, nevertheless, proper that I should write to you particularly about my expenditures, and I should have done it sooner, had I been less engaged about other matters more immediately interesting.

On considering of the manner of dwelling most advisable for me to adopt during my stay here, four plans or modes engaged my attention. To take a house and purchase furniture, &c.; to take a house and hire furniture, &c.; to take lodgings; to reside in a hotel.

To take a house and furnish it, to hire and provide for the number of servants that would be necessary, to purchase the plate, china, glass, linen, liquors, kitchen utensils, and the many other articles which, according to the most strict rules of economy and propriety, would be indispensable, would, with the expense of a decent table, carriage, &c. require nearly the whole sum allotted. On my return to America, all these things would remain to be sold at auction, and at a very great loss.

To take a house and hire the furniture, and the numerous other necessary articles, was liable to objections equally strong. The ordinary rate of hire, I was told, amounted to an exceeding high interest on the prime cost. I should be responsible for loss, waste, and damage, and be exposed to disputes, and extravagant demands about them. An equal number of servants would be requisite, and the losses from their speculation and mismanagement would be the same. To go into lodgings, I soon found was out of the question, there being none of a proper class, where a table would be provided. From these concise hints, you will perceive that, of these plans, that of residing in a hotel was the most expedient.

The expenses of living in a hotel are well known to be extravagantly high, but they are simple; many servants would not be necessary; and, on calculation, it became evident that the excess in the price of every thing which I should there pay, would not amount to near as much as the losses and extra expenses incident to either of the

two first mentioned plans. But had this been otherwise, there was an objection which appeared to me of still greater importance. As I expected to remain in this country only until my business should be finished, any thing that looked like a settled establishment would have counteracted the idea of a residence only for a few months, and would naturally have created and justified an opinion, that I did not expect to have my negotiations terminated with that expedition which I professed and pressed.

To reside in a hotel not being usual for a foreign minister, I took care to let it be known that I expected to return in the course of a few months, and therefore could have no inducement to take a house.

The hotel I preferred is the one I am still in, viz: Royal Hotel, in Pall Mall, near St. James, the first, but the most expensive in London. My reasons for preferring the first must be obvious to you, and need not to be particularized. I have but three servants, the one I brought with me, a footman, and a coachman; yet my expenses run high, and the bills are often so like exactions as sometimes to try my patience. I know that I pay more than is reasonable, and am frequently charged rather according to the station I am in than the value of what I have; but I am nevertheless certain that, in this situation, less of the public money in my hands will be expended, than in any other in which I could, with propriety, have placed myself.

Having perfect confidence in the accuracy, as well as integrity of Col. Trumbull, I have made it an invariable rule, from the beginning, to commit to him the settlement and payment of all accounts, and the keeping of the books in which they are entered. I have, therefore, given him successive orders on my bankers for generally about one hundred pounds at a time, for which he made himself debtor, and regularly accounted. I regret that his private concerns call him to Stutgard, but that being the case, I could not refuse my consent. His salary is paid up to the 12th of last month; my son will act for him as secretary during his absence, so that his appointment and salary will continue until my departure for America. Until his return, I shall cause all moneys paid out to pass through the hands of my son. Pecuniary transactions for others are always delicate, and the utmost care and fidelity will not always be sufficient to guard one against the suspicions and imputations which certain characters (common to all countries) may find it convenient to germinate and encourage.

When Mr. J. Q. Adams was here, on his way to Holland, I advanced him fifty guineas. The following extract of a letter from him, of the 21st November last, explains the manner in which that sum is to be accounted for to the public:

"The fifty guineas for which you was so obliging as to give me an order upon Messrs. Casanove, our bankers here have agreed to charge to my account; it will therefore be no further troublesome to you."

The bills you gave me for 40,476.4 on Amsterdam, were negotiated by Messrs. Casanove, and produced in sterling, - - - - - 3,391 13 5
The draft for \$1,000 on the Branch Bank at New York, produced - - - - - 219 9 0

£3,611 2 5

Of this money somewhat more than one-half still remains, and there are no outstanding accounts to pay.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

To the Hon. EDM. RANDOLPH, *Secretary of State, &c.*

Mr. Jay to Mr. Randolph.

NEW YORK, May 28, 1795.

SIR:

It appearing by advices from America, that the treaty had not arrived at Philadelphia the last of February, I concluded that the ratification could not reach me in season to return in any of the Spring vessels that yet remained. I embarked at Bristol, the 12th April, on board the Severn, Captain Goodrich, and landed here this afternoon, when I had the pleasure of receiving yours of the 26th of last month. Not having had a well day during the voyage, I am at present too feeble to undertake a journey to Philadelphia; perhaps I may in a week or ten days be so far recruited as to be able to perform it. It will be useful that we confer. At this moment I cannot enlarge, for want of leisure; besides, I find myself greatly fatigued. Remember me to the President. Accept my thanks for your obliging attention to Mrs. Jay.

Yours, &c.

JOHN JAY.

The Hon. EDM. RANDOLPH, *Secretary of State, &c.*

Mr. Jay to Mr. Randolph.

NEW YORK, June 1, 1795.

SIR:

Last Thursday evening I wrote you a few hasty lines, to inform you that I had just arrived; that I had received your letter of the 26th ult.; that I was too feeble to repair immediately to Philadelphia; and that I hoped to be able to undertake the journey in eight or ten days. Be so good as to inform me whether I may expect you here; if not, I will go for a few days out of town, where I should probably recruit faster than at home. I shall attempt the journey to Philadelphia within a fortnight, unless I should grow weaker, which I do not apprehend. The communications proposed for the Senate indicate the disposition I expected. I had no apprehensions on that head, being persuaded that those communications would be entirely directed by regard to public good. Be pleased to present my respectful compliments to the President.

With sentiments of respect and esteem, I remain, sir, your most obedient servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, *Secretary of State.*

Mr. Jay to Mr. Randolph.

NEW YORK, June 1, 1795.

SIR:

Since writing to you this morning by Mr. Bingham, I have been honored with yours of the 30th ult. Your reasons for not thinking it advisable to leave Philadelphia at present, are, I think, conclusive. In the course of the next week, I hope to be with you; and then to give you more full and satisfactory answers to your letter, than the following concise ones, viz: To the first question. In my opinion the views of Great Britain, when I arrived there, had been, and then were, so far hostile to us as they had been rendered so, by popular indications of a disposition in this country to aid France in the war against her.

2. I am convinced that the evacuation of the posts at a more early period was (for the reasons mentioned in my letter on that subject) unattainable. It was my duty, and I have strenuously, and, I believe, successfully, endeavored to exhaust their ultimatums.

3. Notwithstanding all that could be said, to postpone the prohibition to sell prizes, until after the present war, it was insisted that, as, on the one hand, they asked nothing from us but what they had a right to expect from a neutral nation, so, on the other, that no deviations from the line of impartiality (not stipulated for by our pre-existing treaties) could possibly be admitted.

4. Most clearly the treaty does prohibit the re-exportation from the United States, in American vessels, of the West India commodities enumerated in the treaty, though brought from French Islands, it being impossible to distinguish; but we may carry them from French or other Islands (not British) to Europe. That article being offered as a privilege or boon, we cannot avail ourselves of it without complying with the stipulation to pass laws to prohibit the re-exportation of the enumerated articles. If the article should be regarded as ineligible, might not the passing of those laws be postponed, and the trade continue to go on as at present? taking care properly to represent to the British Government the wishes of the United States that this article may not be carried into execution, and requesting their consent to its remaining dormant. In my opinion, however, it is manifestly our interest to accept and to execute it: especially considering its very limited duration, and the probability of its being introductory to more favorable arrangements, as the public mind in Britain shall gradually become more reconciled to this, and the other unprecedented departures from their favorite navigation act.

5. The Danish spoiliations were not adjusted when our treaty was signed; and I have no idea of their obtaining better terms.

6. The discussions in the admiralty will probably be tedious, and the more so from the want of documents in the great majority of the cases; in a large number of them, appeals and claims have not yet been lodged, for want even of the names of the parties.

7. Such orders may be expected as the treaty, according to its true intent and meaning, shall dictate. I believe it will be fairly and liberally executed, unless new cases of irritation and disgust should arise. I have, for my part, no doubt of their dispositions and sincere desire to give the system of conciliation with us a full and fair experiment.

With sentiments of respect and esteem,

I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Honorable EDM. RANDOLPH, Esq. *Secretary of State, &c. &c.*

Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty, and the United States of America, by their President, with the advice and consent of their Senate.

His Britannic Majesty and the United States of America being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of, and conclude the said treaty; that is to say: His Britannic Majesty has named for his plenipotentiary, the Right Honorable William Wyndham, Baron Grenville, of Wotton, one of His Majesty's privy council, and His Majesty's principal secretary of state for foreign affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed, for their plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their envoy extraordinary to His Majesty; who have agreed on and concluded the following articles:

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

ART. 2. His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's governor general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States, in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property, of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ART. 3. It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But, it is understood that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks, of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandise whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties, respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories, respectively, nor shall the Indians passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimported and carried to some other place or

places. But as, by this stipulation, it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States, it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States for making a joint survey of the said river, from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners, to be appointed in the following manner, viz:

One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or, if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners. And the three commissioners, so appointed, shall be sworn impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration, and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ART. 6. Whereas it is alleged by divers British merchants, and others, His Majesty's subjects, that debts to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been in several instances impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for such losses and damages which they have thereby sustained, it is agreed that, in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received, by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors; but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss, if the said impediments had not existed, nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission, of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz. Two of them shall be appointed by His Majesty, two of them by the President of the United States, by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other, which oath, or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings, viz. *I, A, B, one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide, all such complaints as, under the said article, shall be preferred to the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested.*

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commissioners, provided that one of the commissioners named on each side, and the fifth commissioner, shall be present; and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are, nevertheless, authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term, not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

The said commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same, respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and to the amount of the sum to be paid to the creditor or claimant. And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant, without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided, always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

ART. 7. Whereas complaints have been made by divers merchants and other citizens of the United States, that, during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color

of authority or commissions from His Majesty; and that, from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed that, in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received, by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission, of the claimant.

That, for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article; and after having taken the same oath or affirmation, (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence, in the same latitude, and exercise the like discretion and powers, respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States, and brought into the ports of the same, or taken by vessels originally armed in ports of the said States, it is agreed that, in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be, and hereby are, referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed, in the like manner, relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed; and, it is further agreed that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning, of this article.

ART. 8. It is further agreed that the commissioners, mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses, attending the said commissioners, shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation, and do the same duties.

ART. 9. It is agreed that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise, the same, to whom they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated; it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ART. 11. It is agreed, between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions, specified in the following articles:

ART. 12. His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies, from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce, of the said States, which it is or may be lawful to carry to the said islands or ports, from the said States, in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load, and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce, of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges, on exportation, to which British vessels and their cargoes are, or shall be, subject, in similar circumstances.

Provided always, That the said American vessels do carry and land their cargoes in the United States only; it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from His Majesty's islands, or from the United States, to any part of the world, except the United States, reasonable sea stores excepted.

Provided also, That it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture, of the said islands, or of the United States, respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself, with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree whether, in any, and what, cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But, in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

ART. 13. His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted, and hospitably received, in all the seaports and harbors of the British territories in the East Indies; and that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation, respectively, to or from the said territories, shall

not be entirely prohibited. *Provided, only,* That it shall not be lawful for them, in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatsoever nature, established in such harbor, port, or place, according to the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ART. 14. There shall be, between all the dominions of His Majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses, for the purposes of their commerce, and, generally, the merchants and traders, on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party, in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country, on the importation of any articles, the growth, produce, or manufacture, of the other, than are, or shall be, payable on the importation of the like articles, being of the growth, produce, or manufacture, of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties, respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels, entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. 16. It shall be free for the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their functions. But before any consul shall act as such, he shall be, in the usual forms, approved and admitted, by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except, from the residence of consuls, such particular places as such party shall judge proper to be so excepted.

ART. 17. It is agreed that, in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of any enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed that, under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horse furniture, holsters, belts, and, generally, all other implements of war; as, also, timber for ship building, tar or rosin, copper in sheets, sails, hemp and cordage, and, generally, whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it inexpedient to provide against the inconveniences and misunderstandings which might thence arise: it is further agreed that, whenever any such articles, so becoming contraband, according to the existing laws of nations, shall, for that reason, be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel, so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested, by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ART. 19. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers, of either party, all commanders of ships of war, and privateers, and all others the said subjects and citizens, shall forbear doing any damage

to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that, in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that, whenever a judge of a court of admiralty, of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. 20. It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises taken by them, and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized, in writing, by them, (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect, that they had been piratically taken.

ART. 21. It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist, in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties, respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer, against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ART. 22. It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. 23. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that, in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not, in ordinary cases, claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and be permitted to refit, and to purchase, at the market price, such necessities as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk, or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor, in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

ART. 25. It shall be lawful for the ships of war and privateers belonging to the said parties, respectively, to carry, whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at, and enter the ports of, the said parties, be detained or seized; neither shall the searchers, or other officers of those places, visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but, if forced, by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed, or operate, contrary to former and existing public treaties with other Sovereigns or States. But the two parties agree that, while they continue in amity, neither of them will, in future, make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers, of their territories, by ships of war, or others having commission from any prince, republic, or state, whatever. But, in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain, from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war, or merchant vessels.

ART. 26. If at any time a rupture should take place (which God forbid) between His Majesty and the United States, the merchants, and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining, and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and, in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove, with their families, effects, and property: but this favor shall not be extended to those who shall act contrary to the established laws: and, for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors, or ministers, if such there shall be, shall be recalled, or sent home, on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

ART. 27. It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice all per-

sons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided, that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ART. 28. It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that, whereas the said twelfth article will expire, by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall, by concert, be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But, if it should, unfortunately, happen, that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly. This treaty, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith. And whereas it will be expedient, in order the better to facilitate intercourse, and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of, this treaty.

In faith whereof, we, the undersigned, ministers plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal, of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. s.]
JOHN JAY. [L. s.]

4th CONGRESS.

No. 107.

1st Session.]

MOROCCO.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1795.

Gentlemen of the Senate:

Herewith I transmit, for your information and consideration, the original letter from the Emperor of Morocco, recognizing the treaty of peace and friendship between the United States and his father, the late Emperor, accompanied with a translation thereof, and various documents relating to the negotiation by which the recognition was effected.

UNITED STATES, December 21, 1795.

G. WASHINGTON.

Extract from Instructions from the Secretary of State to Colonel David Humphreys, dated

MARCH 28, 1795.

"With respect to Morocco, it is proposed to obtain from the Prince Muley Soliman, a recognition of the treaty between the United States and his father, the former Emperor. This you will endeavor to effect, if possible, for twenty thousand dollars; but if you shall find that it cannot be accomplished under twenty-five thousand dollars, you are authorized to go to that amount. This negotiation you may either accomplish yourself, or by such agency as you shall deem best calculated for the purpose, according as you shall find the state of affairs in Morocco upon your arrival in Europe."

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To His Imperial Majesty the Emperor of Morocco.

Being desirous of establishing and cultivating peace and harmony between our nation and his Imperial Majesty the Emperor of Morocco, I have appointed David Humphreys, one of our distinguished citizens, a commissioner plenipotentiary, giving him full power to negotiate and conclude a treaty of amity and commerce with you. And I pray you to give full credit to whatever shall be delivered to you on the part of the United States by him, and particularly when he shall assure you of our sincere desire to be in peace and friendship with you and your people. And I pray God to give you health and happiness.

Done at Philadelphia, this thirtieth day of March, one thousand seven hundred and ninety-five, and in the nineteenth year of the independence of these States.

By the President of the United States of America:

G. WASHINGTON.

EDM. RANDOLPH, *Secretary of State.**To all concerned, to whom these Presents shall come.*

BE IT KNOWN, That I, David Humphreys, minister resident from the United States of America at the court of Lisbon, being duly empowered and instructed on the part of the President of the United States of America to negotiate and conclude a treaty of amity and commerce between the United States of America and His Imperial Majesty the Emperor of Morocco, or to renew with his said Imperial Majesty Muley Soliman, the treaty established at the court of Morocco between the late Emperor Sidi Mahomet (of glorious memory) and the United States of America, do constitute and appoint James Simpson, consul of the United States at Gibraltar, agent in the business aforesaid, (in conformity to the authority committed to me) hereby giving to him the said James Simpson, all

the power necessary to arrange and agree upon the same, and to certify and sign a convention thereupon; reserving the same, nevertheless, when concluded, to be transmitted by me to the President of the United States, for his final ratification, by and with the advice and consent of the Senate of the said United States.

Given under my hand and seal, at Gibraltar, this 21st day of May, 1795.

D. HUMPHREYS.

Mr. Simpson to the Secretary of State.

RHABAT, August 18, 1795.

SIR:

I have at last the happiness to acquaint you, and request you will be pleased to inform His Excellency the President, that this morning, by appointment, I attended His Imperial Majesty Muley Soliman, at Meshooar, when he was pleased to say to me in public, nearly as follows: "The Americans, I find, are the Christian nation my father, who is in glory, most esteemed. I am the same with them as my father was; and I trust they will be so with me. I have given orders to Sid Ben Ottman to write my answer to their letter, which will be given to you, and to tell them I am upon the same footing with them as my father was."

I did not fail to assure his Majesty that the United States would, on their part, be equally emulous to maintain that peace and good friendship which had so happily subsisted between them and his father. His Majesty came out of the palace on horseback; and immediately after the recited conversation, proceeded for Mequinez and Fez. The Secretary of State, who remains a few days to give the Swedish ambassador and myself our despatches, has assured me the letter for the President shall be written immediately; and as he is also entrusted with His Majesty's seal, there needs be no delay. My next will, of consequence, convey the original, or translation, as the conveyance may appear to be secure.

From what I have said, you will readily observe that all I shall (to appearance) obtain will be a letter from Muley Soliman, declaratory of his being on the same terms of peace with the United States as his father was.

I am sorry that the resistance made to my solicitations of a recognition of the old treaty, in form, has been spun out to the last hour of the Emperor's being here, and that I have thereby been prevented from exerting the powerful interest I had happily raised, for accomplishing, in a more satisfactory manner, the end of my mission; though I trust the promised letter will be expressive of what is in fact wished to be established, namely, that peace shall subsist between Morocco and the United States, as in the time of Sidi Mahomet, which, in my opinion, will fully answer the purpose of keeping peace during the present reign, and of resisting any unpleasant demands, should succeeding emperors make such.

Muley Soliman's sudden departure for Fez is differently accounted for. Some allege he is gone purposely with the army to quell some disturbances which have lately happened in the vicinity of that city and Mequinez; others, that it is the consequence of the defeat the troops he sent to the southward, under Muley Cadour, have sustained. In my opinion, both occurrences have their part in it, and that he will not, for the present, contest with his brother, Muley Ishem, the possession he certainly enjoys of the country south of the Morbeya. The garrison of Mazagar have quitted that fortress as untenable, and are expected here by sea.

I have the honor to be, &c.

JAMES SIMPSON.

Mr. Simpson to the Secretary of State.

GIBRALTAR, September 14, 1795.

SIR:

During my residence at Tangier and Rhabat, I had the honor of addressing you seven despatches, whose originals, or copies, I trust will have reached you, and afforded His Excellency the President and yourself that ample information on my proceedings there I was desirous of communicating. Since my return to this place, 5th instant, I have continued without advice of Colonel Humphreys' return to Lisbon. I have sought for information, or when he may be expected, from Mr. Short, at Madrid, and if I find he cannot satisfy me, I shall no longer delay forwarding, by the first good opportunity which may offer, for the United States, the original of His Imperial Majesty Muley Soliman's letter for the President, which, as I mentioned to you, the Colonel wished should go through his hands. In the mean time, I have thought well to send, with this copy, a translation of that letter, done with the assistance of my interpreter, which I hope will be found correct, when compared with the original. I might have satisfied myself on this particular, but that I declined imparting the contents to any other person for the present.

I had it in charge from Sidi Mahomet Ben Ottman, by His Majesty's directions, to recommend the appointment of a consul for Morocco, and that vessels of the United States might be furnished with sea passes, cut as those of European nations, to prevent accidents. On these subjects it may be necessary to say more hereafter.

In expenditure of the public money and articles for presents put into my charge, I hope it will be found I observed every consistent economy; and although the great length of time I was detained in the country, and unexpected obstacles I met, have not allowed me to succeed, in that particular, equal to my wishes, yet I have satisfaction in acquainting you that a balance of both remain, as you will see by the ample statements which will be transmitted so soon as Colonel Humphreys' return to Lisbon may enable me to determine whether it will be proper to transmit them direct, or through his hands.

Muley Soliman's retreat from Rhabat to Fez showed that he had no immediate intention to act against Benassar, and the others have taken upon themselves to command in the name of Ishem, who in fact is only a mere cipher; for he is never consulted on any occasion, nor even allowed to come to the encampments of those chiefs who command in his name. Islema has also lately promoted some disturbances at and near Tetuan; but yesterday a boat arrived with advice of part of Muley Soliman's army from Fez having reached that neighborhood on Friday, and that he was himself at Alcazar with the main body. Islema, in consequence, immediately returned to the sanctuary from whence he had come, and his adherents to their mountains. We may in consequence expect that order will again be speedily re-established in the north; and that the division of the empire I have had the honor of mentioning to you, will continue for some time to come. Whilst Soliman continues possessed of the fleet, and the only ports suitable for its protection, it is to him commercial nations will pay regard.

I have the honor to be, &c.

Soliman Ben Mahomet, Ben Abdullah, to whom God be merciful, to the President of America, a Prince, and to all the States.

In the Name of the Almighty God. There is no Power but that proceeding from God, the Great God.

After this we have received the letter where you mention your ambassador at Lisbon, whom you had appointed to come to us; and also we have received your said ambassador's power to your Consul Simpson, who resides at Gibraltar, by which he gives him power to act in every particular as he himself was authorized to do at our Imperial court, (which God have in his keeping) had he come to meet with us.

By the present you sent us, and your letter, we know you still esteem us, and that you have regard for every thing that concerns us.

Your care to preserve our friendship is very agreeable to us; and you will experience the like from us, or more, because you were faithful to our father, who is in glory.

Your messenger, whom we esteem, we have received in a manner worthy of the friendship which subsists between you and us. Also we have received the present at his hands with satisfaction; and we have mentioned to him those articles of your present which were in particular acceptable and to our liking. Continue writing letters to us at our court, that our present friendship may be made the more secure, and still increased. And we are at peace, tranquillity, and friendship, with you, in the same manner as you were with our father, who is in glory. Peace.

Sealed at Rhabat, the second of the moon Zafar, in the year 1210.

GIBRALTAR, September 14, 1795.

I hereby certify that the foregoing is a true copy of the translation, done from the Arabic by Sidi Mahomet, Emfa-dal, of a letter from his imperial Majesty Muley Soliman, to the President of the United States of America.

JAMES SIMPSON.

4th CONGRESS.

No. 108.

[1st Session.]

FRANCE.

COMMUNICATED TO CONGRESS, JANUARY 4, 1796.

UNITED STATES, January 4, 1796.

Gentlemen of the Senate and of the House of Representatives:

A letter from the minister plenipotentiary of the French republic, received on the 22d of the last month, covered an address, dated the 21st of October, 1794, from the Committee of Public Safety to the Representatives of the United States in Congress; and also informed me that he was instructed by the committee to present to the United States the colors of France. I thereupon proposed to receive them last Friday, the first day of the new year, a day of general joy and congratulation. On that day, the minister of the French republic delivered the colors, with an address, to which I returned an answer. By the latter, the House* will see that I have informed the minister, that the colors will be deposited with the archives of the United States. But it seemed to me proper, previously, to exhibit to the two Houses of Congress, these evidences of the continued friendship of the French republic, together with the sentiments expressed by me on the occasion, in behalf of the United States. They are herewith communicated.

G. WASHINGTON.

The Representatives of the French people composing the Committee of Public Safety of the National Convention charged, by the law of the 7th Fructidor, with the direction of Foreign Relations, to the Representatives of the United States of America in Congress assembled:

CITIZENS REPRESENTATIVES:

The connexions which nature, reciprocal wants, and a happy concurrence of circumstances, have formed between two free nations, cannot but be indissoluble. You have strengthened those sacred ties by the declarations which the minister plenipotentiary of the United States has made, in your name, to the National Convention, and to the French people. They have been received with rapture by a nation who know how to appreciate every testimony which the United States have given to them of their affection. The colors of both nations, united in the centre of the National Convention, will be an everlasting evidence of the part which the United States have taken in the success of the French republic.

You were the first defenders of the rights of man in another hemisphere. Strengthened by your example, and endowed with an invincible energy, the French people have vanquished that tyranny which, during so many centuries of ignorance, superstition, and baseness, had enchained a generous nation.

Soon did the people of the United States perceive that every victory of ours strengthened their independence and happiness. They were deeply affected at our momentary misfortunes, occasioned by treasours purchased by English gold. They have celebrated with rapture the successes of our brave armies.

None of these sympathetic emotions have escaped the sensibility of the French nation. They have all served to cement the most intimate and solid union that has ever existed between two nations.

The citizen Adet, who will reside near your Government in quality of minister plenipotentiary of the French republic, is especially instructed to tighten these bands of fraternity and mutual benevolence. We hope that he may fulfil this principal object of his mission, by a conduct worthy of the confidence of both nations, and of the reputation which his patriotism and virtues have acquired him.

An analogy of political principles; the natural relations of commerce and industry; the efforts and immense sacrifices of both nations in the defence of liberty and equality; the blood which they have spilled together; their avowed hatred for despots; the moderation of their political views; the disinterestedness of their counsels; and, especially, the success of the vows which they have made, in presence of the Supreme Being, to be free or die; all combine to render indestructible the connexions which they have formed.

Doubt it not, citizens; we shall finally destroy the combination of tyrants; you, by the picture of prosperity, which, in your vast country, has succeeded to a bloody struggle of eight years: we, by that enthusiasm which glows in the breast of every Frenchman. Astonished nations, too long the dupes of perfidious kings, nobles, and priests, will eventually recover their rights, and the human race will owe to the American and French nations their regeneration and a lasting peace.

The members of the Committee of Public Safety.

J. S. B. DELMAS,
MERLIN, (of Douai.) &c. &c.

PARIS, 30th Vendemaire, 3d year of the French Republic, one and indivisible, (Oct. 21, 1794.)

The Minister Plenipotentiary of the French republic to the President of the United States.

MR. PRESIDENT:

I come to acquit myself of a duty very dear to my heart: I come to deposite in your hands, and in the midst of a people justly renowned for their courage and their love of liberty, the symbol of the triumphs and of the enfranchisement of my nation.

When she broke her chains; when she proclaimed the imprescriptible rights of man; when, in a terrible war, she sealed with her blood the covenant she had made with liberty, her own happiness was not alone the object of

* Addressed to the Senate, also.

her glorious efforts; her views extended also to all free people. She saw their interest blended with her own, and doubly rejoiced in her victories, which, in assuring to her the enjoyment of her rights, became to them new guaranties of their independence.

These sentiments, which animated the French nation from the dawn of their revolution, have acquired new strength since the foundation of the republic. France, at that time, by the form of its government, assimilated to, or rather identified with, free people, saw in them only friends and brothers. Long accustomed to regard the American people as her most faithful allies, she has sought to draw closer the ties already formed in the fields of America, under the auspices of victory, over the ruins of tyranny.

The National Convention, the organ of the will of the French nation, have more than once expressed their sentiments to the American people; but, above all, these burst forth on that august day when the minister of the United States presented to the National Representation the colors of his country. Desiring never to lose recollections, as dear to Frenchmen as they must be to Americans, the Convention ordered that these colors should be placed in the hall of their sittings. They had experienced sensations too agreeable not to cause them to be partaken of by their allies, and decreed that to them the national colors should be presented.

Mr. President, I do not doubt their expectation will be fulfilled; and I am convinced that every citizen will receive, with a pleasing emotion, this flag, elsewhere the terror of the enemies of liberty, here the certain pledge of faithful friendship; especially when they recollect that it guides to combat men who have shared their toils, and who were prepared for liberty, by aiding them to acquire their own.

P. A. ADET.

Answer of the President of the United States.

Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country; my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom. But, above all, the events of the French revolution have produced the deepest solicitude, as well as the highest admiration. To call your nation brave, were to pronounce but common praise. Wonderful people! Ages to come will read with astonishment the history of your brilliant exploits! I rejoice that the period of your toils and of your immense sacrifices is approaching. I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a constitution designed to give permanency to the great object for which you have contended. I rejoice that liberty, which you have so long embraced with enthusiasm—liberty, of which you have been the invincible defenders—now finds an asylum in the bosom of a regularly organized Government;—a Government, which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States, by its resemblance to their own. On these glorious events, accept, sir, my sincere congratulations.

In delivering to you these sentiments, I express not my own feelings only, but those of my fellow-citizens, in relation to the commencement, the progress, and the issue, of the French Revolution; and they will cordially join with me in purest wishes to the Supreme Being, that the citizens of our sister republic, our magnanimous allies, may soon enjoy, in peace, that liberty which they have purchased at so great a price, and all the happiness which liberty can bestow.

I receive, sir, with lively sensibility, the symbol of the triumphs and of the enfranchisement of your nation, the colors of France, which you have now presented to the United States. The transaction will be announced to Congress; and the colors will be deposited with those archives of the United States which are at once the evidences and the memorials of their freedom and independence. May these be perpetual! and may the friendship of the two republics be commensurate with their existence.

G. WASHINGTON.

UNITED STATES, *January 1st, 1796.*

4th CONGRESS.]

No. 109.

[1st Session.]

ALGIERS.

COMMUNICATED TO THE SENATE, FEBRUARY 15, 1796.

UNITED STATES, *February 15, 1796.*

Gentlemen of the Senate:

Herewith I transmit, for your consideration and advice, a treaty of peace and amity, concluded on the 5th day of last September, by Joseph Donaldson, junior, on the part of the United States, with the Dey of Algiers, for himself, his Divan, and subjects.

The instructions* and other necessary papers, relative to this negotiation, are also sent herewith, for the information of the Senate.

G. WASHINGTON.

Extract of a letter from the Secretary of State to Colonel David Humphreys, dated Philadelphia, July 19, 1794, on the Algerine business.

You will consider yourself as again charged with this important interest of our country, according to the former instructions. A power is lodged with Messrs. Willink, Van Staphorst, & Hubbard, to borrow eight hundred thousand dollars, and to hold the same to your draft. Whensoever, therefore, the money can be used in our objects at Algiers, you will draw for it. It must be submitted to your discretion, upon the view of all circumstances, as well of personal danger as public benefit, whether you will go over yourself—a measure which unquestionably would enable you to seize more certainly, than when at a distance, one of those moments of good humor and caprice which the letters transmitted through you from Algiers designate as the lucky seasons for impressing the Dey, and consider as having, unfortunately for our country, escaped without being caught. If, however, you find it unsafe, or impracticable, to undertake the mission yourself, it will then be proper to use the instrument selected by Mr. Morris, and to instruct him accordingly; maintaining always, perfect cordiality and concert with the French commissioner, but, at the same time, not hesitating to follow your own ideas when they shall seem preferable, and resorting to the Swedish consul at Algiers, his brother, or any other individual, or expedient, according to your judgment, on the best mode of accomplishing success.

The President has under consideration the mode in which the eight hundred thousand dollars may be expended in the purchase of a peace; that is, how much shall be applied to the ransom and how much to the peace.

* For the instructions to Admiral John Paul Jones, here referred to, and other papers on Algerine Affairs, see No. 66, ante p. 290.

Extract of a letter from the Secretary of State to Colonel Humphreys, dated

AUGUST 25, 1794.

"I beg leave to refer to my letter of the 19th July, a duplicate of which is now enclosed, as indicative of the President's wish that you should continue in the destination for Algiers. It is too interesting to the feelings of us all, not to retain you in a mission for which your experience in the subject, and other qualities, combine to fit you, rather than any other person who could be sent.

"These are the instructions of the President.

"1. Ransom and peace are to go hand and hand, if practicable; but, if peace cannot be obtained, a ransom is to be effected without delay.

"2. After endeavoring to obtain a ransom, at the lowest possible rate, or at the rate allowed by Portugal, or other nations the least favored, you may, if necessary, go as far as three thousand dollars per man.

"3. You will refer to the former instructions for the real wishes of the Government as to the sum to be paid for peace; keeping in mind the preference of a larger annuity and a smaller douceur in hand, to the reverse. But we would not break for fifty thousand dollars per annum, and two hundred thousand dollars by way of douceur, to secure a peace for a convenient term of years. But, though this form of the thing is most eligible, yet it is not judged to be a *sine qua non*: for, after all, what is usual and effectual must decide, and the payment in gross may be accommodated to the necessity of accomplishing the object.

"4. If, however, by any other modification of the sum of eight hundred thousand dollars, a peace and ransom can be obtained, you may modify accordingly; restricting yourself, on the head of a ransom, within the above mentioned limit of three thousand dollars per man."

Extracts from the instructions given March 28, 1795, to Colonel David Humphreys, so far as they respect the proposed negotiations with the Dey and Regency of Algiers.

"The instructions heretofore communicated to you in several letters from the office of the Department of State, respecting the negotiation with the Dey of Algiers, &c. for concluding a treaty of peace, and liberating our citizens from captivity, contain the sentiments of the President on those subjects, and will serve accordingly for your general government. If we should not be able to make a treaty, comprehending all the articles contained in our treaty with Morocco, we must acquiesce in the liberation of our citizens, and a treaty of peace only."

"Joseph Donaldson, Junior, is named by the President as consul to the two States of Tunis and Tripoli." "In the first place, however, it is expected that Mr. Donaldson will (if deemed necessary) be employed in an agency with Pierre Eric Skjoldebrand (now named as consul of the United States for Algiers) in ascertaining and agreeing upon the provisional or preliminary terms of a treaty with Algiers; and in causing (under your directions and instructions) the money appropriated by law for that purpose to be paid at Algiers, in the manner which shall be agreed on."

Extract of a letter from the Secretary of State to Colonel David Humphreys, dated

APRIL 4th, 1795.

"In addition to the instructions of the 28th ultimo, you are hereby authorized to associate or not, Mr. Donaldson and Mr. Skjoldebrand in the negotiation at Algiers: to employ Mr. Donaldson alone therein, if you think proper."

"On my part, I will remove the idea of indecacy towards the French republic, by assigning to our minister at Paris the reason why an attempt to negotiate was made in the first instance, without their aid. But it is supposed proper, and is therefore recommended to you, to proceed as early as possible to France, for the purpose of obtaining the co-operation of that Government in this negotiation."

Extract of a letter from Colonel Humphreys to the Secretary of State, dated

LISBON, September 17th, 1794.

"I have just received letters from Algiers, from the Swedish consul Skjoldebrand, from his brother M. Pierre Eric Skjoldebrand and Captain O'Brien.

"The principal articles which I note in these letters are, the discontinuance of the plague, a repetition of the application that the Swedish consul should be reimbursed by the United States the money which he paid for the redemption of George Smith, and the opinion (probably founded on good grounds) of M. Skjoldebrand, junr. of nearly the ultimatum which the Dey will insist upon if a peace should be negotiated with him.

"Mr. Skjoldebrand, junior, supposes a peace may be obtained by the United States, for about the following sums, (in dollars) viz: For the treasury, in money or timber of construction, fifty thousand: For the great officers and relations of the Dey, one hundred thousand: Consular present, thirty thousand: Redemption of slaves, from two hundred to two hundred and fifty thousand; in all between six and seven hundred thousand; together with an annual tribute of from twenty-five to thirty thousand; and a consular present every two years of about nine or ten thousand dollars."

Mr. Skjoldebrand to Colonel Humphreys.

ALGIERS, 13th August, 1795.

SIR:

I have just received the letter, dated the 23d of May, which you have done me the honor to write to me; and I hasten to answer it by this sudden opportunity, although in but a few words; leaving to Mr. Donaldson to detail to you circumstantially the favorable situation of your affairs here, and to take the measures which he shall think proper; having, incircumvent with Messrs. Cathcart and O'Brien, had due regard to your recommendation of Mr. Donaldson, and having, by means of the house of Bacri, taken the most active measures for the speedy accomplishment of a negotiation which so many persons in public office in this place are busy to defeat.

I have had the honor to write you twice, already, by the way of Tangier, in answer to your much esteemed favor of the 18th of May; and I see with surprise, by your last, that they have, probably at Gibraltar, given a description too disadvantageous of the state of your affairs at Algiers; and this sudden change, this sad aspect of your affairs at Algiers, of which you speak, are but the political inventions which your enemies have wished you to believe.

It is true that, since the French consul was commissioned in your business, the pretensions of the Dey were exorbitant; but these have been moderated and will be moderated still more, if Mr. Donaldson knows how to profit by the present favorable moment, and to pursue the course which Captain O'Brien has marked out.

As to the proposal of the President to name me consul of the United States in this place, of which you have informed me, it is very flattering for me; but you will permit me to look upon it as a compliment for which I am obliged to you only, for having probably presented to the President a description too advantageous of my small talents, and of the services, hitherto feeble, which I have had it in my power to render to your interests; and being

naturally persuaded that such a ministerial employment as that of the consulate of Algiers ought not to be confided to any other than an American citizen, I think I have no need to say more about it, nor to mention it to my court, without whose permission I can, in such case, undertake nothing.

It remains then but to pray you to be persuaded of the continuance of the sincere attachment and esteem with which I have the honor to be, sir, &c.

P. E. SKJOLDEBRAND.

Colonel HUMPHREYS, *Ambassador from the
United States of America at the Court of Lisbon.*

Mr. Skjoldebrand to Colonel Humphreys.

ALGIERS, 10th September, 1795.

SIR:

This is the moment to read again the letters which I formerly had the honor to address to you. You will see, sir, by my letter of the 16th of August, of the last year, a conjecture of the conditions on which you would be able to obtain peace, amounting to six or seven hundred thousand hard dollars. You will see, in my letter of the 29th of December, by George Smith, in what manner these supposed conditions were changed, from the moment that the consul of France was commissioned; and by a note which Mr. Donaldson will send you, you will see the specification of these exorbitant demands which were entrusted to the consul of France, who offered no objection to them; making it appear then, as well as since, on many occasions, that he was much flattered by the confidence of the United States and of the Dey; but that he secretly desired that your peace might not take place, by the impossibility of your consenting to such unjust conditions.

I will say nothing more of the conduct of Mr. Mace, the consul of England, nor of Mr. De Larrea, consul of Spain, in relation to your interests. You must know it already; and Captain O'Brien, the bearer of this letter, a brave man, who merits your confidence, and that of his country, will communicate to you many interesting things, which want of time, and much business, do not permit me to relate.

I leave also to him and to Mr. Donaldson to inform you whether, on this occasion, I have manifested a desire to render services to the United States, as far as my duty towards my country and necessary prudence, (being surrounded with envious and mischievous observers) have permitted me; and as to the terms of the peace, as well as all other measures taken by Mr. Donaldson, I beg you, sir, to be persuaded that it would not have been possible for any person, whomsoever, to make better, or to conclude upon more moderate conditions.

The Jew Mechajo Bacri, the Dey's brother, of whom I have so often spoken to you, has been the person who, in concert with Mr. Cathcart, have executed in public with the Dey, the plans and directions on which Mr. Donaldson, in concert with me and Captain O'Brien, privately agreed; and all have had their share of merit in removing all the difficulties invented by your enemies here, who have used all their endeavors, even with lies, to create in the Dey an ill disposition towards the United States, and to enhance his demands.

I have but one piece of advice to give you, which is, to press, as much as is possible for you, the arrival of a consul, with the sums of money which Mr. Donaldson shall fix for you; and remember again that a hundred of your fellow-citizens, more impatient now than ever, will labor on the marine of Algiers until those sums arrive. Remember, also, sir, that you must have a capable man for consul here, and a man who merits the confidence to have full powers, and a public credit considerable, always open for the cases absolutely necessary for the good of his country. I know among the present slaves here only Captain O'Brien, who possesses the requisite qualities to fill such a place; but it appears that he is more inclined to push his views in the marine of the United States.

It remains only now for me to testify to you my regret in being disappointed in my hopes, which I had always formed, of having the honor of seeing you here in person. The only and the great satisfaction which I had always promised myself, for the little trouble I have taken to soften the fate of your unhappy fellow citizens, slaves in this place, was to form a personal acquaintance with you, and to preserve the friendship with which you have been pleased to honor me, and which, hereafter, as heretofore, I shall endeavor to merit.

My brother presents you his respects; and, with sentiments of the most sincere respect and devotion, I have the honor to subscribe myself, sir, your most humble, &c.

P. E. SKJOLDEBRAND.

Colonel HUMPHREYS, *Minister Plenipotentiary
of the United States at the Court of Lisbon.*

P. S. The Dey, whom you would have seen here in person with much pleasure, and who, from the description and idea which your friends have endeavored he should form of you, has a very high opinion of your merit, shows you a very honorable mark of it in sending you an Algerine sabre, mounted with gold, of which Captain O'Brien will be the bearer.

Extract of a letter from Colonel David Humphreys, dated at Lisbon, the 28th of November, 1795, to the Secretary of State.

"In conformity to the intimation, given in my last letter, I have now the honor to enclose to you the treaty of peace and amity between the United States of America and Algiers.

"I am decidedly of opinion that the treaty could not have been effected upon better terms; and that the terms are within the limits of the instructions given to me on the subject. I have annexed my assent to the same; and beg leave to submit it to the decision of the Executive accordingly."

"It seems that the French agent general for Barbary affairs, (Hercules) to whom instructions had been sent by the committee of *Salut Public* in our behalf, was still in Tunis, and had never been at all in Algiers."

A Treaty of Peace and Amity with the Dey of Algiers.

ARTICLE 1. From the date of the present treaty there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America and Hasan Bashaw Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect.

ART. 2. All vessels belonging to the citizens of the United States of North America shall be permitted to enter the different ports of the regency to trade with our subjects, or any other person residing within our jurisdiction, on paying the usual duties at our custom house that is paid by all nations at peace with this regency, observing that all goods disembarked and not sold here shall be permitted to be rebarbarked without paying any duty whatever, either for disembarking or embarking; all naval and military stores, such as gun powder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency without paying any duties whatever at the custom house of this regency.

ART. 3. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

ART. 4. All ships of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only, besides the rowers; these two only permitted to go on board said vessel without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the consul of the United States of North America resident in this regency, shall be permitted to proceed on her cruise unmolested. No passport to be issued to any ships but such as are absolutely the property of citizens of the United States, and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

ART. 5. No commander of any cruiser belonging to this regency shall be allowed to take any person, of whatsoever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing desired, neither shall they inflict any corporal punishment, or any way else molest them.

ART. 6. If any vessel belonging to the United States of North America shall be stranded on the coast of this regency, they shall receive every possible assistance from the subjects of this regency; all goods saved from the wreck shall be permitted to be re embarked on board of any other vessel without paying any duties at the custom house.

ART. 7. The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

ART. 8. Any citizen of the United States of North America having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient until such time they can procure such passport.

ART. 9. If any of the Barbary States at war with the United States of North America shall capture any American vessel and bring her into any of the ports of this regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ART. 10. Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the regency, have leave to dispose of them without paying any price on sale thereof. All vessels wanting provisions or refreshments shall be permitted to buy them at market price.

ART. 11. All ships of war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshments gratis. Should any of the slaves of this regency make their escape on board said vessel, they shall be immediately returned; no excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ART. 12. No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will, but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy's ship by the cruisers of this regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty; on the contrary, they having no passport, they and their property shall be considered lawful prize, as this regency know their friends by their passports.

ART. 13. Should any of the citizens of the United States of North America die within the limits of this regency, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall they, the Dey, or Divan, give hindrance in the execution of any will that may appear.

ART. 14. No citizen of the United States of North America shall be obliged to purchase any goods against his will, but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North America, or any other citizen, shall not be answerable for debts contracted by any one of their own nation, unless previously, they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the regency or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

ART. 15. Any disputes or suits at law, that may take place between the subjects of the regency and the citizens of the United States of North America, shall be decided by the Dey in person, and no other; any disputes that may arise between the citizens of the United States shall be decided by the consul, as they are, in such cases, not subject to the laws of this regency.

ART. 16. Should any citizen of the United States of North America kill, wound, or strike a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America in the above predicament escape prison, the consul shall not become answerable for him.

ART. 17. The consul of the United States of North America shall have every personal security given him, and his household; he shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel wherever he pleases, within the regency. He shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogoman and broker.

ART. 18. Should a war break out between the two nations, the consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

ART. 19. Should the cruisers of Algiers capture any vessel having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged; and should the vessels of the United States capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

ART. 20. On a vessel of war, belonging to the United States of North America, anchoring in our ports, the consul is to inform the Dey of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number, and the Dey will send such provisions on board as is customary, gratis.

ART. 21. The consul of the United States of North America shall not be required to pay duty for any thing he brings from a foreign country, for the use of his house and family.

ART. 22. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately, but every thing shall be searched into regularly; the party injured shall be made reparation.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun. on the part of the United States of North America, agreed with Hassan Bashaw Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we the Dey and Divan promise to observe, on consideration of the United States paying, annually, the value of twelve thousand Algerine sequins, in maritime stores. Should

the United States forward a larger quantity, the overplus shall be paid for in money by the Dey and regency. Any vessel that may be captured from the date of this treaty of peace and amity shall immediately be delivered upon her arrival in Algiers.

VIZIER HASSAN BASHAW.
JOSEPH DONALDSON, Jun.

To all to whom these presents shall come, or be made known.

Whereas the under written David Humphreys hath been appointed commissioner plenipotentiary, by letters patent, under the signature of the President, and seal of the United States of America, dated the 30th March, 1795, for negotiating and concluding a treaty of peace with the Dey and Governors of Algiers: Whereas, by instructions given to him on the part of the Executive, dated the 28th of March, and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, jun. on an agency in the said business: Whereas, by a writing under his hand and seal, dated the 21st of May, 1795, he did constitute and appoint Joseph Donaldson, jun. agent in the business aforesaid; and the said Joseph Donaldson, jun. did, on the 5th of September, 1795, agree with Hassan Bashaw Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States. In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

DAVID HUMPHREYS, [L. s.]

4th CONGRESS.]

No. 110.

[1st SESSION.]

AMERICAN SEAMEN.

REPORTED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1796.

Mr. LIVINGSTON, from the committee appointed to inquire and report whether any, and what, legislative provision is necessary for the relief of such American seamen as may have been impressed into the service of any foreign Power; and, also, to report a mode of furnishing American seamen with such evidence of their citizenship as may protect them from foreign impressment, in future, made the following report:

That, in considering the two important questions to which their attention has been directed by the House, they have not thought it necessary to prosecute any inquiry into particular instances of the evil complained of. They have supposed the sufferings and indignities undergone by their fellow-citizens on the high seas, as unhappily too notorious to need the support of further proof; and have, therefore, thought it their duty, without any delay, to submit some plan, first, for their immediate relief; and secondly, for their future protection.

First. For the relief of those unfortunate men, who may now be suffering under the accumulated miseries of imprisonment, insult, and separation from their families and country, the committee are of opinion that immediate legislative interference is necessary, and that it may be directed to a provision for the support of two or more agents, to be appointed by the Executive, and sent, the one to Great Britain, and the other to such places in the West Indies, where the greatest number of British ships of war may resort; and to continue there for such time as the President may deem necessary. The committee contemplate the utility of those agents in alternate points of view.

1st. As procuring a release of impressed seamen by their interference; or, if their endeavors should unfortunately fail,

2d. As a means of procuring an accurate state to the Government of the number and designation of its citizens, and of neutral foreigners sailing under the protection of its flag, thus illegally seized, that more efficacious measures may be pursued for their relief.

Secondly. On the second point, the committee are of opinion that many of the impressments of American seamen having been colored by a real or pretended supposition that the persons impressed were British subjects, it becomes necessary to take away that pretence, by furnishing every American seaman with an authentic document to prove his right of citizenship.

They, therefore, submit the following resolves:

Resolved, That provision ought to be made for two or more agents, to be appointed by the President of the United States, by and with the advice and consent of the Senate; the one of which agents shall reside in such part of the kingdom of Great Britain, and the other at such places in the West Indies, as the President shall direct; whose duty it shall be to inquire into the situation of such American citizens as shall have been, or hereafter may be, impressed or detained on board of any foreign vessel; to endeavor, by all legal means, to obtain their release, and to render an account of all foreign impressments of American citizens to the Government of the United States.

Resolved, That proper officers ought to be provided, where every seaman, being a citizen of the United States, on producing evidence, duly authenticated, of his birth, naturalization, or residence, within the United States, and under their protection, on the 3d day of September, 1783, may have such evidence registered, and may receive a certificate of his citizenship.

4th CONGRESS.]

No. 111.

[1st Session.]

SPAIN.

COMMUNICATED TO THE SENATE, FEBRUARY 26 AND 29, 1796.

UNITED STATES, February 26, 1796.

Gentlemen of the Senate:

I send, herewith, the treaty concluded on the 27th of October last, between the United States and Spain, by their respective plenipotentiaries.

The communications to the Senate, referred to in my message of the 16th of December, 1793, contain the instructions to the commissioners of the United States, Messrs. Carmichael and Short, and various details relative to the negotiations with Spain. Herewith I transmit copies of the documents authorizing Mr. Pinckney, the envoy extraordinary from the United States to the court of Spain, to conclude the negotiation, agreeable to the original instructions above mentioned; and to adjust the claims of the United States for the spoiliations committed by the armed vessels of His Catholic Majesty on the commerce of our citizens.

The numerous papers exhibiting the progress of the negotiation, under the conduct of Mr. Pinckney, being in the French and Spanish languages, will be communicated to the Senate as soon as the translations which appear necessary shall be completed.

G. WASHINGTON.

UNITED STATES, February 29, 1796.

Gentlemen of the Senate:

I send, herewith, the papers relating to the negotiation of the treaty with Spain, to which I referred in my message of the 26th instant.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To THOMAS PINCKNEY, greeting:

Reposing especial trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the Senate, do appoint, you, the said Thomas Pinckney, envoy extraordinary from the United States of America to the court of His Catholic Majesty; authorizing you, hereby, to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

[L. S.] In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the twenty-fourth day of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President of the United States of America:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of Thomas Pinckney, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said Thomas Pinckney envoy extraordinary and sole commissioner plenipotentiary of the United States of America to His Catholic Majesty; hereby giving and granting to him full, and all manner of, power and authority, as also a general and special command at the court of his said Majesty, for, and in the name of, the United States, to meet, confer, treat, and negotiate, with the ministers, commissioners, deputies, or plenipotentiaries, of his said Majesty; being furnished with sufficient authority of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of the territories of the United States and His Catholic Majesty, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require to be precisely adjusted and regulated; and of and concerning the general commerce between the United States and the kingdoms and dominions of His Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions, thereon; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

[L. S.] In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President of the United States of America:

EDM. RANDOLPH, *Secretary of State.*

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of Thomas Pinckney, whom I have nominated, and, by and with the advice and consent of the Senate, appointed, envoy extraordinary of the United States to His Catholic Majesty, I do, hereby, give and grant to him, the said Thomas Pinckney, full, and all manner of, power and authority, as also a general and special command at the court of his said Majesty, for, and in the name of, the United

States, to meet and confer with the ministers, commissioners, or deputies, of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly, and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty, or of any of the tribunals or authorities of his said Majesty, to his ships of war and privateers, of whatsoever date, as well as of and concerning restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers, and retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

[L. s.] In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day of November, 1794, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President of the United States of America:

EDM. RANDOLPH, *Secretary of State.*

The Secretary of State to Thomas Pinckney.

PHILADELPHIA, November 3, 1794.

DEAR SIR:

Mr. Bayard, who sails on Thursday, as an agent for those who have suffered by British depredations, will be charged with both private and public despatches from me to you. I drop you this line to prepare you for a mission, which the President has prepared for you, as envoy extraordinary to Madrid. I beg you, immediately upon the receipt of this, to make any arrangements which may seem expedient, before you quit London. The business relates to the Mississippi: will be temporary; and, under present circumstances, probably not dilatory. You will necessarily conclude that your return to London upon your former footing will be a thing of course.

I have the honor to be, dear sir, with sincere esteem and true respect, your most obedient servant,

EDM. RANDOLPH.

Extract of a letter from the same to the same, dated November 8, 1794.

"The failure of the Senate to meet at the day appointed, and the continuance of that failure to the very moment of Mr. Bayard's departure, disable me from sending you a commission, and its appendages, in the quality of envoy extraordinary to Madrid. I hope, however, that my letter of the 3d instant will have prepared you, in some measure, for this new mission, before its duplicate, now sent, shall arrive."

Extract of a letter from the same to the same, dated Philadelphia, November 28th, 1794.

"In my two last letters of the 3d and 8th instant, duplicates of which have been forwarded, I prepared you for a temporary transference of your services from London to Madrid. The determination of the President is now confirmed by the approbation of the Senate, as you will perceive from the commission, which accompanies this letter.

"Your powers inform you, in general terms, of the subjects with which you are charged. The development of the principles upon which they are to be contended for, will be found in the documents of which Mr. Short is possessed. But, for the sake of enabling you to avail yourself of every opportunity, before you reach Madrid, I send a statement of our pretensions, as they were laid before Congress, comprehending Mr. Jay's discussions with Mr. Gardoqui, and the instructions and arguments transmitted to Messrs. Carmichael and Short. In these the President sees no reason for a change."

MY DEAR SIR:

MADRID, July 21, 1795.

I arrived at this metropolis on the 28th of the last month, but, finding that the court were still at Aranjuez, I proceeded to that place; their residence there, however, was so short after my arrival that I could do no more than obtain an introduction to the Duke de la Alcudia. I returned to Madrid on the 2d of July, where the court remained only ten days; of course, every thing was in a kind of hurry and confusion unfavorable to business. I however passed through all my ceremonial, and have had two conferences with the minister, the result of which is, that they are still anxious for further delay, which is to them equivalent to a cession of our rights, so long as we shall acquiesce therein, they being in possession of the object of controversy. The Duke de la Alcudia received me with politeness, but, at the same time, informed me that he could come to no conclusion on the principal points of my mission until he should have received an answer to the propositions which he directed the Spanish chargé des affaires to make to our Government, in America, in the months of July and August last. I told him, in reply, that Mr. Jaudenes did not conceive himself authorized to make any direct propositions to the President so late as the month of March last, notwithstanding he had received the instructions to which the duke alluded, and therefore, that it was in vain to wait for an answer to propositions which, without further instructions, could not be brought forward in a mode through which any answer could be given to them.

He seemed to doubt the possibility of M. Jaudenes' not having made the proposals he had directed, and said he expected an answer thereto daily, and would immediately apprise me thereof. I then told him that I had undoubted proof of the matter being as I had stated, having in my possession a letter from M. Jaudenes to you, ascertaining the fact, with a copy of which, at his request, I promised to furnish him. I accordingly enclosed it to him in a note, the copy of which is herewith. The court leaving Madrid for San Ildefonso within a few days, I have received no answer thereto. I cannot help here lamenting that, when you enclosed to Mr. Short Mr. Jaudenes' letter containing these proposals, (however informally expressed) you had not stated the sense of our Government thereon, and that, consequently, I must either acquiesce in a further delay, or take upon myself to determine what will be the resolution of our Government upon a question of great importance. It is true that I can deduce, by inference from the instructions heretofore given, and from reasoning upon our situation and circumstances, that the United States will not guaranty the possessions of Spain in America, and will not consent to purchase what is their right. But, upon a proposition so new, it would have been desirable that I could have stated to the Spanish Government that I was directly instructed on this head, in case any such proposal should be made here. I conceive, however, that it is of such importance that our controversy with this Government should be determined during the present war, (which, I think, will not be continued another campaign) and it is also so essential to our internal harmony that the President should be made acquainted with the real intentions of this court, during the next session of Congress, that I mean to urge the decision as strongly as propriety and attention to my instructions on the subject will admit. Mr. Short has already informed you of the line which this court has determined to pursue to us, respecting navigation, during the present war, and of the reasons which prevent them from entering into written stipulations on this subject. This line of conduct, while observed, is as favorable to us as we could expect.

but, as no general orders can be published on the occasion, individual cases will occasionally occur, in which it will be necessary to apply to this administration for a compliance with their verbal agreement; and to these the duke promises to pay immediate attention. This took place in a joint conference, which Mr. Short and I had with him, when we thought it prudent to state to him what his engagements were on that subject; to which statement he readily acquiesced (namely, that the stipulations on this subject in our treaty with France should be observed.) In addition to the propositions said to have been directed to be made to our Government, as above stated, I find, in conversation with the duke, that another object is started, which, I presume, may be brought forward, still further to retard the negotiation. In our first conversation, he said that our negotiation seemed so connected with their accommodation with France, that it would be best to let them proceed together. When I observed that I could not discover the connexion, he did not then explain himself to my comprehension, but, in a joint conference with Mr. Short and myself, he expressed a wish to establish a triple alliance between France, Spain, and ourselves. He received the answer from Mr. Short, which he had previously given him, with great propriety, on former occasions, of a nature somewhat similar, which is, in substance, that a generous and friendly conduct would ensure to both parties all the benefits of an alliance, and that the first object was to establish our rights on just principles, when objects of mutual convenience and accommodation might with propriety be resorted to. Mr. Monroe has informed you of the intentions of the French Government with respect to our negotiation here. I had no conversation with them on the subject, as I conceived the business placed on as good a footing as I could desire, and, since I have been here, I conclude that the French commissioners have complied with their instructions; the duke having informed me that he had certain information that our minister at Paris opposed an accommodation between Spain and France, unless our rights were previously acknowledged by the former.

The repairs which so long a journey had rendered necessary for my carriage have detained me here a few days beyond the departure of the court; to-morrow, however, I set out to join them, and will inform you of the result of my next conference by the earliest opportunity.

I have received all possible assistance and information from Mr. Short since I have been here. He has placed in my hands all the papers of which he was possessed, relative to the objects of my mission. I am personally obliged to him for the readiness and friendly good will with which he has rendered me this service, and the United States are, I conceive, much indebted to him for the assiduity and ability with which he has conducted his negotiations at this court. I do not conceive that it can be necessary for me to remain here until an answer can be obtained to this letter, as it must be decided, long before that time, whether this court means to proceed in their system of delay, or whether they will yield to us our rights. In either case, it will be necessary that you should have a decided answer during the ensuing session of Congress. After that answer is obtained, my present idea is, that my presence here will be unnecessary; at all events, however, I will observe the directions contained in the ciphered part of your letter of 28th of November, 1794. I would, however, submit to you the propriety of an explicit instruction, to whoever may be here, on the subject of alliance and guaranty, if it should not have been done previous to your receipt hereof, as, from the circumstances which have already occurred, I do not expect that it will be brought before our Government soon, in an official manner, and, if the instructions should arrive too late to be of service, they can do no harm.

I have the honor to be, dear sir, with great respect, your obedient and faithful servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

[Enclosed in the foregoing despatch.]

MADRID, 10th July, 1795.

MONSIEUR LE DUC:

In conformity with the promise which I had the honor of making to your excellency, I herewith send the letter written by the chargé des affaires of His Catholic Majesty to the Secretary of State of the United States of America, dated the 28th of March, 1795, by which it is unquestionable that, at that time, M. Jaudenes did not think himself authorized to make propositions to the President of the United States, in consequence of your excellency's instructions, although he there acknowledges the receipt of your excellency's letter of the 26th of July, which, according to the communication with which you honored Mr. Short on the —, contained his instructions on the propositions which the court of Spain thought proper to make to the Executive power of the United States, and although he has likewise written to the Secretary of State of the United States that your excellency had signified, by a letter of the 21st of November, 1794, that you had nothing to add to your informations of the said 26th of July, and of your duplicates of the 6th and 15th of August. This being the case, I beg your excellency to be pleased to inform me whether M. Jaudenes has properly understood his instructions of the 26th of July, and whether the five articles which he cites, under the term of insinuations, are such as His Majesty thought proper to propose to the United States.

I have the honor to be, with the highest consideration and respect,

M. le Duc, your most humble and most obedient servant,

THOMAS PINCKNEY.

Mr. Pinckney to the Secretary of State.

SAN ILDEFONSO, 11th August, 1795.

MY DEAR SIR:

By my letter of the 21st July, it must have appeared to you that this court was proceeding in that system of delay which it seems hitherto to have adopted, the minister having referred me, in my first conferences, to the answer expected to Mr. Jaudenes' proposals. As a means of obviating this, I thought it best to put a stop to all expectations on that subject, and, therefore, at the first conference I had with the duke at this place, I told him candidly, that, however full my powers were, (which he must have seen) and however amicably inclined the United States were to this country, I did not think myself authorized to insert in any treaty, to be formed with this country, a guarantee of their possessions in America. With this declaration the duke appeared much mortified, conceiving, as was natural, that the proposals, though informally made, had been considered and rejected by our Government. I then proceeded to state how ready the United States were to enter into every other friendly stipulation, and urged the arguments that occurred to me for an immediate settlement of the points in controversy; the result was, that he promised to proceed with me in our negotiations concerning the limits, &c. without the guarantee. I urged the fixing a day to proceed to the business, which he said was impossible, as he wished some further information, but promised to appoint an early day. This, however, not immediately taking place, I requested, in three or four days, a further conference, in which he still urged that he was not prepared, but said that he would very shortly enter into the business; and, from his conversation, I collected that he had really been looking into the subject.

On Saturday last it was pretty generally known here that the terms of a treaty of peace were settled between this country and France. On Sunday, at a conference with the duke, on my urging our progress, he told me that our business should be very speedily settled to our satisfaction; that I might consider it perfectly in that point of light, as His Majesty was determined to sacrifice something of what he considered as his right, to testify his good will to us. You, sir, have seen so much of this business as to know how to appreciate those circumstances; my present opinion is, that the new position of Spain with respect to England will induce them to come to a decision

with us. You may be assured, sir, that I shall omit neither assiduity nor such arguments as I am furnished with to accelerate the determination.

Having short information of a vessel ready to sail from Bilbao, I thought it advisable to give you this hasty sketch of our present position, which otherwise I should have deferred till after the conference I mean to request to-morrow, and in which I hope something more decisive will be fixed.

I am, with sentiments of the utmost respect and sincerest esteem, my dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

To the SECRETARY OF STATE.

Mr. Pinckney to the Secretary of State.

SAN ILDEFONSO, 1st October, 1795.

DEAR SIR:

I am not favored with any of your letters, since I left England; but, as the President may desire to know the progress of the negotiation with which I am charged, previous to the meeting of Congress, I herewith send you the material parts of what has passed in writing, from whence he will be able to form his own opinion of our prospects in this business. It will be unnecessary to state to you the purport of the various oral conferences I have had with the Prince de la Paix (late Duke of Alcudia) on this occasion, as they were preparatory to the written documents I now enclose, which may be considered as the result of those conferences as far as they extend. I will not take up your time with conjectures of what may probably be the issue of this negotiation; for where measures are adopted from the fluctuation of occurrences and not from system, conjectures must be wildly hazarded.

You may be assured that nothing within the scope of my abilities shall be wanting to induce a line of steady conduct towards us, and I conclude that, in the course of another month, it will be decided whether this business can be concluded or not; in either event it will be unnecessary for me to remain here, and I therefore propose setting out for England in that space, unless events, which I do not now foresee, should require a longer residence here.

When Mr. Short leaves this court, he intends, in pursuance of your authority, to appoint Mr. Charles Rutledge as chargé des affaires during his absence. This young gentleman, who accompanied me here as secretary, and with whose conduct I am perfectly satisfied, is son of the chief justice of South Carolina, whom I believe you know. Mr. Short says his appointment will be only at the rate of £300 per annum. I therefore beg leave to represent to you that it is impossible for him to live in a decent style on that salary, and would, therefore, submit the propriety of an augmentation. That sum may be sufficient for a secretary living with a minister, and the principal part of his expenses borne by him, but it is beyond question, that a person cannot attend on this court without expending far beyond that sum.

I am, with sentiments of consideration and respect, dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

[Enclosures in the foregoing despatch of Mr. Pinckney.]

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, July 29, 1795.

MONSIEUR LE DUC:

In running over the "ordenanza de corso" of His Majesty, dated the 1st of May, 1794, I perceive, with pleasure, the sentiments of justice which dictated the 11th article, which appears to me conformable with the engagements entered into by the court of Spain, by concurring in the terms of the armed neutrality of the last war. The spirit of this article, if I mistake not, amounts to this: that Spain, faithful to the principles she had adopted on neutral rights, was ready to act in conformity to these principles, but that prudence required a previous knowledge whether France, who had also adopted the articles of the armed neutrality, would act in the same manner. That, therefore, she permitted her vessels of war to bring into her ports neutral vessels laden with produce belonging to France, by way of precaution, and only until this point should be cleared up; but that, as soon as it was ascertained that France would act in conformity to these principles towards a neutral nation, she would adopt the sentiments in conformity to her engagements, by conducting in the same manner with regard to that nation. Now, if I am not mistaken in the sense of the said article, I think I may, with propriety, propose to your excellency that the King be pleased to give orders that his ships of war and privateers bring no longer into Spanish ports, vessels of the United States of America, laden with produce belonging to Frenchmen. Seeing that your excellency has been informed of the treaty existing between the United States and France, which establishes these principles between the two nations; seeing that the Government of France has given the most unequivocal assurances to ours that it will observe this treaty; and seeing that it acts in conformity to its promises, I conceive that it will not be necessary for me to detail here to your excellency all the inconveniences which result from the practice of putting merchant vessels out of their course, and carrying them to ports to which they were not destined, merely for the purpose of sending them away after they have been brought in. From the delays, waste, and inevitable expenses arising therefrom, from the bad treatment of which our citizens complain of receiving sometimes from the crews of the privateers, and, above all, from the spite and animosity which often follow between the individuals of two nations between whom it is the ardent desire of the United States to cultivate the most perfect harmony and friendship, not doubting but that your excellency entertains corresponding sentiments of good will towards my nation, I have no apprehension that a conduct towards us will be continued, which, without being of the least advantage to the interests of the King, is very prejudicial to the United States.

I pray your excellency to accept the expression of respect and high consideration with which I have the honor to be, &c. &c.

Not knowing whether your excellency has at the Sitio a copy of our treaty with France, I take the liberty to enclose the article on the contraband of war.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, 6th August, 1795.

MONSIEUR LE DUC:

As in the cases not comprehended in the "ordenanza de corso" of His Majesty, but which are to be determined (according to the agreement your excellency made with Mr. Short) by the principles of our treaty with France, it appears to me there will be less inconvenience to all parties in preventing judgments contrary to the treaty, than if that agreement were changed, after I take the liberty of laying before your excellency the cases as they arrive, in order that your excellency may give the proper orders. With this view I have the honor to inform you that the brigantine Maria, of Boston, laden with provisions belonging to France, was taken into the port of Santander, on the 11th of June, where she is now detained; and I request your excellency to give orders to enable her to pursue her voyage. The long detention which this vessel has already undergone, with a perishable cargo, will, I hope, plead my excuse with your excellency for my pressing solicitation to have a speedy decision on this affair. I also take the liberty to inform M. le Duc of the circumstances relative to the American ship Liberty, of New York, according to the advices I have received, which are, that this vessel being at Bordeaux, was freighted by an American house to carry a cargo to Bilbao, consisting partly of whale oil and of dried codfish. The fish was

taken out by another American vessel in the river, and the oil landed, and was, of course, laden on board the *Liberty*, in the port, but it always continued to be American property. This vessel was met at sea, eight leagues from Bilbao, and carried as a prize into that port by a Spanish privateer, who pretends to have the articles which were laden at Bordeaux condemned as good prize, in virtue of the declaration of His Majesty, at the commencement of the war; by which it is ordained that French produce, and even those of foreigners landed in France, having paid the entrance duty, shall not be admitted into Spanish ports, though they should be laden on board of neutral bottoms. But I submit to the superior wisdom of your excellency whether this arrest could have had in view a case like the present, in which the entry duties were not received by the French, and in which the property has not been changed. And I request your excellency to observe, also, that this determination, taken at the beginning of the war, was modified by the principles established in the 4th article of the "ordenanza," by which it is proved that, in the actual circumstances, if the cargo of this vessel had been altogether of the manufacture and property of Frenchmen, and was met at sea by a Spanish privateer, she could not be condemned according to the said principles. It would, therefore, be very extraordinary if the property of the friends of Spain were condemned in a case in which her enemy's property would go free.

In submitting those cases to the inspection of your excellency, I have the most perfect confidence in the equity of the decision, and I pray you to be assured of the sentiments of the high consideration and respect with which I have the honor to be, &c. &c.

The Duke of Alcudia to Mr. Pinckney.

SAN ILDEFONSO, August 14th, 1795.

SIR:

I have communicated to the King the contents of your letters of the 29th of July and 6th current, in which you bring to view the offer made to Mr. William Short, that our ships of war and privateers should respect the free navigation of the United States in the same manner as those of France.

You solicit to have liberated some vessels detained, and the restoration of the cargoes of some others reputed contraband according to the fifteenth article of our privateering ordinance.

On observing what you state, His Majesty has directed proper orders to be given to the Minister of Marine for liberating the brigantine *Maria*, of Boston, and the *Liberty*, from Bordeaux, which you declare to be American property. That the captain of the *Providence* be paid for the pitch, tar, and turpentine, taken from him at Santander, as contraband articles.

And in like manner that restitution be made for the cargo of the American brigantine *Abigail*, of New York, consisting of iron, steel, boards, and paints, confiscated by the marine judge of Santander.

I hope that, in these dispositions, you will acknowledge the sincere desire which animates His Majesty to cultivate the most perfect harmony with the United States, and to cement still more the friendship subsisting between the two countries.

On my part, I renew to you on this occasion, &c.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, August 10th, 1795.

MONSIEUR LE DUC:

As in the conference with which you honored me on Wednesday last, I perceived that; although you have read with attention the memoir of Messrs. Short and Carmichael, upon the right of the United States to the navigation of the Mississippi, and to our southern limit, and admit the justice of the arguments therein contained, yet, that your excellency entertained some doubt relative to a part of the pretensions of the United States, I have thought it my duty to lay before your excellency some arguments in addition, and I have endeavored to avoid as much as possible a repetition of those which have been so well developed in the said memoir, upon which I always rely as the most perfect exposition of our rights.

I have the honor to be, &c.

T. PINCKNEY.

Memoir, by Mr. Pinckney.

"Thirty-two years have elapsed since all the country on the left or eastern bank of the Mississippi, being under the legitimate dominion of the then King of England, that sovereign thought proper to regulate with precision the limits between the provinces of Georgia and of the two Floridas, which was done by his solemn proclamation, published in the usual form, by which he established between them precisely the same limits which, nearly twenty years after, he declared to be the southerly limit of the United States, by the treaty which this same King of England concluded with them in the month of November, 1782.

"By the treaty of peace, between the late King of Spain and that sovereign, signed the 20th January, 1783, he ceded to His Catholic Majesty the two Floridas, without making any description of their limits. However, it is not difficult to prove, not only what were those limits, but also what the two contracting parties understood by that cession. It is very evident that Great Britain could not be understood to have ceded more to Spain than the two Floridas, according to the limits fixed by the proclamation of 1763, and according to what had recently been concluded, by a solemn treaty, to be the southerly limit of the United States. She had not been fortunate in the war which preceded that treaty; but it had not so far humiliated her as to dishonor herself by ceding to Spain a territory which, two months before, she declared to belong of right to the United States. But, it is likewise evident that the Spanish Government, at that time, understood the same thing in receiving, as England did in ceding, the Floridas. In order to prove this, one need only observe the dates of the relative circumstances in this business. The said proclamation of the King of England had been published more than nine years before that epoch; it was impossible, therefore, for the court of Spain to be uninformed on the subject of it; and if it were not content with the limits therein adjusted, it should have had others inserted in the treaty of peace of 1783. Besides, the provisional articles of the treaty between the United States and England, in which this limit was acknowledged, were signed in the month of November, 1782, and immediately communicated to the court of France. Now, the close connexion which at this time united the House of Bourbon, who possessed the crowns of Spain and France, was notoriously known. It is well known that these two nations were allied and confederates in the war against Great Britain. Is it, therefore, credible that the court of France omitted to communicate to their ally the treaty of the United States with Great Britain before the articles with Spain and the latter Power had existence? And this being the case, I repeat that, if she were discontented with the limits there determined for Florida, she then had an opportunity for opening negotiations in order to change them. But if it were possible to imagine that Spain, thus linked with France, and having an able negotiator upon the spot, treating of peace with the same Power, could have been ignorant of what was passing, a subsequent period occurred in which she still had an opportunity of making her objections to those limits, and when it was impossible that she could not have possessed all the necessary information, that is to say, all the time which had elapsed until her definitive treaty with Great Britain, which was not signed until the 3d of September, 1783—a period of two months after the treaty with America had been communicated to France, and even six months after it had been published in the United States. From these facts it follows that Spain, being informed of the limits fixed by the proclamation of 1763, and acknowledged by the treaty of the United States, was content with them, or that, if she were not, that she made attempts with Great Britain, which, having failed in bringing about a

change of them in the treaty by which she obtained Florida, it results, from every principle of justice, that she remained satisfied with those limits. But it has been said that Spain had pretensions for passing the limits above mentioned by the right of conquest—her troops having, during the war, seized a certain portion of territory beyond that limit; but the answer to this pretension is as simple and as conclusive as that just developed, which is, that the territory conquered must have belonged, before the war, either to the United States or to Great Britain. If it belonged to the United States, it is very clear that Spain could have no right to make conquests on a nation with whom she was not at war, and I will not, for a single moment, admit an idea so disrespectful to Spain as to imagine that she could pretend to be the friend of the United States; to have succored them in the war, to have even lent them money for maintaining it; at the same time she was depriving them of their property. If this territory belonged to Great Britain, His Catholic Majesty obliged himself, by the sixth article of the definitive treaty with Great Britain, to deliver up, without difficulty, all the country and territories conquered by the arms of His Majesty, which were not comprehended in the same under the name of cessions or of restitutions. Now, by the treaty, there was, under this description, (besides the island of Minorca) only Florida, whose limits have been proved above. Therefore, in both cases, Spain has not the right of retaining these possessions under the name of conquest.

“MISSISSIPPI.—The right of the United States to the free navigation of the Mississippi, also depends upon the best founded and most incontestable principles. In considering them I shall avoid, as much as possible, a repetition of the contents of the memoir of Messrs. Short and Carmichael, as I have endeavored to do in that which I had the honor of submitting to your excellency on the question of the limits, and this is the reason why I shall say nothing upon the argument which appears to me alone to decide this discussion in favor of the United States, to wit: the natural right they have to this navigation. But I shall content myself by saying some words on their right, founded upon the contracts, or their conventional right. And as to the first, but one observation presents itself, which can be applied to both the questions, of limits and of navigation, which is, that the contracts and the stipulations, relative to these two subjects, were made by those who had the right of making them when Spain had no interest therein; and that this Power having acquired the territories upon which she supports her rights, after they had been subjected to those conditions by the lawful proprietors, it consequently follows that she should be liable to the same conditions with regard to these territories, as the ancient proprietors were: for there is nothing more clear than that those proprietors could not cede to Spain a right which they themselves had not. Let us examine, then, whether those ancient owners, admitting they were in actual possession, could with justice hinder the inhabitants of the United States from navigating the Mississippi. The parties were France and England, who (the one possessing the right and the other the left bank of the river) declared, by the treaty of peace of 1763, that all the subjects of the British empire should have the right of navigating the Mississippi in its full extent, from its source to the ocean. By this article, the right of the United States (then a constituent part of the British empire) to navigate this river was acknowledged, and it may be added that they were the part of that empire for which this article must have been principally stipulated, being the part the most interested in it. Now, which of those two contracting Powers could now lawfully deprive us of this right? Certainly not France, who would do it in direct contravention of her treaty of 1763—France, our friend, our ally, who lavished her blood and treasure for the support of our rights—France, in a word, who, by the 11th article of her treaty of alliance, had agreed to guaranty to the United States ‘their possessions and the additions or conquests which their confederation may procure during the war, from any of the dominions now, or heretofore, possessed by Great Britain in North America, the whole, as their possessions, shall be fixed and assured to the said United States, at the *moment of the cessation of their war with England.*’

“Neither can Great Britain oppose the right of the United States to this navigation, in derogation of her treaty of 1763, and in direct contravention of her treaty with the United States, in November, 1782. If, therefore, neither the one nor the other of these ancient proprietors had the right of prohibiting the United States from the navigation of this river, I must repeat, here, that they could not, in ceding their territory to Spain, cede, also, a right which did not at all belong to them, and, consequently, that Spain does not possess that right. It may here be added, that all the arguments founded upon the knowledge Spain possessed of the existing state of the contracts, when she obtained her acquisitions, which have been above applied to the question of limits, are opposed, with still greater force, to her pretensions to the exclusive navigation of the Mississippi; forasmuch as she was one of the contracting parties to the treaty of peace of 1763, and as, by the second article of the definitive treaty of peace, concluded in 1783, that very treaty was expressly one of those which served as a basis and foundation to that of 1783.”

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, 29th August, 1795.

MONSIEUR LE DUC:

Having had the honor of presenting to you the project of a treaty of friendship, of limits, and of commerce, and having, at the same time, offered another project, separately, contained in a single article, which tends to cement, still more, the connexions of friendship between the two nations, I must remark to your excellency that, in case you agree to the latter project, it may be substituted in the treaty instead of the twelve articles, from the fifth to the sixteenth, inclusively, which, in that case, would become useless; but wishing to insert this observation in the treaty, I take the liberty to inform your excellency thereof, in order to avoid the confusion that would otherwise take place.

With a hope, which I conceive to be founded in the interest of both nations, that this negotiation will speedily terminate to their mutual advantage,

I have the honor to be, &c.

THOMAS PINCKNEY.

The Duke of Alcudia to Mr. Pinckney.

SAN ILDEFONSO, 29th August, 1795.

SIR:

I have observed, in yours of this date, the reflection which you have made relative to the project of a treaty of friendship, limits, and commerce, which you delivered to me, and the separate article, at the same time, accompanying it, and coincide with you in the just observation which you have made.

I renew, &c.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, 30th August, 1795.

MONSIEUR LE DUC:

I have the honor to address your excellency in favor of an American citizen, named Denabre, captain of the merchant ship Betsey, of Philadelphia, who writes to me from Madrid, that, after having been detained upwards of two years in the pursuit of his claim against the captors of his vessel, and after having obtained a favorable sentence from the tribunal of appeal, who were to judge his process in the last resort, his adversary still sought further de-

lays, by making a representation to His Majesty, requesting that a greater number of judges be appointed for giving definitive judgment. If this representation has been made, I doubt not but your excellency will see it in its true light, and will act so as that that justice, which, I am confident, His Majesty desires to render, be no longer delayed. I have the honor to be, &c. &c.

THOMAS PINCKNEY.

Mr. Pinckney to the Duke of Alcadia.

San ILDEFONSO, 3d September, 1795.

MONSIEUR LE DUC:

I have the honor to send you, enclosed herein, the copy of two petitions, presented by the captain of an American vessel called "The Three Friends," [Los Tres Amigos] to the marine tribunal of Santander, in which the circumstances relative to his detention are detailed, and from which, it appears that the captors, notwithstanding his claims, have landed the cargo of the said vessel.

As I am well assured, from what has already taken place on like occasions, that His Majesty will be pleased to cause this vessel and cargo to be restored, I take the liberty of laying these facts before your excellency, not doubting but that you will have the goodness so to act as that this affair be terminated with the least possible expense to all the parties interested.

I shall only add an observation, that the circumstance of this vessel having been found in the possession of Frenchmen, cannot change the case, because she would not have been deemed good prize if she had been carried into France: and even if all the cargo belonged to Frenchmen, it would be restored here, according to the last dispositions of His Majesty.

I have the honor to be, &c. &c.

*Mr. Pinckney to the Prince of Peace.**

San ILDEFONSO, 13th September, 1795.

MONSIEUR LE PRINCE:

I have the honor to inform your excellency that the owners of the American vessels, the Rooksby and Greenway, which were carried into the port of Cadiz, in the year 1793, by His Majesty's frigate Santa Cathalina, have sent an agent to Spain, in order to receive those vessels, which they supposed had been put in complete repair in the royal dock yards of His Majesty. Your excellency will readily recollect all the circumstances of this affair, by recurring to the letters with which you honored Mr. Short, on the 14th and 24th of October, 1794. The agent of the proprietors has had those vessels surveyed at Cadiz, and the report of the artists states, that there is still sufficient time to repair them, if the work be done before the autumnal rains complete their ruin. This agent is authorized to receive the indemnifications due for the freight of the cargoes of these vessels, and for the expense of their detention; but that which presses most in this case, and on which I beg your excellency to communicate to me the King's determination, is the giving of an order for the commencement of those repairs, as the agent is arrived here at the Sitio, where his expenses are more considerable than he can conveniently afford, and as he assures me that, if the repairs are not begun immediately, it will be useless to undertake them. As to what regards the freight, and other demands, I have no doubt but we shall be able to arrange them amicably, at the same time we regulate the principles of several other claims of the same nature.

I have the honor to be, &c. &c.

The Prince of Peace to Mr. Pinckney.

San ILDEFONSO, 15th September, 1795.

SIR:

On observing what you state in the letter of the day before yesterday, on the solicitation of the proprietors of the American vessels, the Rooksby and Greenway, detained at Cadiz, since the end of 1793, I assure you, sir, that orders have long ago been given for proceeding, without loss of time, to the repairing and refitting of the said vessels, agreeably to what has been proposed; but without attending to the pretended reclamations, for the reasons mentioned in my letters to Mr. William Short upon this subject.

On this occasion I reiterate to you, &c.

Mr. Pinckney to the Prince of Peace.

San ILDEFONSO, 20th September, 1795.

MONSIEUR LE PRINCE:

Having received orders from the Government of the United States of America to make reclamations to the court of Spain, in consequence of the capture of several vessels belonging to their citizens, as well by the Spanish ships of war, as by their privateers, during the war which has just been terminated, it is my duty to state to your excellency the basis upon which these reclamations are founded. There is no principle more incontestable, or more generally acknowledged, than that which establishes that, when two nations have the misfortune to be at war, the other nations wishing to remain at peace, and not to meddle in the quarrel, ought not to meet with any molestation or bad treatment from them; but, on the contrary, that they should be free to go and come, to pursue their commerce and their labor, in the same manner as though the war did not exist; always suspending the plenitude of the exercise of this right in two cases only: the first of which is, not to carry, either to the one or to the other of the belligerent parties, warlike stores. The second, to carry nothing to places besieged or blocked up. With the exception of these two conditions, the war should be null, and as though it did not exist, so far as it respects neutral nations. This doctrine, founded upon reason, and supported by the sentiments of the most enlightened writers, is further established by the express approbation of the commercial nations of Europe, of whom there is scarcely one who has not adopted these principles in their late treaties, in which they declare the conduct which the contracting parties should hold, in case either should be at war. But the time in which this common sentiment of the majority of the maritime nations manifested itself more clearly on this subject, was, when maritime conventions were established, in 1780, in the first instance, between the Northern Powers, and adopted posteriorly by a decisive plurality of the nations of Europe, and particularly by Spain.

It is this respectable code, dictated by wisdom and moderation, which, by preserving the privileges of those at peace, does not infringe the rights of those at war. This code, whose equitable principles have drawn forth the assent and support of the most respectable Powers of Europe, who also, by their position, as well political as geographical, seemed to have but little interest in it—I mean the emperor and the King of Prussia, who have solemnly adopted it—this code, in a word, uniting the sentiments of all the nations of the two hemispheres, except a single Power, has placed on a certain basis that which henceforward should be the law of nations on this subject. It is this code which I cite for the foundation of the proposition I have to make to your excellency, to wit: that the decisions on the captures of the American vessels which have been brought into ports belonging to His Catholic Majesty, by his ships of war or privateers, shall be given according to the principles of the above mentioned convention, made between the Empress of Russia and the King of Denmark, in 1780, and to the principles of which, Spain and the United States have since declared their intention of adhering, and that commissioners shall be named on both sides for determining the reimbursements that may be due on this account. I do not think I can propose to your excellency a more convenient method for terminating all discussion on this subject, than by establishing a rule

* Before addressed as the Duke of Alcadia.

formally approved of by both nations, who have united, in its favor, so remarkable a plurality of the important European Powers—a rule, moreover, conformable to the principles which His Majesty has declared he would follow in the war which has just been terminated, since, in the 14th article of his “ordenanza de corso,” he has determined to observe the same conduct in this respect, which should be held by his enemies. Now France has been held, by her treaty with the United States, to observe these same principles, and she has acted conformably, so that the same rule which the King has already established, is precisely that which I at present claim. If the fact be as our citizens complain, that a considerable number of our vessels have been taken and carried into the ports of His Majesty (particularly in the West Indies,) when they were occupied in lawful traffic only, where, after a long detention, their cargoes have been carried off by force, without the proprietors, for the most part, knowing whether they were condemned by a court of justice or not; if it be proved that half of the crews of some of these vessels died of the disorders incident to their captivity, those who survived abandoned their vessels and cargoes, rather than face the dangers of so destructive a detention; and if, by the very sentences of the tribunals in the islands, (where the sentences have been communicated to the owners) it be proved that the acts for which these cargoes have been condemned were not offences against the law of nations; I am too well convinced of His Majesty’s equity, and of his benevolence towards my nation, one instant to doubt that he will order proper measures to be taken for repairing the wrongs committed under color of his authority. If, on the contrary, these facts do not exist, and should not be proved to the satisfaction of the commissioners named by the King, he will have given a proof of his love of justice, and of his friendship for the United States, which will cost but little; will put a stop to every complaint in this respect; and do away the necessity of a claim on the part of Government upon each individual case, which would give an infinite deal of trouble to your excellency, and bring with it an endless discussion. I take the liberty of adding, here, a single reflection, which is founded on what appears to me to be the true interests of Spain on this subject, to wit: that it is expedient for a nation possessing the richest productions in the world, and who, during a war, must necessarily draw great resources from her distant possessions—for a nation whose inhabitants are not generally led by habit, or perhaps by sentiment, to a privateering war—that it is expedient, in a word, for the mistress of the mines of Mexico and Peru, to give the most ample latitude to the rights of neutral nations, during a war. It is this sentiment, founded on justice and sound policy, which, doubtless, dictated the adherence of Spain to the principles of the armed neutrality, proposed by Russia; and I have no suspicion that, in the present case, she would wish to swerve from it to do an injury to a nation, led equally from interest and disposition, to rank herself among her best of friends.

I have the honor to be, with sentiments of the highest consideration and respect,

Monsieur Le Duc, your most obedient and very humble servant,

THOMAS PINCKNEY.

The Prince of Peace to Mr. Pinckney.

SAN ILDEFONSO, 23d September, 1795.

SIR:

I yesterday received yours of the 20th, relative to the orders you have received from the President of the United States, for claiming indemnification for various prizes made by the ships of war and privateers of Spain, particularly in America, and soliciting the naming of persons on both sides, informed of the cases and complaints of the proprietors, for determining them according to the principles of the neutrality adopted in the year 1780, by the Northern Powers of Europe and by Spain.

You accompanied the said paper with an additional one, which I did not touch upon on Sunday, when I handed you the project of the treaty, expecting that this point would be provided for therein.

And, in answer to both cases, I can inform you that, on the same terms as have been determined the American prizes in Europe, since the neutrality of the United States with France, in the present war, has been known, shall be judged the prizes which may have been made in America. But this matter being very different from the system of a treaty stipulating positive regulations for the future, there is no necessity of including it therein.

I renew, on this occasion, my sincere desires, &c.

THE PRINCE OF PEACE.

Notes on the project of a Convention proposed by His Excellency the Prince of Peace.

25TH OF SEPTEMBER, 1795.

The preamble of this project appears very convenient, but there would be no impropriety in expressing the appointment of the plenipotentiary of the United States according to the forms prescribed by their constitution.

ART. 1.

ART. 2. I think that it would be better to insert six months, instead of one year, for the period in which the garrisons shall retire, because six months may elapse after the signature of the treaty, before the ratifications are completed, and hence the year which Spain requires for this purpose will be obtained.

ART. 3. The same period of six months may be substituted instead of one year, as in the preceding article, which corresponds with this.

ART. 4. In the ninth line of this article it appears that the word “anchura” (breadth) may be substituted for “extension.”

In the 11th and 12th lines, the words “solo et exclusivamente” (alone and exclusively) should be omitted, for Spain could scarcely confide in the good faith of the United States, nor in this convention, which she is about to conclude with them, if they agreed to an article which would be an infraction of another treaty, previously made. Now, by the treaty of peace between the United States and Great Britain, concluded in 1783, it is stipulated that the navigation of the river Mississippi shall continue free to the subjects of Great Britain and to the citizens of the United States. It appears that the following provision would have all the desired effect: “It is nevertheless agreed, that nothing contained in this article shall be construed or interpreted, to communicate the right of navigating this river, to other nations or persons, than to the subjects of His Catholic Majesty, and to the citizens of the United States.”

Again, this article is incomplete, and does not fulfil the object of the two parties, which is to avoid all circumstances which might become a cause of the interruption of the good harmony of the two nations; because it does not point out the manner in which this navigation shall be exercised. It is true, that the stipulation of the free navigation carries with it, as of natural consequence, that the persons and effects of the contracting nations cannot be arrested, or subjected to pay any duty for the use of this navigation, and that they are to enjoy all the conveniences on the borders of the river which the laws of nations permit; but it could produce no inconvenience to stipulate these points in the same article, by which means every discussion in this respect would be avoided in future. And I think it would, also, be the interest of His Majesty, in order to do away all suspicion of contraband trade, that a place be assigned for the American vessels, arriving from sea, or from the river, to put into, or to touch at, instead of a more diffusive exercise of this right.

SUSPENSION.—Again, as it appears that the court of Spain desires to establish this convention upon the basis of justice, although, at present, it does not judge proper to enter into commercial arrangements with the United States, I think that, upon this footing also, M. le Prince will agree, that justice will not be complete without some addition to this article. For I take it for granted, that the right of the United States to the navigation of the Mississippi, and to the limits, has been proved, and that it is incontestable; and I conceive this is deducible from the arguments which

have been brought forward on the subject, on the part of the United States, having never been answered: and I am very certain that, if there were reasons capable of refuting them, they would not have escaped the penetration and intelligence of the minister conducting this negotiation on the part of His Majesty, who would have displayed all the arguments which could be opposed with justice and energy to our pretensions. But his views are too upright to use unfounded arguments. He is, also, too enlightened to employ weak reasonings, and I am sincerely and fully persuaded that he had no others to produce. The right of the United States, therefore, being established, there is certainly something due to them for the suspension of that right, during a period of twelve years, which has done incalculable injury to the inhabitants of the fertile countries watered by the Mississippi. Under this point of view, then, I conceive I do not demand a thing incompatible with the most rigorous justice, when I make the proposition to cede to us a convenient space of ground for establishing a *depot*, where the American vessels coming from sea may discharge their cargoes, with those arriving from the neighboring ports on the river. Besides, Spain having actually seen and considered the reasonings and the equitable basis upon which the pretensions of the United States are founded, as soon after that examination as she was convinced of their solidity, she has said, with a frankness and respect for justice which does her great honor, "We do agree, that the navigation of the Mississippi be common to both nations;" and I am too well assured of the Spanish good faith, to imagine that she wished this declaration to be illusory, without utility and without effect. Now, by the position and singular nature of the Mississippi, its navigation cannot be exercised with advantage by the citizens of the United States, without such a place for unloading their vessels as I wish to have stipulated by this convention: and I doubt not but that His Majesty will agree to it, after having reflected that it is a natural consequence of what is already concluded. Nor do I think it would be well to omit this part of the article under an idea that when we agree to a thing we agree to every matter necessary for its execution, and consequently, that the Americans will have the right of using the necessary accommodations on this navigation; because I consider, as the principal object of this convention, the termination of every thing that may give room for future complaints and disputes, whereas, the indeterminate manner of the use of this navigation would be a fertile source of altercation, which I doubt not but M. le Prince will readily co-operate with me to avoid.

Before I examine the 5th article, it is necessary to remark here, that the 5th, 6th, 7th, and 8th, and after, the 15th, 16th, and 17th articles of the project which Mr. Pinckney had the honor of proposing, be entirely omitted, without any substitute, then it appears that every stipulation on commercial relations is rejected, and that His Majesty contents himself with doing what appears to him to be just, without wishing to connect more closely the bands of friendship with the United States, by means mutually convenient. Mr. Pinckney, however, cannot allow himself to think, such being the dispositions of His Majesty, observing his benevolence for the United States, and the position of the two nations, but that M. le Prince still has some articles relative to commerce to propose. As to what regards an intimate friendship between Spain and the United States, under a political point of view, as relating particularly to those possessions of Spain in America, Mr. Pinckney does not hesitate to say, that the advantages which would result therefrom to Spain, are incalculable; and as to what regards merely the benefits of the commerce, he will content himself with laying only two circumstances before his excellency, proving that the commerce of the United States is not contemptible: The first is, that the inhabitants of the United States have doubled in the space of twenty years, eight of which have been employed in a war, which having partook of the nature of a civil war, was destructive to population, not only from the rage with which such wars are pursued, but by the emigrations which follow in such cases. Notwithstanding, the population of those States, which, at the commencement of the war in 1775, was under two millions and a half of persons, at this moment amounts to near five millions of inhabitants. The other fact is, that the exports from the United States to foreign countries, for the last year, exceeded, in value, the sum of thirty-two millions of dollars. A country, therefore, which offers a market consisting of five millions of persons, manufacturing but little for themselves, and which exports to the value of upwards of thirty millions, principally of articles of the first necessity, cannot offer a disadvantageous commerce.

ART. 5th. It would seem that a part of this article contains inconveniences which should cause it to be rejected by both parties. The first principle apparently necessary to establish, relative to the Indians, is, that neither party should meddle in the political affairs of those inhabiting the territory within the limits of the other: and it is especially the interest of Spain to hinder such practices with the great number of Indians inhabiting her territory. But, if it be stipulated by this convention, "Que no se depojara ni hechara de sus tierras a dichas naciones,"* and a war should take place between one of the parties and an Indian nation inhabiting the territory within its limits, that party could not repel such enemies, or drive them from its lands, though they should be the aggressor, without an infraction of the treaty. The objection to this article originates only in the desire which the United States have to avoid every source of discord with Spain. There is nothing more evident than the care with which the United States have avoided a rupture, under very delicate circumstances. All Europe have witnessed, and Spain ought to be convinced of, the moderation, and of the wisdom of their Government, on this score, with regard to European nations; and as to the Indians I can also, with confidence assert, that our Government has spared no pains in order to live upon good terms with them, and to render to them every friendly office and succor in its power; having established it as a principle never to take their lands, unless it had a title to them, as a just indemnification for a war of aggression on the part of the Indians, or unless by a sale voluntarily and publicly made. I am well convinced that His Majesty possesses the same sentiments of justice and benevolence for those nations; but it appears, clearly, that neither Spain nor the United States should agree that any other foreign Power, whatsoever, should have the right of meddling in the discussions which might take place between them and the Indians inhabiting their territories.

The last part of this article appears also to require some ulterior explanations.

ART. 6th. *Agreed to.*

ART. 7th. To require explanation of the 10th and 11th lines.

ART. 8th, 9th, 10th, 11th. *Agreed to.*

ART. 12th. Here are omitted the 15th, 16th, 17th articles of the project of Mr. Pinckney.

ART. 13th. Here are omitted the 19th, 20th, 21st, 22d, and 23d articles of Mr. Pinckney.

ART. 14th and 15th. *Agreed to.*

ART. 16th. Agreed to as far as the last paragraph, beginning with the words "y los casos," to which I am opposed; because it would render almost useless every thing contained in this and the preceding article; because it is repugnant to the system of the armed neutrality of the last war, which I conceive it is the interest of Spain, as well as of the United States, to support; and because it would give room to perpetual abuse and vexations. I shall put a case, which will show the inconveniences of this part of the article. The United States are at war with the Algerines; if this war would not soon terminate, it is probable that the United States will have a squadron in the Mediterranean; in that case, I suppose that Spain would not think it proper that the American ships of war should have the liberty of arresting those of Spain, of putting them out of their course, and of taking part of their cargoes, which they might do under pretext that they stood in need of it.

ART. 20. This article, according to the project of M. le Prince, could not be executed in the United States on account of their constitution, in which no authority exists, giving them the right of causing a person to be arrested unless sufficient testimony be produced for having him brought before the tribunals. Mr. Pinckney, therefore, would not act with good faith were he to consent to the insertion of an article which could be executed in Spain and not in the United States; and he thinks, also, that it would be better to form from this article a separate convention, in which the necessary forms for having arrested and delivered up, any person whomsoever, according to the constitution of the United States, shall be more detailed, and in which M. le Prince might insert the testimony and forms required by the Spanish laws for obtaining the effect desired.

* That the said Indian nations shall neither be disturbed nor driven from their lands.

M. le Prince will doubtless find, on reflection, that the term "malhechores" (malefactors) is infinitely too vague, as it comprehends every sort of transgression opposed to good morals; and it is, also, too uncertain; because such an act as would be reputed "malhecho" (a bad or criminal action) in one country, or in one age, might not be deemed so in another. As to what regards the effects or property that may be stolen or concealed, and carried into the territories of one of the parties, the following article gives a remedy, and the slaves are comprehended under these descriptions. The reason why the crime of murder is the only one mentioned in the project of Mr. Pinckney is, because it is the only crime appearing to merit the vengeance of governments, which obliges them to take the trouble of pursuing the fugitives into foreign countries, because the *exile*, which is the consequence of their flight, appears to be a punishment sufficient for other crimes; and because, by the 22d article, they may be deprived of all the property which they may have been able, unjustly, to carry with them.

ART. 22.

ART. 23. Mr. Pinckney having stated, in a separate memoir, the reasons for inserting here an article as to the captures made by the Spanish privateers, during the war just terminated, has nothing further to add to this.

[Enclosures in Mr. Pinckney's despatch of 28th October, 1795—*postea*, page 546.]

Mr. Pinckney to the Prince of Peace.

MADRID, 5th October, 1795.

MONSIEUR LE PRINCE:

Your excellency, by the letter with which you honored me on the 23d ult., having agreed that the captures of the vessels of the United States, which shall have been made in America, shall be judged according to the same principles by which the prizes made upon the Americans in Europe have been determined since the neutrality of the United States towards France has been known, there only remains, for the accomplishment of the commission with which I am charged by the President of the United States on the subject, to explain what those principles are, and to bring them forth: although it appears to me that this might be done very conveniently by an article in the treaty, which, I hope, we shall soon terminate; as the principal object of this convention is the termination of the differences which have formerly subsisted. However, as your excellency appeared to have objections to it, I have put those details in the form of a separate convention, herein enclosed, and I flatter myself that the terms in which it is conceived will be acceded to by your excellency.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, 7th October, 1795.

SIR:

In answer to yours of the 5th current, in reply to mine of the 23d, you say that you suppose the difficulties pointed out therein, against the insertion in the present treaty, of an article relative to the captures made on the citizens of the United States, during the present war, would require a separate convention in the terms mentioned. But there is, moreover, opposed to this, the same reasons as those to the insertion of the article. I must add that, as this business will require little explanation when agreed upon, there is no need of multiplying writing for inserting it, and that it will be proper to confine ourselves to the limits of our particular agreement, for whose execution the most clear and positive orders will be communicated.

SAN LORENZO, October 7, 1795.

The Prince of Peace, in consequence of the conference with Mr. Thomas Pinckney, on Friday last, on the treaty between Spain and the United States, which finally closed the said treaty, hopes that, if Mr. Thomas Pinckney finds it conformable to his instructions, and to what has been agreed upon, he will sign it when convenient.

Mr. Pinckney to the Prince of Peace.

MADRID, October 9, 1795.

M. LE PRINCE:

I have had the honor of receiving the project of the treaty with the last corrections which your excellency has given it, and I have considered it with all the attention which an instrument apparently of so much importance to my country merits; and I request you to be assured that I have borne in this investigation the most convenient disposition for establishing, upon just and solid bases, a close and sincere friendship between our two nations. It is, therefore, with much regret that I find myself, after the most mature reflection, unable to sign this convention without its undergoing some alteration, and the principal reason is, that it is not final and conclusive, but refers to ulterior negotiations one of the principal objects of my mission, which is to establish the manner in which the citizens of the United States are to navigate the river Mississippi. I should here remind your excellency that it was in consequence of the representation of the chargé des affaires of His Majesty, that the President of the United States thought proper to establish the mission extraordinary which he has confided to me; and the principal reason offered by Mr. Jaudenes in his letter of the 16th of August, 1794, for the adoption of this measure was, that "His Majesty would not enter into any treaty, unless the powers to the ministers of the United States were ample, or accompanied with secret instructions, having for object to conclude a *partial*, and *not a general treaty*." After which, he adds, "that Spain is ready to treat upon the points of limits, Indians, commerce, and whatever may conduce to the best friendship between the two countries." Having, therefore, arrived here with the impressions naturally made by these expressions, it is with pain I have received the intelligence which your excellency has given me that His Majesty would not, under present circumstances, enter into commercial arrangements. But, as commercial conventions should be arrangements of mutual convenience, I have the honor of assuring your excellency that the United States would not desire to have any, if the nation with whom they contract does not find a mutual advantage in them; and for that reason I have not been more importunate with your excellency for establishing articles on this subject, which the letter I have just cited appeared to authorize. But this is not the case with respect to what regards the navigation of the river Mississippi, which has been the subject of discussion between the two countries since the peace of 1763, and which, after all that has passed, I think that the United States have a right to expect to be put upon an advantageous footing in this treaty. I shall not here repeat what I have already had the honor of representing to your excellency in writing and in conversation on this subject, adding only to my note on the fourth article of the project of your excellency, references to some authors on the laws of nations, proving that we pretend to nothing unauthorized by those laws, even admitting we had no other equitable demands on account of the exclusion from that navigation which we have suffered for twelve years.—V. Grotius de J. B. and P., l. 2, c. 2, sec. 15; Puffendorf, l. 3, c. 3, sec. 8; Vattel, l. 2, sec. 129.

I shall here take the liberty of submitting a paragraph which might be added to the last article of the project of your excellency, and which appears to me of a nature not to encounter any difficulty, and may be regarded as an intermediate mean until His Majesty shall think proper to bring forward the ulterior measures on the subject mentioned in this article, observing, at the same time, that I do not pretend to propose this as an exclusive mean; but that if your excellency should have any other to propose, by which the United States might freely enjoy this navigation without waiting the result of the ulterior measures, which circumstances may still put off for a long time, I shall be much charmed at being able to agree thereto, having nothing more at heart than to terminate this discussion to mutual satisfaction. There are some other points in this project, of less importance, but which appear to me susceptible of changes which I shall have the honor of adding, in which I think we shall readily agree.

I expect to go to the Sitio to-morrow, and I shall have the honor of presenting my respects to your excellency at the conference on Sunday, when I hope to receive the determination of your excellency on the subject.
I have the honor to be, &c.

In the fifth article, the word "*offendan*" appears to me too vague and indefinite, and therefore it would be better to omit it. In the last paragraph of the sixteenth article, for "*la Espana*," should be substituted "*las dos Potencias*," because the two Powers having equally the liberty of arresting the vessels of the other party in case of neutrality, they should be equally held to make compensation; and although the United States do not support a great naval army during peace, I conceive that, in case of a war, they would not want resources of this kind. And in the note which I have already had the honor of presenting on this article, I have detailed a case in which an American squadron, under very probable circumstances of arriving soon, might be able to make use of the right which this article would concede. It appears also that the price of the articles should be fixed in this convention; and as it is only in cases of urgent necessity that the right of taking them will be exercised, that price should be fixed high enough to hinder them from being taken without a real necessity, in which case those who would take them might easily have them also on paying a high price, and the neutral nations would be indemnified for their detention, and for having lost the object of their voyage. Wherefore, I propose that, in lieu of the words "*por tanto de su valor*," there be inserted, "at double the price which these effects cost," which will be proved by the papers relative to the cargoes found on board of the said vessels.

In the seventeenth article, I propose that, instead of "*d'Espagne*," towards the end of that article, the words "of the belligerent Power" be inserted; and that, instead of the last words, beginning with "*Lino*," there be inserted, "if it shall not be proved that they truly belong to the subjects or citizens of the contracting Power which shall be neutral."

In article twenty-first, I propose to change the following words: Instead of "*S. M. Catolica*," insert "the two Powers;" and instead of "*concedera*," "shall mutually give on both sides to the commerce between the two nations."

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 11, 1795.

MONSIEUR LE PRINCE:

If I have rightly understood what you did me the honor to say to me at the conference to-day, on the subject of my letter of the 9th current, that you could not agree to add what I proposed to you in the last article of the project of the treaty of your excellency, because, that proposition being naturally temporary, and liable to be changed as soon as the ulterior measures brought into question in the last article shall have been taken, you did not think proper to insert it in a treaty whose articles are of a permanent nature; but that you would agree to propose to His Majesty, and to support the proposition, that, by a separate instrument, the accommodation of a *depot* at New Orleans, which I proposed, shall be agreed on, and that, in the same instrument, we may also insert the arrangements relative to the prizes made upon the Americans during the war lately terminated; having, therefore, reflected on this proposition, I have the honor to reply, that, although I do not see, under the same point of view as your excellency, the objection made to the insertion of a temporary article in the same treaty with other permanent arrangements, since it has generally been practised hitherto, yet the regard I have for your excellency's opinion, and my sincere desire of rendering the arrangements we are treating of as agreeable to Spain as may be compatible with my duty, lead me to acquiesce in this matter, provided that the latter convention be of the same force, and executed at the same time as the principal treaty; and the better to explain my intentions hereon, I take the liberty of sending, herein enclosed, the project of two separate articles for the latter instrument, such as I can sign, and, as I doubt not, your excellency will find reasonable.

Mr. Pinckney proposes that the following be added to the last article of the project of M. le Prince: 1st. And that, in the mean while, the citizens of the United States shall have liberty to carry their produce and merchandises to New Orleans, and there to lodge them in stores, to which there shall be two keys, one of which shall be kept by His Majesty's custom house officer, and the other by the proprietor, and that they be permitted to import the said effects, whenever they think proper, in vessels of the United States, without paying custom house or any other duties, except the ordinary and reasonable price for the hire of the said stores.

2d. His Catholic Majesty having, by his "*ordenanza de corso*," dated the 1st of May, authorized his vessels of war and privateers to bring into the ports of his domains the vessels of neutral nations, laden with merchandises belonging to his enemies, and to detain them until it should appear whether the enemy nation, to which those merchandises should belong, would not refuse, but, on the contrary, allow the same privilege, "observing the conduct which it has held, and will hold, towards Spain, requiring a reciprocal treatment on her part."

And whereas a treaty subsists between the United States of America and France, by which the conduct of the two nations is to be governed when one of them is at war; and it further appearing that the French have observed the stipulations of that treaty, with regard to Spain, during the war which has just been terminated: His Catholic Majesty, in consequence, has agreed with the said United States of America, that all the vessels belonging to the citizens of the said States, which shall have been brought into the ports of Spain, as well in Europe as in the dominions of Spain in other parts of the world, shall be judged according to the stipulations contained in the said treaty; and that there shall be two commissioners appointed on the part of each nation, immediately after the ratification of this convention, who shall determine whether, according to the said treaty, there is any right to indemnity, and who, in that case, shall fix the sum to be restored, which His Catholic Majesty shall cause to be paid, without delay, to the injured party; and, in case of disagreement of the said commissioners, they shall choose, by common consent, (if they can agree in the choice, if not, by lot) a fifth commissioner, and a majority of votes of these five shall finally determine the question, and without appeal.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 12th, 1795.

SIR:

In answer to yours of yesterday, with the two articles referred to our conference for to-morrow, the one relative to the mode in which you wish the effects of the citizens of the United States, navigating the Mississippi, should be deposited at New Orleans; the other for regulating the prizes made during the present war; I can assure you that His Majesty, by a very particular grace, and as a proof of his liberality, will permit the citizens of the United States to deposit their effects in the custom house at New Orleans, on paying the storage duties to which his own subjects are subjected: but without having the two keys you mention, because this, besides being entirely novel, is also contrary to confidence and good faith. As to what respects the point of prizes, I cannot add any thing not already contained in my former official letters, since His Majesty will never admit this matter to be included in a treaty or convention.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 16th, 1795.

M. LE PRINCE:

On considering the letters which your excellency has written and what you have done me the honor to say to me in conversation in reply to the representations which I have made relative to the vessels which have been taken

by the ships of war of Spain during the war, it appears clearly that we agree upon the principles which ought to determine this business, since the verbal convention which you made with Mr. Short, "That Spain will observe in the determination the same conduct towards you which is prescribed by the treaty of commerce between France and the United States," is so much the more satisfactory, as your excellency, by your letter of 23d of September, extends this principle to all the vessels of the United States which have been taken during the war as well in the American seas as in those of Europe. What at present appears to me necessary is to put it in my power to send to the President of the United States the result of the claims which I have had the honor to make in virtue of my commission on this subject, and to agree upon arrangements for giving effect to these principles. With this view I have the honor to propose that your excellency communicate to me officially the determination of His Majesty on the subject, and that the principles being thus stipulated, commissioners be named on both sides for ascertaining the damages which may be due to the citizens of the United States according to those principles.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 18th, 1795.

SIR:

You refer me, in your letter of the 15th instant, to mine of the 23d ultimo, for what I have said on the mode in which the captures of the vessels of the United States, lately made in America, shall be judged, and to my verbal conversation, on this point, both with you and Mr. Short; and you suppose that we perfectly agreed thereon, and that we might conclude upon a rule of procedure, conformably to the principles adopted. But, from the same context of my letter already mentioned, is to be clearly inferred the distinction of two epochs; the one from the beginning of the war until the 6th of April, when His Majesty ordered the vessels of the United States to be treated in the same manner as those of France; and the other from the 6th of last April until the present time. The captures made within the first, must be judged according to the marine ordinance, (*ordenanza de corso*) and the general orders communicated at the time; and the vessels which may have been detained since the first of April, in the present year, shall be treated in the same manner as those which were then brought from the coast of *Cantabria*.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 20, 1795.

MONSIEUR LE PRINCE:

I am mortified on finding, by the letter with which you honored me on the 18th, that your excellency proposes to divide the war, which has just been terminated, into two epochs, and that the American vessels which have been detained by those of Spain, during that war, should be differently treated, according to the time at which they were taken; as it seems to me that that justice which should govern the conduct of nations towards neutral flags, is always the same, and ought not to be liable to the variations of time or circumstances. It is very clear that the United States were as much neutral and as friendly to Spain at the beginning of the war, as after the 1st of April last, and that consequently they should expect similar treatment at both epochs. That which is at least certain is, that, at all times, they ought to be treated according to the laws of nations, and I conceive I have proved very clearly what those laws are on this subject in my official letter of the 20th of September last; and, in order to avoid repetitions, I take the liberty of requesting your excellency to recur to that letter for the reasons upon which our claims are founded. As I do not know what are the general orders, mentioned by your excellency, which were given before the 1st of August, 1795, I cannot answer that the United States will be contented with the determinations founded on them. If they are conformable to the armed neutrality of 1780, to which Spain and the United States have declared their adhesion, the United States will have nothing to say against them; but if they were formed upon the supposition that France was not a legitimate Power, the laws of nations cannot take place in cases respecting the commerce with that nation, and the United States would not consent to a proposition which would do so much wrong to a friendly and ally Power, which would sacrifice the honor of her flag and the property of their citizens, when they were occupied in lawful commerce: but, in order to avoid all discussion on a subject rather delicate, I have the honor to subjoin to this, some specific propositions, founded upon justice, and the laws of nations as now established by the consent of a great majority of the nations of Europe, and adopted by Spain herself, which are, that no vessel of the United States, which has been detained by the subjects of His Catholic Majesty since the commencement of the war, can be deemed good prize, unless she carry articles, which are contraband of war, to the enemies of Spain, or unless she be intercepted in endeavoring to enter a port inimical to Spain, which was blockaded, having been previously informed of the blockade; that, in order to determine what shall be deemed a blockade, this denomination is confined to that only where, by the disposition of the Power making the attack, the arrested vessels were sufficiently near to cause an evident danger of their entering.

That, for determining what should be deemed contraband of war, nothing ought to be acknowledged such, except the merchandises comprised under that denomination in the 24th article of the treaty made between Spain and England on the 23d of May, 1667, or in the 24th article between France and the United States, concluded in 1778.

That His Catholic Majesty shall cause to be restored all the vessels belonging to the citizens of the United States with their cargoes, which have been taken in this war, except those which come within the abovementioned case, with the damages due for their detention and other losses, and, if it be impossible to restore them at present, that His Majesty cause to be paid to the owners the amount of their just value.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 20, 1795.

SIR:

Informed by yours of yesterday of the objection made to the addition proposed to be made to the last article of the treaty, relative to the permission given by His Catholic Majesty to the citizens of the United States, for three years, to deposit their merchandises at New Orleans, I repeat to you what I have already said, that I cannot vary it in the least; observing, however, that, in the interval, His Majesty will have examined the medium through which the navigation may increase the commerce of his subjects, and of the citizens of the United States.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 22, 1775.

SIR:

Observing, by yours of the 20th current, that you do not agree to the distinction made, in mine of the 18th instant, of the epochs relative to the detention of the vessels of the United States, since the beginning of the war between Spain and France, lately terminated, you refer to what you expressed on the subject, in yours of the 20th September last, and conclude by repeating that all detentions of the said vessels should be decided agreeably to the principles which you lay down as most consonant to the interests of the States, and conformable to the laws of nations. Without waiting to prove to you the modifications which, according to the same laws of nations, those prin-

ciples are susceptible of, I only inform you that the vessels, detained before the 1st of April, must be judged, like all those of the other Powers, according to the marine ordinance (*ordenanza de corso*) of the 1st of May, 1794, in general the United States as well as all others, until the special exception in their favor, verified on the 6th of April last, by just considerations, towards France. This is the reason why they should be judged according to the said ordinance until the epoch mentioned, from which time there is no given case; seeing that, from the moment of their detention, the vessels have been liberated; and, for the same cause, I conceive every proposition superfluous, which is not conformable to the said ordinance, and I shall not subscribe to any.

I hope you will entirely agree with me in opinion, as I cannot conclude the treaty until this point be fully settled.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 23, 1795.

M. LE PRINCE:

The propositions which I had the honor to communicate to you in my letter of the 20th current having been formed upon principles already recognized by Spain and by the United States, I thought it the best mode for determining all discussion on the subject: for it appears clear that, where there is a difference of opinion between two independent Powers, it is a happy circumstance if they can have recourse to principles already admitted by both parties, without the one being obliged to give up his opinion, or to sacrifice his rights to the other. With this impression, I have the honor of repeating to you that I cannot agree to any proposition which does not contain substantially what I proposed to your excellency in my former representations.

I take the liberty of observing, here, that your excellency does not appear to have received correct information as to the immediate liberation of the American vessels, taken since the 6th of April last, as, out of the five carried into Santander, for which I have presented a claim, to wit: the Liberty, of New York; the Maria, of Boston; the Providence, of Philadelphia; the Abigail, of New York; and the Three Friends, of Salem; the Liberty was detained one hundred and ten days; the Three Friends was detained at the departure of the last post; and the three others put to sea without a part of their cargoes, which your excellency had ordered to be restored, although I know that the officers of the marine, at that place, have received positive orders from your excellency for the restitution of the said vessels and effects.

As to what concerns the treaty, I agree with your excellency that it would not be convenient to your excellency or myself to sign it until we have agreed relative to the vessels; and I can add that, even then, I cannot sign, unless the manner of navigating the river Mississippi, by the citizens of the United States, be regulated upon the principles of some one of the propositions which I have had the honor of making to you.

I have the honor to be, &c.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 24, 1795.

M. LE PRINCE:

Important affairs demanding my return to England, I shall have the honor to take leave of their Majesties, as we have agreed, to-morrow; and I take the liberty of requesting you to have the usual passports expedited for my journey. Wishing to enter France by the way of Perpignan, I am desirous, also, of taking the route of Valencia and Barcelona, and shall be charmed to execute the orders with which your excellency may be pleased to honor me for any place on the road. I embrace this opportunity of testifying to your excellency my acknowledgments for the marks of good will, and for all the friendly offices, received from you during my stay here, and I pray you to accept the sentiments of respect and high consideration, with which I have the honor to be, &c.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 28, 1795.

SIR:

In consequence of having yesterday signed with you a treaty of friendship, limits, and navigation, between the King my Lord and the United States of America, and of the information lately received from the Governor of Louisiana, stating that the Governor of the Natchez had advanced to occupy the post of the *Barancas of Margot*, comprehended within our ancient limits, and that some inhabitants of Kentucky, and the neighboring States also, intended taking possession, His Majesty has commanded the said Governor to suspend all hostility, in case any shall have been committed on his part, or on that of the citizens of the United States, leaving matters in the situation in which they may be on the receipt of the order until the ratification of the treaty. And he most sincerely enjoins all the military officers of the two Floridas to maintain perfect harmony with the commanders of the troops of the United States on those frontiers, as His Majesty wishes that the said treaty may eradicate every motive of dispute which has hitherto existed, and that it will more and more strengthen the reciprocal friendship of both countries, not doubting but you will communicate every thing, without loss of time, to the President of the United States, that he may expedite similar orders for preventing every kind of inconvenience on both sides, and perhaps an effusion of blood, now as useless as repugnant to humanity.

Treaty of Amity, Limits, and Navigation.

ART. 1.

ART. 2. This agrees with our proper boundary.

ART. 3. The instructions do not mention this, but I thought it might prevent disputes in future, and would have an immediate good effect with the Indians.

ART. 4. The wording of the latter part of this article seemed objectionable, and various alterations were proposed. It required much contest to obtain any alteration from the mode first proposed by Spain, whose doubts were principally founded on a jealousy of our letting in others. The substance, however, appears to me not disadvantageous, when considered as connected with the provision in the 21st article, and the wording fully authorized by my instructions.

ART. 5. This article occupied much time, and great prejudices were to be removed. The only part, as it now stands, which may appear objectionable, is the kind of defensive alliance we herein make with Spain against our respective Indians; and as the case was new, and the instructions not pointed on this head, I wished other modifications, more for the sake of further investigation than from an opinion of disadvantage resulting from it: for, it appears to me, under our present and probable future circumstances, to be a beneficial stipulation.

ART. 6. Taken from the 7th of Prussia, with a small addition at the end, which appears to be not objectionable.

ART. 7. The first part taken from the 16th of Prussia; the latter part I added, because I considered it a good stipulation in all situations, but particularly so in Spain.

ART. 8. Taken from the 19th of France.

ART. 9. 16th of France.

ART. 10. 9th of Prussia—the last paragraph omitted.

ART. 11. 13th of Prussia—omitting the last paragraph.

ART. 12. 12th of France.

ART. 13. 20th of France.

ART. 14. 21st of France.

ART. 15. 23d of France.

ART. 16. From the 24th of France to the last paragraph, on which the greatest dissension prevailed. This conclusion is, however, the result of a composition, which I hope will not have a bad effect.

ART. 17. From the 25th of France to the last paragraph. The same remark may be made on this paragraph as was applied to the last article. It may, however, be remarked that it is evidently to our advantage that every precaution should be taken to prevent abuses against which this article is directed; even in this war great injury has been done to the confidence which should be reposed in the sanction of our flag, from its having been assumed by others; and, I am sorry to add, from unjustifiable conduct in some of our citizens.

ART. 18. From the 27th of France. This being the last of the articles relating to the neutral rights, I will here make an observation which is applicable to all this class; which is, that every stipulation in favor of these rights, has appeared to be thought, by the Spanish cabinet, a concession in favor of America. I think I have proved to the minister, most clearly, that the amplest freedom given to neutral commerce is consonant to the true interests of Spain, but I have had almost as much trouble to obtain these stipulations as to settle other points, wherein their immediate interests were not so clear. And, after all, they are not exactly as I could wish.

ART. 19. As no commercial arrangements were made in this treaty, this was all that could be said concerning consuls.

ART. 20. This article appears favorable to us.

ART. 21. The part of this article which relates to our accommodation on the Mississippi occasioned the greatest difficulty. It was our difference upon this point, and that of the spoliations, which occasioned me to ask for my passports; and the only words of warmth, which have passed between the Prince de la Paz and myself, were on the subject of this article. And, on my part, I assure you, they were merely confined to repelling an expression in that line. Upon the whole, the personal conduct of the minister to me has been perfectly satisfactory. By this article, we are ensured a permanent depot at New Orleans, or another equivalent establishment, which I hope will prove of real utility. If good faith is observed, it certainly will, and, without good faith, any article which could be inserted in a treaty would be nugatory.

ART. 22. The written correspondence will, in part, show the various ways in which I endeavored to arrange this business. The proposal of the British principle of accommodation came from the Spanish negotiator, and was urged upon strong grounds. I trust, however, that this is, upon the whole, better than the British arrangement. There was, at first, a rooted repugnance here to insert this and the preceding article in the treaty, in which objection the national pride seemed most concerned.

ART. 23. The time assigned for the exchange of the ratifications was made so short, because I knew the Senate would be assembled at the time when this treaty may be expected to arrive, and because some stipulations beneficial to us cannot be executed till after this exchange.

Mr. Pinckney to Mr. Randolph.

SAN LORENZO, 28th October, 1795.

DEAR SIR:

I herewith send to you a treaty which I have just signed conjointly with the Prince de la Paz, His Catholic Majesty's first minister, and plenipotentiary for negotiating this business. The stipulations which it contains have been formed to the best of my judgment, in conformity to my instructions, and, where they left a latitude to the negotiator, according to what I conceived the interest of our country; and I sincerely believe them to be placed on the most advantageous footing which we could, at this time, obtain, by friendly negotiation. I enclose copies of the written correspondence which passed between the minister and myself, since my letter of the 30th of September, which covered our written negotiation to that time. These will throw some light on points in the treaty which may require it, and render it unnecessary for me to give you a long detail of the oral part of the negotiation, which was frequent, diffuse, and extensive. I, however, took care to bring forward the written documents herewith, which relate to the most material points. I can safely say that, if the treaty be defective, it has not originated in want of assiduity. You will observe by my note of the 24th of October, that I found the difficulties of such an accommodation as I could accede to were so insuperable that I had asked for my passports to return. This may illustrate the difficulties I had to encounter, and the prejudices to be removed, which it requires some knowledge of the national character fully to conceive. The peace concluded between this country and France, and the pacific disposition (at least exteriorly) exhibited to Spain by the British cabinet, added to our critical situation with the last Power, rendered this negotiation more difficult than it might otherwise have been. With respect to commercial arrangements, you will find that, in the outset of the negotiation, I endeavored strenuously to urge a close connexion; but finding the mind of the minister completely made up on this point, and that he advanced reasons for delaying arrangements of this nature, which appeared to me to be founded on the true interests of Spain, connected with views to other nations at this juncture, I have lately ceased to insist on this subject; besides which, I believe they wish to reserve the commercial advantages they can offer as the equivalent for a guarantee of their American possessions.

I am informed by the Secretary of State here, that he has lately received advice that a party of ours having advanced to the Muscle Shoals, on the Tennessee, and threatening to take possession of an advantageous post called the Barancas de Margot, the Spanish commandant had sent a party to occupy that post; but the minister assures me that he has sent orders to the commanding officer in the Floridas to abstain from all hostile operations.

I purpose setting out on my return in a few days. Mr. Charles Rutledge will remain here as *chargé des affaires*, by appointment of Mr. Short. I mentioned him to you in my letter of the 30th September, and I now enclose an extract from that letter, which concerns him, lest the first may have miscarried.

I am, my dear sir, with esteem, your faithful and obedient servant,

THOMAS PINCKNEY.

Treaty between the United States and Spain.

His Catholic Majesty and the United States of America desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a Convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention His Catholic Majesty has appointed the Most Excellent Lord Don Manuel de Godoy and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma and of the State of Albala, Grandee of Spain of the first class, Perpetual Regidor of the city of Santiago, Knight of the

illustrious order of the Golden Fleece and Great Cross of the royal and distinguished Spanish order of Charles III., Commander of Valencia del Ventoso, Rivera, and Aceuchal in that of Santiago, Knight and Great Cross of the religious order of St. John, Counsellor of State, First Secretary of State and Despacho, Secretary to the Queen, Superintendent General of the ports and highways, Protector of the Royal Academy of the Noble Arts and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy, Gentleman of the King's chamber in employment, Captain General of his armies, Inspector and Major of the Royal Corps of Body Guards, &c. &c. &c.; and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to His Catholic Majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: the southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Chatahoochee; thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's river; and thence down the middle thereof to the Atlantic Ocean. And it is agreed that if there should be any troops, garrisons, or settlements, of either party, in the territory of the other, according to the above mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention; and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And, if on any account, it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point, as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ART. 4. It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of His Catholic Majesty, or his Indians, in any manner whatever. And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that, in future, no treaty of alliance, or other whatever, (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them, within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

ART. 7. And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party, and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ART. 9. All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the

goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. 13. For the better promoting of commerce on both sides, it is agreed that, if a war shall break out between the said two nations, one year, after the proclamation of war, shall be allowed to the merchants in the cities and towns where they shall live for collecting and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them, within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the Government.

ART. 14. No subject of His Catholic Majesty shall apply for, or take, any commission or letters of marque for arming any ship, or ships, to act as privateers against the said United States, or against the citizens, people, or inhabitants, of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant, of the said United States, apply for, or take, any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. 15. It shall be lawful for all, and singular, the subjects of His Catholic Majesty, and the citizens, people, and inhabitants, of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty, or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid to sail, with the ships and merchandises aforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince, or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt, which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either: contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

ART. 16. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and the other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket ball, bucklers, helmets, breastplates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and, in general, all provisions which serve for the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships, masts, planks, and wood of all kinds, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war, or squadron, shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers; and the two contracting parties engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ART. 17. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed that, in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea letters, or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties; which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships, being laden, are to be provided, not only with passports, as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so; without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property, by testimony entirely equivalent.

ART. 18. If the ships of the said subjects, people, or inhabitants, of either of the parties, shall be met with, either sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her, to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have showed such passport, shall

be free, and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase, in any manner, or force her to quit her intended course.

ART. 19. Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy in the ports where their consuls reside, or are permitted to be.

ART. 20. It is also agreed that the inhabitants of the territories of each party shall, respectively, have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ART. 21. In order to terminate all differences, on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: His Catholic Majesty shall name one commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or, if they cannot agree so, they shall each propose one person, and of the two names so proposed one shall be drawn, by lot, in the presence of the two original commissioners, and the person whose name shall be so drawn shall be the third commissioner; and the three commissioners, so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence, of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them, on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence, without paying any other duty than a fair price for the hire of the stores; and His Majesty promises, either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain, or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.

ART. 23. The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the underwritten plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals, respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY. [L. s.]
EL PRINCIPE DE LA PAZ. [L. s.]

4th CONGRESS.]

No. 112.

[1st Session.]

ALGIERS.

REPORTED TO THE SENATE, FEBRUARY 29, 1796.

The committee to whom was referred the President's communication of the 15th instant, report:

That the expense of procuring and transporting to Algiers the naval and military stores included in the *douceur* for peace, will probably amount to about one hundred and twenty thousand dollars, making the whole *douceur* and the ransom of the prisoners about seven hundred and sixty-three thousand dollars; and that, besides the stipulated annuity of twelve thousand sequins, the custom of Algiers will render necessary a present, biennially, of nine or ten thousand dollars, and upon the appointment of a consul, a present of twenty thousand dollars.

That, of the money included in the *douceur* for peace, sixty thousand dollars were paid at the time of signing the treaty. The residue was expected to be paid soon, and when the prisoners should be released, and has probably been paid. And,

That, in the opinion of the committee, it will be expedient for the Senate to advise and consent to a ratification of the treaty.

4th CONGRESS.]

No. 115.

[1st Session.

FRANCE.

COMMUNICATED TO CONGRESS, MARCH 25, 1796.

UNITED STATES, March 25, 1796.

Gentlemen of the Senate and of the House of Representatives:

I send herewith, for your information, the translation of a letter from the minister plenipotentiary of the French republic to the Secretary of State, announcing the peace made by the republic with the Kings of Prussia and Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel; and, that the republican constitution decreed by the National Convention had been accepted by the people of France, and was in operation. I also send you a copy of the answer given, by my direction, to this communication from the French minister. My sentiments therein expressed I am persuaded will harmonize with yours, and with those of all my fellow-citizens.

G. WASHINGTON.

The Minister Plenipotentiary of the French republic to Mr. Pickering.

PHILADELPHIA, the 21st Ventose, (11th of March, 1796, O. S.)
4th year of the French republic, one and indivisible.

SIR:

The Committee of Public Safety, by their last despatches, charged me to announce to you that peace had been made between the French republic and the Kings of Prussia and of Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel.

With very great satisfaction I acquit myself of the duty enjoined on me by the committee. I am persuaded, sir, that the Government of the United States will participate in it; and that, since the French people are combating for liberty, it cannot observe their successes with an eye of indifference.

I embrace this opportunity of announcing to you, that the republican constitution decreed by the National Convention, has been accepted by the French people, and that the constitutional government is in operation.

Accept, sir, the assurance of my esteem,

P. A. ADET.

Mr. Pickering to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, March 14th, 1796.

SIR:

I have laid before the President of the United States the letter with which you honored me on the 11th instant, and I am directed to assure you of the high and sincere satisfaction he derives from the information you were charged by the Committee of Public Safety to communicate, that peace had been made between the French republic and the Kings of Prussia and Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel. With equal satisfaction the President receives the further information which you have been pleased to give, that the republican constitution decreed by the National Convention has been accepted by the French people, and that the constitutional government is in operation.

With great respect, I am, sir, your most obedient servant,

TIMOTHY PICKERING.

4th CONGRESS.]

No. 114.

[1st Session.

BRITISH TREATY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1796.

UNITED STATES, March 30, 1796.

Gentlemen of the House of Representatives:

With the utmost attention I have considered your resolution* of the twenty-fourth instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject, it was impossible for me to lose sight of the principle, which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress, as a right; and with truth I affirm, that it has been, as it will continue to be, while I have the honor to

* Resolved, That the President of the United States be requested to lay before this House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, (communicated by his message of the first instant) together with the correspondence and other documents relative to the said treaty; excepting such of the said papers as any existing negotiation may render improper to be disclosed.

preside in the Government, my constant endeavor to harmonize with the other branches thereof, so far as the trust delegated to me by the People of the United States and my sense of the obligation it imposes to "preserve, protect, and defend, the constitution," will permit.

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions, which may have been proposed or contemplated, would be extremely impolitic: for this might have a pernicious influence on future negotiations, or produce immediate inconveniences; perhaps danger and mischief, in relation to other Powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate; the principle on which that body was formed confining it to a small number of members. To admit then a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign Power, would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment; which the resolution has not expressed. I repeat that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate, when the treaty itself was communicated for their consideration and advice.

The course which the debate has taken, on the resolution of the House, leads to some observations on the mode of making treaties under the constitution of the United States.

Having been a member of the General Convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion of this subject; and, from the first establishment of the Government, to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made, and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations; and in all the treaties made with them, *we* have declared, and *they* have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced; and, until the present time, not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced: for, till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions, when they were deliberating on the constitution, especially by those who objected to it; because there was not required, in *commercial treaties*, the consent of two-thirds of the whole number of the members of the Senate, instead of two-thirds of the Senators present; and because, in treaties respecting territorial and certain other rights and claims, the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.

It is a fact, declared by the General Convention, and universally understood, that the constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate, with the larger States, and that this branch of the Government was invested with great powers: for, on the equal participation of those powers, the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these, and the plain letter of the constitution itself, be necessary to ascertain the point under consideration, they may be found in the journals of the General Convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made, "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government, that the boundaries fixed by the constitution, between the different departments, should be preserved; a just regard to the constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

G. WASHINGTON.

4th CONGRESS.]

No. 115.

[1st Session.]

GREAT BRITAIN.

COMMUNICATED TO THE SENATE, MAY 5, 1796.

Gentlemen of the Senate:

UNITED STATES, May 5, 1796.

I lay before you, for your consideration and advice, an explanatory article proposed to be added to the treaty of amity, commerce, and navigation, between the United States and Great Britain; together with a copy of the full power to the Secretary of State to negotiate the same.

G. WASHINGTON.

Mr. Bond to Mr. Pickering.

PHILADELPHIA, March 26, 1796.

The undersigned, His Britannic Majesty's chargé des affaires, has the honor of representing to the Secretary of State of the United States, that the King his master has been informed that a treaty was concluded on the 3d of August last, between the United States and certain tribes of Indians, living on the northwestern frontier of those States, which treaty appears to His Majesty to contain certain stipulations repugnant to the due execution of the provisions of the treaty between His Majesty and the United States of America, signed at London, on the 19th of November, 1794, and particularly that, by the eighth article of the said treaty between the United States and the Indians above-mentioned, it is agreed that no person shall be admitted to reside among, or to trade with, those tribes of Indians, unless they be furnished with a licence for that purpose from the Government of the United States; and that any

person, so trading without such licence, shall be delivered up by the Indians to a superintendent appointed by the Government of the United States, to be dealt with according to the laws of the United States: whereas the third article of the treaty of amity, commerce, and navigation, concluded between His Majesty and the United States, expressly provides, "that it shall, at all times, be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties on the continent of America, [the country within the limits of the Hudson's Bay Company 'only excepted'] and to navigate all the lakes, rivers, and waters, thereof, and freely to carry on trade and commerce with each other."

The undersigned is directed to state that the King his master is fully persuaded that the said Indian treaty was concluded in consequence of instructions given by the Government of the United States at a time when that Government had not yet been apprised of the terms and stipulations of the treaty entered into by the respective plenipotentiaries, at London, on the 19th of November, 1794. Even if any doubt could arise on this subject in His Majesty's mind, His Majesty, in claiming the full execution of the said last mentioned treaty, would rely, with the utmost confidence, on the justice and good faith of the Government of the United States, and on the universally admitted rule of the law of nations, that no stipulations of existing treaties can be superseded by any engagements subsequently concluded by one of the parties with another State or nation; but when the particular circumstances connected with this important subject, and the influence which they may have on the lives and properties of so many, both of His Majesty's subjects, and of the citizens of the United States, are fairly and impartially considered, His Majesty can entertain no doubt that the Government of the United States will be equally anxious with himself that all possible misconception or doubt on this point, on the part either of His Majesty's subjects, or of the citizens of the United States, and still more on the part of the Indians, should be completely and authentically removed: and that this may be done with as little delay as possible, in order that less time may be left for the effect of any misrepresentations, which evil designing persons may have labored to impress on the minds of those, whose situation renders them peculiarly liable to such impressions, His Majesty trusts, therefore, that the Government of the United States will readily agree in the propriety of an explanation, which, under the circumstances above stated, appears to be of such indispensable necessity; and the undersigned is directed to propose, on His Majesty's part, that an article should, for that purpose, be added to the treaty of amity, commerce, and navigation, between His Majesty and the United States, so as to form a part thereof, conformably to the provisions contained in the 29th article of that instrument, by which it shall be declared that no treaty, subsequently concluded by either party with any other State or nation, whether European or Indian, can be understood, in any manner, to derogate from the rights of free intercourse and commerce secured by the aforesaid treaty of amity, commerce, and navigation, to the subjects of His Majesty and to the citizens of the United States, and to the Indians on both sides of the boundary line; but that all the said persons shall remain at full liberty freely to pass and repass into the countries on either side of the said boundary line, and to carry on their trade and commerce with each other, freely, and without restriction, according to the stipulations of the third article of the said treaty, which stipulations are, by the said treaty, declared to be permanent.

If this measure, which appears to His Majesty conformable to the principles of justice and good faith, and indispensably required by the circumstances of the case, should meet the approbation of the Government of the United States, the undersigned is instructed and authorized to arrange the terms of such article, with any person who may be appointed by the Government of the United States for the purpose, and to conclude and sign the same, subject to the ratification of the King his master: his Majesty being always desirous to take the earliest and most effectual means of removing any cause of uneasiness between the two Governments, and to maintain with the United States the most uninterrupted harmony and good understanding.

P. BOND.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all who shall see these presents, greeting.

It having been represented by the chargé des affaires of His Britannic Majesty to the United States, that the eighth article of the treaty of peace and friendship, concluded on the third day of August last, between the United States and certain tribes of Indians, living on the northwestern frontier of these States, appears to His Majesty to contain stipulations repugnant to the provisions of the third article of the treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty, signed at London on the 19th of November, 1794: And it being the sincere desire of the United States, as well as of His Britannic Majesty, to prevent the inconveniences which might arise from any misconception or doubt on the subject of the said two articles: And for this purpose, deeming it expedient to declare their understanding thereof, by an explanatory article: Now, be it known, that, pursuant to the laws of the United States, I have intrusted, and do hereby intrust, and give full power to, Timothy Pickering, Esq. Secretary of State of the United States, to negotiate and agree, on the part of the United States, with the commissioner named on the part of His Britannic Majesty, on an article explanatory of the understanding of the two parties on the subject of the two articles aforementioned; such explanatory article, when ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications mutually exchanged, to be added to, and constitute a permanent part of, the said treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty.

[L. s.] In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, the fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six, and of the independence of the United States of America the twentieth.

G. WASHINGTON.

EXPLANATORY ARTICLE.

Whereas, by the third article of the treaty of amity, commerce, and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line assigned by the treaty of peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted) and to navigate all the lakes, rivers, and waters, thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas, by the eighth article of the treaty of peace and friendship concluded at Greenville, on the 3d day of August, 1795, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatamies, Miamies, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose, under the authority of the United States; which latter stipulation has excited doubts whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: And it being the sincere desire of His Britannic Majesty, and of the United States, that this point should be so explained as to remove all doubts, and promote mutual satisfaction and friendship, and, for this purpose, His Britannic Majesty having named for his commissioner, Phineas Bond, Esq. His Majesty's consul general for the Middle

and Southern States of America, (and now His Majesty's chargé des affaires to the United States) and the President of the United States having named, for their commissioner, Timothy Pickering, Esq. Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation, they, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do, by these presents, explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties, with any other State or nation, or with any Indian tribe, can be understood to derogate, in any manner, from the rights of free intercourse and commerce secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of His Majesty, and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said treaty of amity, commerce, and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof, we, the said commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND. [L. s.]
TIMOTHY PICKERING. [L. s.]

4th CONGRESS.]

No. 116.

[2d SESSION.]

ALGIERS.

COMMUNICATED TO CONGRESS, JANUARY 9, 1797.

Gentlemen of the Senate and of the House of Representatives:

Herewith I lay before you, in confidence, reports from the Departments of State and the Treasury, by which you will see the present situation of our affairs with the Dey and regency of Algiers.

G. WASHINGTON.

UNITED STATES, January 9, 1797.

DEPARTMENT OF STATE, January 6, 1797.

The Secretary of State respectfully makes the following brief representation of the affairs of the United States in relation to Algiers.

When Colonel Humphreys left America, in April, 1795, he was accompanied by Joseph Donaldson, Esq. who had been appointed consul for Tunis and Tripoli, and him Colonel Humphreys was authorized to employ, in negotiating a treaty with Algiers, while he should proceed himself to France, for the purpose of obtaining the co-operation of that Government in this negotiation.

They arrived at Gibraltar the 17th of May. Colonel Humphreys concluded that it was expedient for Mr. Donaldson to go first to Alicante, rather than Algiers, in order to be near at hand to ascertain facts and profit of occasions. He gave him instructions accordingly; and having also instructed Mr. Simpson, our consul at Gibraltar, to renew our peace with the Emperor of Morocco, Colonel Humphreys sailed from Gibraltar the 24th of May, and arrived at Havre de Grace the 26th of June, from whence he set off immediately for Paris. The object of his mission was communicated by our minister, Colonel Monroe, to the committee of public safety. On the 21st of July, he had received only a verbal answer, that the French Government was disposed to interest itself, and to do every thing in its power to promote the accomplishment of our wishes on the subject in question. On the 28th, assurances were received that immediate measures should be taken for giving particular instructions to the agents of the republic to use its influence in co-operation with us. The multiplicity of affairs with which the officers of the Government were occupied, and the getting from London a sum of money necessary to purchase the usual peace presents, prevented a conclusion of the arrangements at Paris until September. It had been judged expedient by Colonel Humphreys and Colonel Monroe, that Joel Barlow, Esq. should be employed in the negotiations with the Barbary States; and his consent had been obtained. By the 11th of September, all the writings on the part of Colonel Humphreys were prepared for Mr. Barlow, to proceed with the instructions and powers from the Government of the French republic, to its agents in Barbary, in favor of our negotiations.

Colonel Humphreys left Paris the 12th of September, and reached Havre the 14th, where he found the master and mate of the United States' brig Sophia both sick with fevers. While waiting there, impatiently, for their recovery, he received intelligence from our consul at Marseilles, that Mr. Donaldson had concluded a treaty of peace with the Dey of Algiers. Nevertheless, Colonel Humphreys thought it expedient that Mr. Barlow should proceed with the presents prepared and preparing at Paris: for, if not needed at Algiers, they would be wanted in the negotiation with Tunis and Tripoli.

About the 5th of October, Colonel Humphreys sailed from Havre, and, after a stormy passage of more than forty days, arrived at Lisbon the 17th of November. There he found Captain O'Brien, who had arrived about the 1st of October, with the treaty with Algiers.

On the 3d of September, Mr. Donaldson arrived at Algiers, and on the 5th the treaty was concluded, and the peace present immediately given, by a loan from Mr. Bacri, the Dey's broker. Mr. Donaldson, knowing that funds had been lodged in London, to answer his stipulations, engaged to make the payments in three or four months.

Colonel Humphreys had received advice, under date of the 30th of July, from the Messrs. Barings, in London, to whom the funds had been remitted, that, having made progress in the sales of the United States' stock, they should hold, at his disposal, the whole of the value of eight hundred thousand dollars, meaning to furnish, by anticipation, the value of that part which remained unsold, if the service of the United States required it. Colonel Humphreys counting on the money as always ready after this period, sent Captain O'Brien from Lisbon to London, in the brig

Sophia, to receive it. Owing to contrary winds, she did not leave Lisbon till the 24th of December. The other details, relative to the pecuniary transactions, appear in the report of the Secretary of the Treasury.

The disappointments in the pecuniary negotiations put the treaty in jeopardy. The Dey became impatient, and threatened to abandon it; and it was with extreme difficulty that it was prevented. Mr. Barlow did not arrive at Alicant until February, 1796, where he proposed to wait the arrival of the funds, but, after a little time, his intelligence from Algiers showing that our affairs were in a most critical situation, he determined to go thither immediately, with the hope of soothing the Dey. He arrived there the 5th of March. They had before prolonged the time to the 8th of April, for the payment of the stipulated sums. On the 3d of that month the Dey declared what should be his final determination: that, in eight days, Mr. Barlow and Mr. Donaldson should leave Algiers; and if, in thirty days after, the money was not paid, the treaty should be at an end, and his cruisers should bring in American vessels. Under these circumstances, and as the last hope of saving the treaty, they were induced to offer the present of a frigate. This fortunately succeeded. For the particulars of this transaction, the Secretary begs leave to refer the President to the enclosed letter from Messrs. Barlow and Donaldson.

Colonel Humphreys not deeming himself authorized to confirm this promise of a frigate, referred the matter to the Executive of the United States; and, for this end, despatched Captain O'Brien, in the brig Sophia, to America. There was, evidently, no alternative; and the promise was confirmed. The frigate is now building in Portsmouth, New Hampshire, and is expected to be finished in the spring. Captain O'Brien returned to Lisbon, where he arrived on the — of July. Colonel Humphreys had advantageously negotiated bills on London for two hundred and twenty-five thousand dollars. This sum was embarked on board the Sophia; and, on the 4th of August, Captain O'Brien set sail for Algiers. He has not since been heard of, and there is room to fear that some misfortune has befallen him. The money was insured, at a small premium, against the dangers of the seas. Against all risks, they demanded so high a premium as Colonel Humphreys judged it inexpedient to give, seeing the Sophia was a vessel of the United States, having a special passport from the President, as well as a passport, in the Turkish language, under the seal of the Dey of Algiers.

Such arrangements have been made by Mr. Barlow and Mr. Donaldson, with the house of the Messrs. Bacri, at Algiers and Leghorn, as will doubtless ensure the payment of the four hundred thousand dollars, originally expected from the latter place; and the same house have become engaged to the Dey and regency for the residue of the money due as the price of peace, without which he would not agree to the redemption of the captives. The Secretary of the Treasury estimates these further sums to be provided:

To fulfil the terms of the treaty, - - - - -	\$255,759
For two years' annuities to the Dey, - - - - -	96,246
To which are to be added the 10,000 sequins promised by Mr. Barlow and Mr. Donaldson, to Mr. Bacri, mentioned in their letter, - - - - -	18,000
And the expenses of the captives performing quarantine at Marseilles, and transporting them to America, estimated by the consul at Marseilles, at about - - - - -	6,500
	<u>\$376,505</u>

On the 31st ultimo I received a letter from Mr. Barlow, dated the 12th of July, informing that the agent, a Mr. Famin, at Tunis, who had been recommended to him by the French consul, Herculaïs, had concluded with the Bey of that regency a truce for six months from 15th day of June last, and this without any presents.

TIMOTHY PICKERING, *Secretary of State.*

To the *PRESIDENT of the United States.*

ALGIER, April 5th, 1796.

Sir:

After finishing our despatches on the 3d instant, to send by the courier to Tangier, we found that the port was to be opened immediately. We therefore gave up that mode of conveyance for a more direct and speedy one by way of Alicant. We have now what we hope will be more agreeable news to announce to you. For two days past we have been witnesses to a scene of as complete and poignant distress as can be imagined, arising from the state of total despair in which our captives found themselves involved, and we without the power of administering the least comfort or hope. The threat which we mentioned to you in our last, of sending us away, had been reiterated with every mark of a fixed and final decision. And the Dey went so far as to declare that, after the thirty days, if the money did not come, he never would be at peace with the Americans.

Bacri the Jew, who has as much art in this sort of management as any man we ever knew, who has more influence with the Dey than all the regency put together, and who alone has been able to soothe his impatience on this subject for three months past, now seemed unable to make the least impression. And the Dey finally forbade him, under pain of his highest displeasure, to speak to him any more about the Americans. His cruisers are now out, and for some days past he has been occupied with his new war against the Danes. Three days ago the Danish prizes began to come in, and it was thought that this circumstance might put him in good humor, so that the Jew might find a chance of renewing our subject in some shape or other. And we instructed the Jew, that if he could engage him in conversation on his cruisers and prizes, he might offer him a new American built ship of twenty guns, which should sail very fast, to be presented to his daughter, on condition that he would wait six months longer for our money. The Jew observed that he had better say a ship of twenty-four guns, to which we agreed. After seeing him three or four times yesterday, under pretences of other business, without being able to touch upon this, he went this morning and succeeded. The novelty of the proposition gained the Dey's attention for a moment, and he consented to see us on the subject. But he told the Jew to tell us that it must be a ship of thirty-six guns, or he would not listen to the proposition. We were convinced that we ought not to hesitate a moment. We accordingly went and consented to his demand, and he has agreed to let every thing remain as it is for the term of three months from this day. But desired us to remember that not a single day beyond that will be allowed on any account.

We consider the business as now settled on this footing, and it is the best ground we could possibly place it upon. You still have it in your power to say peace or no peace; you have an alternative; in the other case you had none, but war was inevitable; and there would have been no hope of peace during the reign of this Dey.

The guns are to be eight pounders, (English nines) twenty-four on the main deck, eight on the quarter deck, and four on the fore-castle. The twelve last may be smaller. She ought to be built long in proportion, and formed for sailing fast, a circumstance particularly pleasing here. We think such a vessel fitted for sea may be delivered in America for forty-five thousand dollars. Then, as by the terms of the treaty we have to deliver a quantity of long spars and other timber, this vessel will be a proper one to transport a cargo of them to this place. And in this way a saving may be made of about ten thousand dollars in freight.

In order to save the treaty thus far, which has been the subject of infinite anxiety and vexation, we found it necessary, some time ago, to make an offer to the Jew, of ten thousand sequins, (18,000 dollars) to be paid eventually if he succeeded, and to be distributed by him, at his discretion, among such great officers of state as he thought necessary, and as much of it to be kept for himself as he could keep, consistent with success. The whole of this new arrangement will cost the United States about fifty-three thousand dollars. We expect to incur blame, because it is impossible to give you a complete view of the circumstances; but we are perfectly confident of having acted right.

With regard to the transfer of the funds to this place, we believe it can be done with the least difficulty through Leghorn: that is, to draw from that place on London, Madrid, or Lisbon, as shall be most advantageous, perhaps on all, unless you can ship a part in specie from Lisbon, which we believe would be the preferable mode for such a sum as you can ship.

Mr. Donaldson sails to-morrow for Leghorn, there to wait your orders on this head. There is no time to be lost. You will be pleased to instruct him as soon as possible, and let our measures, from this time forward, be effectual. We are obliged to incur a considerable expense to get this letter to Alicant. We hope it will reach you soon.

We remain, sir, &c.

To DAVID HUMPHREYS, Esq. *American Minister, Lisbon.*

JOEL BARLOW,
JOSEPH DONALDSON, Jun.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT, *January 4, 1797.*

The Secretary of the Treasury, in obedience to directions from the President of the United States, respectfully makes the following representation respecting the application of the fund destined for the execution of the treaty with Algiers.

In pursuance of an act passed on the 21st day of February, 1795, the sum of eight hundred thousand dollars was borrowed of the Bank of the United States, which was paid in six per cent. stock. A conviction of the urgency of the case, and a disposition to accommodate the Government, alone induced the Bank to consent to the loan, as the stock was then saleable in large quantities at par, including interest. Bills of exchange were not readily obtainable, and the sudden exportation of so considerable a sum of specie would have been attended with inconvenient effects. Indeed, no alternative offered but to renounce the negotiation, or to remit stock as a fund.

Various causes operated to produce a depression of the prices of all kinds of public stock, soon after the remittances had been made. The rates at which sales have been effected are as follows:

\$560,000 sold for sterling	-	-	-	-	£111,053 15 0
\$240,000 remained unsold, at the date of the latest advices, which may be estimated at eighty per cent. or	-	-	-	-	43,200 00 00

\$800,000 in stock, will therefore produce, in sterling money,	-	-	-	-	£154,253 15 00 or \$685,572 22
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Of the sum of \$305,911 37, appropriated for treaties with Mediterranean Powers, by the act of May 31, 1796, there was estimated for a deficiency on account of the treaty with Algiers, the sum of	-	-	-	-	51,132 00
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The whole of the grants for the Algerine treaty may therefore be considered as equal to an effective fund in London of	-	-	-	-	736,704 22
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The expenses of carrying the treaty into effect are estimated as follows:					
Payments stipulated at the time of closing the treaty, to the Dey, his officers, and the treasury, for the redemption of the captives,	-	-	-	-	525,500 00
To which are to be added, agreeably to Mr. Donaldson's calculation:	-	-	-	-	
For per centage on the captives,	-	-	-	-	27,000 00
Peace presents, consular presents, &c.	-	-	-	-	60,000 00
Commissions to the Jew broker, and presents to principals, &c.	-	-	-	-	30,000 00

Amount of money to be paid in Algiers,	-	-	-	-	\$642,500 00
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The expenses of remitting the sum last mentioned, from London to Algiers, according to the best estimate which can be formed, will be as follows:

\$140,000 procured at Leghorn by bills on London, cost 4s. 10 ⁵ / ₁₆ sterling per dollar,	-	-	-	-	£34,110 00 00
or sterling,	-	-	-	-	65,000 00 00
\$260,000 expected to be obtained at 5s. will be	-	-	-	-	
	-	-	-	-	£99,110 00 00 or \$440,488 88

\$40,000 remitted to Hamburg, cost, sterling £9,002 18 8, or	-	-	-	-	40,013 04
\$225,000 procured at Lisbon, for which drafts have been passed for sterling £50,007 16 0, or	-	-	-	-	222,256 89

\$665,000 placed in Leghorn, Haniburg, and Lisbon, and supposed to be sufficient to discharge the pecuniary obligations of the treaty, will probably cost,	-	-	-	-	\$702,758 81
Payments made to Col. Humphreys,	-	-	-	-	£3,471 0 0
Payment to Captain O'Brien,	-	-	-	-	31 0 0

	-	-	-	-	£3,502 0 0 or 15,564 44
The naval stores, stipulated by Mr. Donaldson, were estimated at \$57,000, but which, agreeably to his enumeration of the articles, will cost, agreeably to the estimate of the purveyor, marked A,	-	-	-	-	124,413 00
The freight of the said stores is computed at	-	-	-	-	50,000 00
The expense of the frigate lately promised, agreeably to the estimate of the Secretary of War, here with transmitted, marked B, will be	-	-	-	-	99,727 00

The whole expense of fulfilling the treaty, according to this estimate, therefore, is	-	-	-	-	992,463 25
From which sum the effective value of the provisions already made, being deducted, as before estimated,	-	-	-	-	736,704 22

There will remain to be provided,	-	-	-	-	\$255,759 03
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The annexed paper, marked C, is a copy of a representation from Messrs. Barings and Company to the minister of the United States in London, dated August 29th, 1796, the accuracy of which is confirmed by the correspondence therein referred to: there is, therefore, no room to doubt but that the delays, and consequent accumulation of expenses, are to be attributed solely to the extraordinary events of the war in Europe, and to other causes over which the Government of the United States have had no control.

By the last article of the treaty, the United States are bound to pay an annuity of twelve thousand Algerine sequins in maritime stores. The cost and freight of the articles required by the Dey for the first two years' annuity will, agreeably to the purveyor's estimate, marked D, be

-	-	-	-	-	\$141,246 63
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For which the appropriation made by the act of May 6, 1796, for two years, being deducted,	-	-	-	-	48,000 00
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There will remain to be provided on this account, the sum of	-	-	-	-	\$96,246 63
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All which is respectfully submitted by

OLIVER WOLCOTT, *Secretary of the Treasury.*

A.

An Estimate of the probable cost of articles for the Algerine Treaty.

500 barrels of powder, at £15,	-	-	-	-	-	£7,500 00 00
66 tons of lead, at £40,	-	-	-	-	-	2,640 00 00
20,000 cannon ball, at £276,	-	-	-	-	-	2,760 00 00
5,000 double-headed shot,	-	-	-	-	-	690 00 00
200 pieces of canvass,	-	-	-	-	-	1,100 00 00
2,000 gun barrels,	-	-	-	-	-	2,000 00 00
50 masts, at £100,	-	-	-	-	-	5,000 00 00
100 spars, at £40,	-	-	-	-	-	4,000 00 00
10 cables and cordage, 45 tons, at £135,	-	-	-	-	-	10,575 00 00
3,000 pine and oak plank, six inches thick, fifty feet long,	-	-	-	-	-	9,000 00 00
200 pieces scantling,	-	-	-	-	-	540 00 00
200 barrels tar,	-	-	-	-	-	200 00 00
100 barrels pitch,	-	-	-	-	-	150 00 00
10 cannon, &c.	-	-	-	-	-	500 00 00
						<hr/> £46,655 00 00
					Equal to	<hr/> \$124,413 00 00

DECEMBER 29, 1796.

TENCH FRANCIS, *Purveyor.*

B.

Estimate of the sum necessary to build and equip a frigate to carry thirty-six guns, for the Dey of Algiers. To which is added an estimate of navigating the same to Algiers.

Carpenter's bill for building the hull, launching the same, together with a complete set of masts and yards, per ton,	-	-	-	-	-	\$45
Joiner's, smith's, plumber's, boat-builder's, carver's, cooper's, blockmaker's, sailmaker's, rigger's and rigging, with ship chandler's bills,	-	-	-	-	-	55
Ship complete of 539 tons, per ton,	-	-	-	-	-	\$100 is 53,900 00
Copper sheathing,	-	-	-	-	-	4,118 40
Cannon,	-	-	-	-	-	8,428 60
Copper pintles and braces,	-	-	-	-	-	1,240 00
Powder, shot, and other military stores,	-	-	-	-	-	13,551 00
Forty men, including officers, their pay and subsistence for five months,	-	-	-	-	-	8,589 00
Contingencies,	-	-	-	-	-	10,000 00
						<hr/> \$99,737 00

WAR OFFICE, *December 26, 1796.*

JAMES M'HENRY.

C.

Statement of Messrs. Baring and Co.—August 29, 1796.

In the execution of the business with which Baring and Co. have been entrusted, they have communicated to Mr. Pinckney, from time to time, every material circumstance which has occurred; but, as the present position is extremely critical and important, they will endeavor to state as concise a narrative as possible, from the commencement of the business, for the consideration and determination of Mr. King.

March 7, 1795. The President of the Bank remit to Baring and Co. eight hundred thousand dollars in certificates of the six per cent. stock, with orders to sell the same, without causing a depression in the prices, and thus injuring the credit of American funds. The nett proceeds, after deducting the usual commissions, are to be held at the disposal of Colonel David Humphreys. And we are directed to inform Colonel Humphreys of the progress we may make, from time to time, in the sales of the stock, and also of the terms upon which remittances can be made to Cadiz or Leghorn.

This contains nearly the whole of our orders, or at least the whole of what we conceive to be necessary for the information of Mr. King in the present moment; the further letters from America being almost wholly answers to our numerous letters, and do not contain a syllable of disapprobation with regard to our conduct, but the reverse.

March 31, 1795. Colonel Humphreys writes from Philadelphia that we would furnish him with information, assistance, &c. directed to him at Lisbon.

April 28. We wrote very fully to Colonel Humphreys, containing every information relative to the probable sale of the stock, and the various means by which he could execute his commission through London, Lisbon, Cadiz, and Italy, in general.

May 19. We wrote still more fully in answer to his letter of the 31st of March; wherein we offered to anticipate a considerable sum on the value of the effects in our hands, for which there was no demand at the moment. We explained to him the value of the Italian coins, those of Spain being well known—mentioning that it was easier to procure money at Leghorn, where there was no restraint, than at Cadiz, where dollars were more plentiful, but the exportation was exclusively in the bank of St. Charles, from whom it was difficult to obtain permission; that we would procure any quantity in London; to which we added the names of our correspondents at the different places, offering every service in our power, direct or indirect.

May 18. Colonel Humphreys advises of his arrival at Gibraltar.

July 21. We advise Colonel Humphreys that we had sold three hundred thousand dollars; that we were ready to pay one hundred thousand pounds to his order; and if he wanted a further sum, we desired to be informed.

July 27. Colonel Humphreys directs us to pay forty thousand dollars to Mr. Deas for Mr. Andrews, which was immediately complied with by a credit on Hamburg for that value.

July 30. We informed Colonel Humphreys that, having made further progress in our sales, we should hold the whole of the value of eight hundred thousand dollars at his disposal, meaning to furnish, by anticipation, the value of that part which remained at that time unsold, if the service of the United States required it.

November 28 is the next letter from Colonel Humphreys, and the commencement of our difficulties. He informs us that he should send the Sophia, for the purpose of receiving Portugal gold and Spanish dollars in London, to the amount of six hundred and fifty thousand Spanish dollars. He further opens credits in favor of Messrs. Dohrmans, of Lisbon, which were punctually paid; and he desires remittances on Lisbon, which, from the scarcity of paper at the time, was effected to a very trifling amount.

This letter was followed and confirmed by others from Colonel Humphreys, dated the 16th, 22d, and 24th of December, of a similar tenor, or very nearly so, and the arrival of the brig *Sophia*, from Lisbon.

Although Colonel Humphreys has not mentioned to us the reasons for this proceeding, we may impute it to the advice contained in our letter of the 19th of May, and indeed to the well known facility with which a sum of that description could be procured in London of Spanish dollars, having ourselves never experienced the least difficulty in disappointment for large sums.

December 22. We answered these letters, advising Colonel Humphreys of the impossibility to procure Portuguese gold, none having been received for many years; of the extraordinary turn which had appeared with regard to bullion, in consequence of the immense drains upon the country for carrying on the war, and which has finally compelled the minister to abandon his favorite project of a second loan to the emperor. But as the difficulty had only begun to appear, we hoped that, with some delay, we should be able to collect the dollars, for the purpose of executing the orders of Colonel Humphreys.

January 17, 1796. Finding it impossible to procure gold, and no silver arriving, we submitted the whole of the orders and correspondence to Mr. Pinckney, when it was determined to purchase such silver as might arrive; but, at all events, to detain the *Sophia*, which could not be wrong, as the westerly winds would have prevented her sailing. In the mean while, we wrote to Messrs. Parish and Co., of Hamburg, to know whether Portugal gold or Spanish dollars could be obtained in that place.

Jan. 19, 26—Feb. 2, 12, 1796, are letters we wrote to Colonel Humphreys; wherein we acquainted him with our prospects, from time to time; that Parish and Co. gave us reason to hope for the execution of a part of the order, but that no silver had arrived in London.

February 16. Having determined, with the approbation of Mr. Pinckney, to send the *Sophia* to Hamburg, in consequence of the encouragement of Messrs. Parish and Co.; on applying to Captain Crandon, he observed that it was contrary to his instructions, which were to return to Lisbon; and as considerable doubts existed about proceeding to Hamburg, Mr. Pinckney declined giving a positive order to Captain Crandon, which proved fortunate, as, immediately after, advice was received from Messrs. Parish and Co. that the dollars they had in view had been purchased, most probably for account of the British Government. On this occasion, and under this date, we wrote to Colonel Humphreys, by the brig *Sophia*, and by the packet, acquainting him with our disappointment in toto, which we accompanied, at the intimation of Mr. O'Brien, with letters of credit on Madrid and Cadiz. And, in order to finish this part of the subject, as a justification for permitting the *Sophia* to return, we should observe that, if she had been detained for six months, we could not have procured one half of the quantity of the Spanish dollars required.

March 1. We advised Colonel Humphreys that we had received a large sum in bills drawn from Leghorn on the British Government, being for money sent to Algiers, and which appeared afterwards to be for the release of the Corsican prisoners.

March 22, 29, are answers to letters from Colonel Humphreys, relative to our accounts chiefly, dated 27th of February and 9th of March, which we do not notice, concluding that he was satisfied, as nothing appears in reply to us; but, as there was reason to fear the business could not be executed in Spain, the Government there refusing a licence, notwithstanding the endeavors of Messrs. Joyes and Sons, aided by the American minister or resident,

April 1, we wrote to Messrs. Fonnereau, of Leghorn, not only to open the necessary credit, but to explain to them, in a full and confidential manner, the nature and extent of our preceding disappointments, requesting (with the approbation of Mr. Pinckney and Colonel Humphreys) that they would convey to Algiers (through the medium of Bacri, who is brother to the person employed and trusted at Algiers by the Dey for all his transactions with Europeans) such information as should satisfy the Dey that the delay in paying the money did not arise from the want of funds, credit, or endeavors, on the part of the United States, but must be solely attributed to the political convulsions in Europe, which had annihilated the usual channels or modes of procuring the coin for the purpose. It is unnecessary to quote dates of letters, as there appears but one opinion on the subject, namely, "that the business must finally be done at Leghorn, and both Mr. Pinckney and Colonel Humphreys recommend most earnestly that the information alluded to should be conveyed to Algiers."

April 29. [Messrs.] Fonnereau answer our letter of the 1st, promising to follow the orders of Colonel Humphreys; and that Bacri would communicate to Algiers every thing we had desired.

June 17. [Messrs.] Fonnereau advise the delivery to them, on that day, of the orders from Colonel Humphreys to pay to the order of Mr. Donaldson four hundred thousand Spanish milled dollars, which they acquaint him shall be immediately complied with.

June 19. Mr. Donaldson acquaints Messrs. Fonnereau that he should accept the sum; and, on a meeting between them and Bacri, the price of the dollars, with that of the agio, was settled, to the satisfaction of Bacri.

June 20, 24. [Messrs.] Fonnereau drew for what money they could procure; and, on the 24th, write, "Enclosed you have Mr. Donaldson's receipt for one hundred and forty thousand dollars, paid to him by order of Colonel Humphreys. This business might have been completely finished, by our giving to Mr. Donaldson bills on you, or on Hamburg, for the remaining two hundred and sixty thousand dollars, which Bacri offered to negotiate for him, and to give him a receipt for the whole four hundred thousand dollars, which he engaged to ship for Algiers; but a certain diffidence on his side would not permit him to sign receipts to us for more than he had absolutely received in cash."

June 27. The French entered Leghorn, and Fonnereau embarked on board an English frigate.

July 15. Mr. Donaldson draws on us for the sum of £10,000.

Bacri, under the same date, inquires about Mr. Donaldson's credit on us, and whether we have orders for more than \$400,000?

This question leads to a state of the account, with an estimate of the effects in our hands. Of the original sum sent to us, we have only sold \$560,000, the price having fallen at one time so low as 82; and believing that Government would feel reluctant to sell under 90, we had determined to anticipate on the value of the remainder, waiting for our reimbursement in due time.

The \$560,000 above have produced	£111,053
Some part was sold above 90 per cent. and none below that price, which leaves about 3s. 11½d. per dollar. The present price is 86, with little demand. Suppose the remaining \$240,000 produced 3s. 9d. per dollar, the amount will be	45,000

Total amount of sales and effects,	<u>£156,053</u>
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The great defalcation in the nominal dollars arises from the remittances being made in funds, which sell at 10 per cent. under par, and the payment being made in foreign money, at a rate very much above par; that of Leghorn, in particular, has advanced 16—18 per cent. above what it was, not a long while since.

Our payments are as follows:

Credit on Hamburg, \$40,000,		£9,002
The drafts of Dohrman,		50,007
Remittances to Colonel Humphreys,		3,036
his draft 22d December,		435
Paid O'Brien,		31
Paid sundry persons for the dividends on stock sold,		2,497
\$140,000 paid Mr. Donaldson, we calculate about 4s. 10d. ⁵⁵ / ₁₀₀ each,		34,110
		<u>£99,118</u>

Suppose the remaining \$260,000, which includes Mr. Donaldson's drafts, calculated at the same rate, the amount will be, at 5s.	-	-	-	-	-	-	-	-	-	65,000
Total amount of payments,	-	-	-	-	-	-	-	-	-	164,118
Ditto of sales and effects,	-	-	-	-	-	-	-	-	-	156,053

The sum of £2,497, paid by us for dividends, will be received again by us from America, and of course appear, ultimately, to the credit of the United States.

Under all the circumstances which have been stated, it is submitted to Mr. King what ought to be done in the present moment?

Mr. Fonnereau says, that reliance may be had on Bacri having conveyed to Algiers the information requested; and, moreover, that it will be thoroughly satisfactory at that place. Bacri is a wealthy man, and willing to do a friendly action; that he is much trusted by the French, and that the banker of Fonnereau is also banker to the French.

On the other hand, the sum to be drawn is more than sufficient to enable Bacri to fix the course of exchange for many weeks, and also the agio, for a considerable time. This idea may be carried still further: for, in the present situation of Leghorn, there is, in fact, no exchange, and the drafts of Mr. Donaldson must be negotiated elsewhere. The Italians moreover know, that bills drawn from Leghorn, subsequently to the entry of the French, cannot be paid in London without a licence, &c.

Baring and Co. can have no difficulty with regard to themselves. They are directed to hold the proceeds or value (which they conceive to be equally the intention of the United States) at the disposal of Colonel Humphreys, who directs them to pay \$400,000 to the order of Mr. Donaldson, which will be punctually complied with to the extent of sales and value of what remains under a proper licence. But that zeal which has induced them to follow this business into foreign parts, without any other motive for their so doing, induces them to submit the difficulties which occur with regard to the actual position of Leghorn, a doubt whether the business can be executed from thence at present, and still more, the defalcation which must arise respecting the funds, to the consideration of Mr. King, for his better judgment; and which they trust will serve as an apology for the detail with which they now trouble him.

£156,053 sales and supposed value.
2,497 dividends.

158,550
5,568 deficient, supposing Mr. Donaldson can negotiate the remaining \$260,000 at 5s. those of Mr. Fonnereau having cost 4s. 10d. $\frac{5s.}{10d.}$
£164,118

D.

An estimate of the probable cost and freight of the maritime stores necessary for paying the first and second years' annuities to the Dey and regency of Algiers.

1,000 barrels of powder,	-	-	-	-	-	-	-	-	£15,000
2,000 pine and oak plank,	-	-	-	-	-	-	-	-	6,000
3,000 pine boards,	-	-	-	-	-	-	-	-	4,500
2,000 pine staves,	-	-	-	-	-	-	-	-	50
100 dozen long tar brushes,	-	-	-	-	-	-	-	-	100
34 cables, 80 tons,	-	-	-	-	-	-	-	-	10,800
10 coils white rope, 11,200 pounds,	-	-	-	-	-	-	-	-	500
5 tons yarn,	-	-	-	-	-	-	-	-	975
100 bolts canvass,	-	-	-	-	-	-	-	-	550
3 tons lead,	-	-	-	-	-	-	-	-	120
35 tons spikes,	-	-	-	-	-	-	-	-	3,597 10 0
2,000 bomb shells,	-	-	-	-	-	-	-	-	650
									£42,842 10 0
Equal to	-	-	-	-	-	-	-	-	\$114,246 63
To transport the above to Algiers, suppose	-	-	-	-	-	-	-	-	30,000 00
									\$144,246 63

December 29th, 1796.

TENCH FRANCIS, *Purveyor.*

4th CONGRESS.]

No. 117.

[2d SESSION.

ALGIER'S.

REPORTED TO THE SENATE, JANUARY 16, 1797.

Mr. MARSHALL, from the committee to whom was referred the President's message of the 9th inst. relative to our affairs with the Dey and regency of Algiers, having considered the same, made the following report:

That the further sum of two hundred and fifty-five thousand seven hundred and fifty-nine dollars and three cents, being a balance of nine hundred and ninety-two thousand four hundred and sixty-three dollars and twenty-five cents, not yet provided, will be necessary to carry into effect the treaty with Algiers, agreeably to primary stipulations, including the frigate of thirty-six guns, promised the Dey; that, for the balance of the annuity granted by the said treaty, calculated for two years, at one hundred and forty-four thousand two hundred and forty-six dollars and sixty-three cents, the further sum of ninety-six thousand two hundred and forty-six dollars and sixty-three cents; that for the ten thousand sequins promised the Jew broker by Mr. Donaldson, the sum of eighteen thousand dollars; and that, for the expenses of the captives performing quarantine at Marseilles, and transporting them to America, the sum of six thousand dollars will also be necessary; making in the whole three hundred and seventy-six thousand eight hundred and five dollars and sixty-six cents, which sum, in the opinion of your committee, ought to be appropriated out of some effective fund, for the purposes aforesaid.

4th CONGRESS.]

No. 118.

[2d Session.]

FRANCE.

COMMUNICATED TO CONGRESS, JANUARY 19, 1797.

UNITED STATES, January 19, 1797.

Gentlemen of the Senate and of the House of Representatives:

At the opening of the present session of Congress, I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered, and was suffering, extensive injuries in the West Indies, from the cruisers and agents of the French republic; and that communications had been received from its minister here, which indicated danger of a further disturbance of our commerce by its authority, and that were, in other respects, far from agreeable; but that I reserved for a special message a more particular communication on this interesting subject. This communication I now make.

The complaints of the French minister embraced most of the transactions of our Government in relation to France from an early period of the present war; which, therefore, it was necessary carefully to review. A collection has been formed, of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our minister at Paris, containing an examination of the notes of the French minister, and such information as I thought might be useful to Mr. Pinckney in any further representations he might find necessary to be made to the French Government. The immediate object of his mission was to make to that Government such explanations of the principles and conduct of our own, as, by manifesting our good faith, might remove all jealousy and discontent, and maintain that harmony and good understanding with the French republic, which it has been my constant solicitude to preserve. A Government which required only a knowledge of the *truth* to justify its measures, could not but be anxious to have this fully and frankly displayed.

G. WASHINGTON.

Mr. Pickering, Secretary of State, to Mr. Pinckney, Plenipotentiary of the United States at Paris.

DEPARTMENT OF STATE, January 16, 1797.

Sir:

In my letters of the 5th and 26th ult. I sent you two notes from Mr. Adet, the minister of the French republic to the United States; the former dated the 27th of October, and the other the 15th of November last; and my answer to the first. The latter note, embracing numerous topics of complaint, and going as far back as the year 1793, required a particular examination of all the transactions of our Government from that time to the present. The other indispensable duties of the office prevented my entering on this examination as early as I had expected, and the current business has retarded the pursuit. The result of this examination, I am now, by the direction of the President of the United States, to communicate to you. This history of our affairs you will find supported by documents, many of which were delivered to you at your departure, and the residue will be herewith transmitted. The remarks and reasonings on facts, you will duly appreciate; and from the whole, joined with your own observations, you will be enabled, it is believed, to vindicate the United States, and to demonstrate their impartiality as a neutral nation, their fidelity in the observation of treaties, and their friendship as an ally.

The discussion on which I am entering will involve much repetition; for the general questions and particular cases grouped together in the minister's last note, have been subjects of controversy and correspondence from May, 1793, to this day. Some other points have, indeed, been contended for, which the minister has now passed without notice. Why they are omitted I know not: for in these cases the United States were as positively charged with violating treaties, as in those which he has been pleased now to detail. Some of them it may be found proper to introduce, to render less imperfect the view of our relations to France.

The complaints of the French minister against the United States have reference to three principal subjects:

1st. To the abandonment of their neutral rights, to the injury of France, in not maintaining the pretended principles of the modern law of nations, *that free ships make free goods*, and that timber and naval stores, for the equipment and armament of vessels, are not contraband of war.

2d. To violations of our treaties with France, even in their letter.

3d. To the treaty of amity and commerce between the United States and Great Britain; which he alleges "deprives France of all the advantages stipulated in a previous treaty." A fourth complaint is truly ingenious. The fortune of war has constrained some of the belligerent Powers, from enemies, to become her allies; and if the alleged abandonment of the rules of the modern law of nations, in its consequences, works an injury to those allies, from that moment France is also injured. Perhaps it will be in time to notice this last charge when those allies themselves complain; if the answer to the first, involving the same principle, should not render such notice altogether unnecessary.

I shall now present to your view those facts and observations which will prove, we conceive, that the minister's complaints are without any just foundation.

Under the first charge, that we have not maintained, as we ought to have done, our neutral rights, it is alleged: 1st. That the position, *that free ships make free goods*, is an established principle of the modern law of nations, and that Great Britain, by capturing French property on board our vessels, has violated her neutral rights; and that, unless we compel Great Britain to respect those rights, France will be justified in violating them.

Not to remark on the singular reasoning, that if one warring Power commits an act of injustice towards a neutral and innocent nation, another warring Power may lawfully commit the like injustice, we may ask what authority is adduced to show that the modern law of nations has established the principle, *that free ships make free goods*? Vattel says positively, "that effects belonging to an enemy found on board a neutral ship are seizable by the rights of war."^{*} Agreeably to this long established rule of the laws of nations, France herself, in her marine laws, has directed that the *merchandises and effects belonging to her enemies, which shall be found on board neutral vessels, shall be good prize.*† By a former law, indeed, the neutral vessels themselves, as well as the effects of her enemies on board, were declared to be good prize. Valin[‡] remarks, however, that this regulation was peculiar to France and Spain; and that, elsewhere, the *goods of the enemy were alone* subjected to confiscation. And in the treaty of France with the city of Hamburg, in 1769, it was stipulated that "all effects, provisions, and merchandise, whatsoever, belonging to her enemies, and found on board the vessels of Hamburg, should be confiscated."

Mr. Adet remarks, that one of his predecessors, in July, 1793, applied on this subject to the Government of the United States, but was unsuccessful. He must refer to Mr. Genet's letter to Mr. Jefferson, dated July 9th, 1793, [The subject was resumed in terms still more extraordinary in his letter of July 25th, 1793.] to which Mr. Jefferson answered on the 24th, declaring "his belief that it cannot be doubted but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are lawful prize." It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port and detained, under pretence of having enemy goods on board, have, in many instances, introduced, by their *special treaties*, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; but this is altogether the effect of particular treaty, controlling, in *special cases*, the *general principle* of the law of nations,

^{*}Book iii. sec. 115.

†Valin, page 250, Reg. Oct. 21, 1744, art 5.

‡Valin, vol. 2. pages 252, 253.

and therefore taking effect between such nations only, as have so agreed to control it." And it is plain that it was to avoid the inconveniences resulting from this general rule of the law of nations, that France and the United States stipulated, in the 23d article of their commercial treaty, "that free ships should give freedom to goods; and that every thing should be deemed free which should be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted." It is also plain that this stipulation was intended to operate (indeed it was its sole object, and otherwise could have no operation at all) when one of the parties should be at war with a nation or nations with whom the other should be at peace. France, therefore, has now no right to complain if the goods of her enemies find protection on board American ships; or to pretend that, in order "to restore the balance of neutrality to its equilibrium," she may seize on such goods: the just equilibrium between her and the United States will be restored when we are at war and she at peace; at which time the goods of our enemies will find protection on board the vessels of her citizens.

2d. It is alleged that we have abandoned the modern public law on contraband, and by our treaty with Great Britain, granted to that Power, exclusively, the free carriage of articles for the equipment and armament of vessels.

Here, as in the former case, the question recurs, what is the law of nations on the point in dispute? *Vattel defines contraband goods to be "commodities particularly used in war—such are arms, military and naval stores, timber, horses, and even provisions, in certain junctures, when there are hopes of reducing an enemy by famine." In the treaty between France and Denmark, concluded on the 23d of August, 1742,† "tar was declared contraband, together with rosin, sails, hemp, cordage, masts, and timber for ship building." "Thus, on this account, (says Valin) there would have been no cause for complaining of the conduct of the English, if they had not infringed particular treaties: for, of right, these things are now contraband, and have been so since the beginning of this century, which, however, was not the case formerly." "The modern public law on contraband," mentioned by Mr. Adet and his predecessors, probably refers to the principles declared by the armed neutrality during the American war. This transaction is too remarkable to be passed unnoticed.

During that war, Great Britain and the other belligerent Powers, exercising the rights assured to them by the law of nations, made prize of enemy's property on board neutral vessels, and of contraband goods belonging to neutrals. Eager as neutral nations must be to seize the opportunity which war presents, of becoming the carriers for the belligerent nations, whose ships and mariners are wanted for military operations, it was perfectly natural that the former should desire to establish as a rule that free ships should make free goods, or, in other words, that neutral bottoms should protect the goods on board, to whomsoever these belonged; and it was equally natural for them to desire to diminish the list of contraband. In respect to the latter, it must have been particularly interesting to the three northern maritime Powers, from whose dominions, chiefly, the other maritime nations of Europe received supplies of timber and naval stores, to strike these from the list of contraband, or, by some means, to exempt them from capture.

With these dispositions, the Empress of Russia, in February, 1780, made public the principles on which she would maintain the commerce of her subjects. It is necessary here to recite only two of them. 1. That all the effects belonging to subjects of the nations at war should be free on board neutral vessels, contraband goods excepted. 2. That the articles of contraband should be regulated by the 10th and 11th articles of her treaty of commerce with Great Britain, extending the regulations of those articles to all the belligerent Powers.

To enforce the observance of these principles, she gave orders for equipping a considerable part of her marine.

In July of the same year, Denmark acceded to the principles of the armed neutrality, and entered into a convention with Russia for maintaining them, assuming for her rule in determining what articles should be deemed contraband, her treaty of commerce with Great Britain, concluded the 11th of July, 1670. In the third article of this treaty, the description of contraband goods is in general terms: "Any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war." But, by a convention concluded at London, on the 4th of July, 1780, between Great Britain and Denmark, "to explain the treaty of commerce of 1670 between the two Powers," the articles deemed contraband are particularly enumerated, and among them we see "timber for ship building, tar, rosin, copper in sheets, sails, hemp, and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and fir planks excepted." It is remarkable that these are the very articles admitted as contraband in the 18th article of our treaty of commerce with Great Britain, and for which admission Mr. Adet declares "all the commercial relations between France and the United States are entirely broken."

But it is further to be noticed that this convention between Russia and Denmark, concluded in the midst of the American war, for maintaining the principles of the armed neutrality, and to which other European Powers acceded, is explicitly declared, in the 9th article, to have been concluded and agreed on *for the time that war should last*; though it was to serve as a basis to future engagements which circumstances might render necessary, on account of new naval wars in Europe; and with the latter view, the King of Sweden manifested the utmost solicitude lest the war should be closed without the intervention of the neutral Powers. He therefore was urgent that the Empress, with all the parties to the maritime convention, "should propose to the belligerent Powers the establishing of a Congress, in which the different concerns, both of the Powers at war and of the neutral States, should be examined and terminated."§ And these concerns he afterwards mentions to be "the pacification, and the settling of a maritime code of laws;" objects truly important, and meriting all the solicitude manifested on the occasion by the King.

But these steps of the King of Sweden serve as additional proofs that the principles of the armed neutrality were not considered by the parties to the maritime convention, as sanctioned by the existing law of nations. For, permanently to establish those assumed principles, by introducing them into a maritime code, was obviously the influential motive with the King for desiring a Congress, at which such a code might be settled with the assent of all the nations of Europe. But this project did not succeed; no Congress was formed; the belligerent Powers made peace at different periods; and with that war ended the maritime convention. This, no nation has more reason to regret than our own, as well because the principles in question respect some very valuable portions of our exports, as because our disposition and our policy preserving us in peace, such an extended liberty of commerce would prove highly advantageous to us as carriers for the Powers at war.

We have seen, then, that the law of nations, the marine laws of France, her own treaties, as well as those of other nations, and even the system of the armed neutrality, incontestably establish these principles, that enemy's goods on board of neutral vessels are rightful subjects of capture and condemnation, and that timber and other articles for the equipment and armament of ships, are contraband of war; and, therefore, that the admission of these principles in the treaty between the United States and Great Britain, not being a grant to her of any right (for in what sense could we be said to give what she before possessed?) furnishes no just ground of offence to France. In what sense, too, can the United States be said to have "refused to other nations a right" which they and we voluntarily and mutually agreed to renounce? Or how are we chargeable with "partiality in favor of England," because we do not take up arms to compel her also to renounce it?

But Mr. Adet, still resting on the idea that, not to compel Great Britain to renounce, is to grant her a right, seems to imagine that we shall attempt to obviate his complaints by saying "that France, having the right, by her treaty of 1778, to enjoy all the advantages in commerce and navigation, which the United States have granted to England, is not injured by the stipulations of the treaty of 1794, (with Great Britain) relative to contraband of war, as they become common to her." But we shall say no such thing. The 2d article to which he refers has no relation to this subject. Had we granted any particular favor to Great Britain, or to any other nation, in respect to commerce and navigation, we readily admit that, by this article, France would be immediately entitled to the same. But, in regard to contraband of war, we have granted nothing, and, therefore, under that article, France can claim nothing.

*Book 7, sec. 112.

† Valin, vol. ii, page 264.

‡ Hist. Armed Neutrality, page 77; Martens' Treaties, vol. ii. page 103.

§ Hist. Armed Neutrality, pages 147, 150.

Under the influence of present and temporary interests, the very *nature* of the stipulations between France and the United States, on the subject of free commerce and the limitation of contraband, seems to be forgotten. They took for the basis of their treaty "the most perfect equality and reciprocity." Would they then conspire to their own hurt? Would they *voluntarily* and *mutually* stipulate for *injuries*? Or for *advantages*? Certainly the latter; and both considered the agreement reciprocally *advantageous* which secured to each, in its turn, the freedom of commerce provided by the rules that free-ships should make free goods and that timber and naval stores should be excluded from the list of contraband.

Connected with this subject is what concerns the article of *provisions*. Mr. Adet says, "after having assured to the English the carriage of naval stores, the Federal Government *wished* to assure them that of meals; in a word, it *desired* to have commerce *only* with England." Thus it stipulates, by the 18th article, that the American vessels laden with grain may be seized under the *frivolous pretext* that it is extremely difficult to define the cases wherein provisions, and other articles which are generally excepted, could be classed in the list of contraband of war."

There are so many extraordinary assertions in Mr. Adet's notes, those in the above paragraph excite no surprise. The Federal Government is constituted of citizens who have a common interest with their fellow-citizens of the United States. That common interest has a peculiar relation to commerce, on the freedom and extension of which the public revenue and the general prosperity of our country chiefly depend. Will it then be believed that the Government *wished* this commerce to be *restrained*, particularly the commerce in *meals*, which compose the most valuable part of our exports? Especially, will it be believed that the Government *desired* that our citizens might have commerce *only* with England? Let the general sense of our fellow-citizens answer these charges. Let the great mass of our commercial brethren answer—they whose enterprise traverses every sea and explores every region of the globe, to extend their gainful trade; citizens whose commercial adventures to France and her colonies have risen annually to many millions; adventures by which many have hazarded their credit and their fortunes. Yet, among all our citizens, none have been more solicitous to form a commercial treaty with Britain; none more decided in approving that which has been made.

For the reasoning of our own Government on this subject, I beg leave to refer you to my letter of September 12, 1795, written, by the President's direction, to Mr. Monroe. Therein it was attempted to show the *necessity* and our *right* of forming that treaty with Great Britain, and I hope it will appear to you that the conclusion is there fairly drawn; that even the 18th article, as it respects provisions, would operate favorably to France.

Before the treaty with Great Britain, her cruisers captured neutral vessels bound to France with provisions. She asserted that, in certain cases, provisions were contraband of war; consequently, that she might lawfully capture and confiscate such provisions. We opposed the principle and the practice. Britain insisted on her right. In this dilemma, it was agreed by the treaty, that, whenever provisions, becoming contraband by the law of nations, should be captured, they should be paid for with a reasonable mercantile profit. This stipulation, without admitting the principle, by securing the American merchants from loss in case of capture, would certainly tend to promote, rather than to discourage, adventures in provisions to France.

But as this treaty has been the subject of serious complaint on the part of France, it is important to inquire with what foundation the complaint is made.

I might pass over the unworthy insinuations of the minister, that the treaty was entered into by us, *in order to ensure advantages to the English, and to furnish our own Government with a reply to the claims of France, and peremptory motives for refusals to accede to them; that the true object of the negotiation was incessantly disguised under specious pretexts, and covered with the veil of dissimulation.* These insinuations have been indiscreetly addressed to the people of the United States. They will gain no belief. It may, however, be useful for you to be truly informed on this subject.

The President's message to the Senate, on the 16th of April, 1794, does not declare (as Mr. Adet asserts) "that Mr. Jay was sent to London *only* to obtain a redress of wrongs." The President says that Mr. Jay's mission would announce to the world "a solicitude for a friendly adjustment of our complaints," and that, "going immediately from the United States, such an envoy would carry with him a full knowledge of the existing temper and sensibility of our country, and thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity." And shall the pursuit of either of these objects be denied to us? What were our complaints? The most urgent regarded the spoliation on our commerce, and the inexecution of the article of the treaty of peace respecting the posts. With the latter was connected the Indian war, with which we had been harassed for so many years; and with the former, the injury or ruin of our merchants, and the consequent extensive damage to agriculture. These being the most prominent objects of the mission, were, of course, most observable, and most talked of; and without them the mission probably would not, at that time, have been contemplated. But had we no other "complaints?" Did not the impressment of our seamen, like the spoliation on our commerce, excite an universal complaint? Had we never manifested our uneasiness at Great Britain's avoiding a commercial treaty? Was it not even a subject of complaint and reproach? Was not the inducing her to enter into such a treaty the object of divers measures agitated in Congress? Had not a commercial treaty with Great Britain been earnestly sought for from the conclusion of the war to the time of Mr. Jay's mission? How, also, could Mr. Jay, after adjusting the primary objects of his mission, better prove the sincerity of our pacific disposition, and more effectually "cultivate peace," than by forming arrangements calculated to extend and protect our trade, to promote good neighborhood, and a friendly and mutually beneficial intercourse; by prescribing a previous demand of justice and satisfaction to hasty reprisals, which naturally lead to war; and by agreeing on other regulations, to prevent disputes, or to adjust them when they should arise? All these objects, then, and whatever else would be the means of "cultivating peace," were clearly comprehended in the President's message.

But Mr. Adet says "that Mr. Jay's negotiation was enveloped from its origin in the shadow of mystery." And to whom was our Government bound to unveil it? To France, or to her minister? Mr. Adet should answer, or not have complained. And was it for this, to make us dependent on the French empire, that our alliance was formed? Did we stipulate to submit the exercise of our sovereignty (if it is not a contradiction in terms) to the direction of the Government of France? Let the treaty itself furnish the answer. "The essential and direct end of the present defensive alliance is, to maintain effectually the liberty, *sovereignty, and independence, absolute and unlimited*, of the said United States; as well in matters of *Government as of commerce.*" So, likewise, the treaty of amity and commerce, in its preamble, declares that His Most Christian Majesty and the United States, willing to fix the rules which ought to be followed, relative to the correspondence and commerce which they desire to establish between their respective countries, have taken, "for the basis of their agreement, the most perfect *equality and reciprocity*, and reserving, withal, to *each party* the liberty of admitting *at its pleasure other nations* to a participation of the same advantages." Corresponding with this declaration in our treaty of amity and commerce with France, is the declaration of the Marquis de Noailles, her ambassador at the court of London, on the 13th of March, 1778, five weeks after the treaty was signed. Some passages in this declaration are so pertinent to the subject in discussion, I shall quote them at length.

"The undersigned, ambassador of His Most Christian Majesty, has received express orders to make the following declaration to the court of London:

"The United States of North America, *who are in full possession of independence*, as pronounced by them on the 4th of July, 1776, having proposed to the King to consolidate, by a formal convention, the connexion begun to be established between the two nations, the respective plenipotentiaries have signed a treaty of friendship and commerce, designed to serve as a foundation for their mutual good correspondence.

"His Majesty being determined to cultivate the good understanding subsisting between France and Great Britain, by every means compatible with his dignity and the good of his subjects, thinks it necessary to make this proceeding known to the court of London, and to declare, at the same time, that the contracting parties have paid great attention *not to stipulate any exclusive advantages in favor of the French nation, and that the United States have reserved*

the liberty of treating with every nation whatever, upon the same footing of equality and reciprocity." Why, after all this, do we hear from Mr. Adet the complaint, that the negotiations of the British treaty were secretly conducted? In other words, that, in exercising their absolute and unlimited rights of "government and commerce," the United States did not lay open to the French minister, or his Government, the instructions to our envoy, for settling our own disputes, and regulating our own commerce with Great Britain? So far as candor and friendship required, a communication was made to the French minister. He was officially informed "that Mr. Jay was instructed not to weaken our engagements to France." This instruction was obeyed; Mr. Jay having taken care to insert, in the 25th article of the treaty, this explicit stipulation: that "nothing in this treaty contained shall be construed or operate contrary to former and existing public treaties with other Sovereigns or States."

The Government gave a further proof of its candor and friendship, by communicating to the French minister the treaty itself, prior to its ratification, "in order to enable him to make such observations thereon as he might judge proper." These observations you will see in Mr. Adet's letter to the Secretary of State, of June 30, 1795, and the refutation of his objections in the Secretary's answer, dated the 6th of July following.

With these facts in view, facts of which the chief are drawn from our treaties with France, and from her own acts and laws, what opinion is to be formed of Mr. Adet's declaration, "that the executive directory regards the treaty of commerce concluded with Great Britain as a violation of the treaty made with France, in 1778, and equivalent to a treaty of alliance with Great Britain?"

I will now advert to the charge, "that, far from offering the French the succors which friendship might have given without compromising it, the American Government, in this respect, violated the letter of treaties."

As far as I can discover, the latter part of this charge is rested wholly on the seventeenth article of the commercial treaty, which, therefore, it will be necessary to examine. The stipulations are mutual; but the examination will be simplified by considering their application to France alone. The seventeenth article, then, declares:

1st. That the ships of war and privateers of France may freely carry the ships and goods, taken from their enemies, into the ports of the United States, without being obliged to pay any fees to the officers of the admiralty, or any other judges.

2d. That such prizes are not to be arrested or seized when they enter the ports of the United States.

3d. That the officers of the United States shall not make any examination concerning the lawfulness of such prizes: but,

4th. That they may hoist sail at any time, and depart, and carry their prizes to the places expressed in their commissions.

5th. That, on the contrary, no shelter or refuge shall be given, in the ports of the United States, to such as shall have made prize of the subjects, people, or property, of France; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out, and retire thence as soon as possible.

It will also be convenient here to notice the stipulations contained in the twenty-second article. These are:

1st. That foreign privateers, not belonging to French subjects or citizens, having commissions from any other Prince or State in enmity with France, shall not fit their ships in the ports of the United States.

2d. Nor sell their prizes, nor in any other manner exchange their ships, merchandises, or any other lading.

3d. Nor purchase victuals, except such as shall be necessary for their going to the nearest port of the Prince or State from which they have commissions.

The cases that have occurred in the course of the present war, in relation to our treaty with France, particularly the seventeenth and twenty-second articles just mentioned, have led to numerous discussions, in which several points have been deliberately settled, either by legislative or executive acts, or by judicial decisions.

The first important executive act was the proclamation of neutrality by the President of the United States. This was issued on the 22d of April, 1793.

At the next meeting of Congress, on the 3d of December, 1793, the President laid this proclamation before both Houses. The Senate, in their address in answer to the President's speech, thus express their opinion of the proclamation:

"We deem it a measure well-timed and wise; manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it."

The address of the House of Representatives was *unanimously* agreed to. We read in it this paragraph: "The United States having taken no part in the war which had embraced, in Europe, the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the magistrate charged with the faithful execution of the laws. We accordingly witness, with approbation and pleasure, the vigilance with which you have guarded against an interruption of that blessing, by your proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties, and promoting, by a declaration of the existing legal state of things, an easier admission of our right to immunities belonging to our situation."

Yet this is the instrument, thus approved by Congress, and whose only object was to caution our citizens to avoid certain acts which would violate the laws of nations, which Mr. Adet has ventured to call "an insidious proclamation of neutrality."

The next executive act, noticed by Mr. Adet, is the letter of the 4th of August, 1793, written, by the President's command, by the Secretary of the Treasury, to the collectors of the customs, and accompanied by the rules which the President had adopted for preventing all armaments in favor of any of the belligerent Powers. These rules were considered as just and necessary deductions from the laws of neutrality, established and received among nations. The letter from the Secretary of the Treasury is explanatory of these rules, and, among other instructions, particularly points the collectors to the seventeenth and twenty-second articles of our treaty with France; lest, by inattention, or misconception of them, she might be injured, and her enemies benefited. The letter concludes with enjoining the collectors to execute those instructions "with vigilance, care, activity, and impartiality," "because omissions would tend to expose the Government to injurious imputations and suspicions, and proportionably to commit the good faith and peace of the country." How could such rules, with such reasons to enforce them, not escape censure? They were framed and required to be executed with *strict impartiality*, and, consequently, were to prevent Frenchmen continuing those aggressions on our sovereignty and neutrality, which had been commenced under Mr. Genet's orders, and which were calculated to involve us in a war with Britain, Spain, and Holland: for, at that time, these were all combined against France. Frenchmen were to have no other preferences than those secured to them by treaty, (except that they were not forbidden to sell their lawful prizes in our ports) and our own citizens were to be restrained from committing hostilities under the banners of France, as well as those of other Powers.

The third offensive act was the President's submitting to Congress these measures, and suggesting the expediency of extending our legal code, giving competent jurisdiction to the courts, and providing adequate penalties to prevent or punish violations of the laws of nations.

The next complaint respects the act of Congress passed on the 5th of June, 1794, "for the punishment of certain crimes against the United States;" being those to which their attention had been called by the President's speech. Mr. Adet asks, "What was its result?" And gives, himself, the following answer: "In consequence of this law, the greater part of the French privateers have been arrested, as well as their prizes; not upon formal depositions, not upon established testimony, not upon a necessary body of proofs, but upon the simple information of the consul of one of the Powers at war with the French republic; frequently upon that of sailors of the enemy Powers; sometimes according to the orders of the Governors, but often upon the demand of the district attorneys, who assert, upon principles avowed by the Government, that their conviction was sufficient to authorize them, without complaint or regular information, to cause the privateers to be prosecuted in virtue of the law above mentioned." And "when the

ministers of the republic have asked for justice of the Government, for the vexations experienced by the privateers, in contempt of the 17th article of the treaty, they have never been able to obtain satisfaction."

Judging only by these declarations of Mr. Adet, a stranger would imagine there had been a combination of the General and State Governments, and of our courts, to harass and do injustice to Frenchmen engaged in privateering. But our own citizens place a different estimate on this impeachment of their President, their Senators, and Representatives in Congress, their Judges, and other public officers: and an examination of the cases cited by Mr. Adet to support his assertions will manifest their incorrectness.

First case. The French privateer *Sans Pareil* and her prize the *Perseverance*.

On the 26th August, 1794, Mr. Fauchet complained that the prize had been seized on the pretext that the *Sans Pareil* had been illegally armed in the United States. The answer of September 3d, from the Secretary of State, which Mr. Adet censures "as indicative of delay," assured him that the Secretary had urged the Governor of Rhode Island, where the prize was carried, to report the circumstances of the case without delay. On the 27th of September the Secretary informed Mr. Fauchet, that the Governor had decided that the prize should be restored. On the 17th of October Mr. Fauchet renewed his complaint, for on the suit of the claimant the prize had again been arrested by process from the district court. The Secretary of State answered on the 22d, with information that ought to have satisfied Mr. Fauchet: for, admitting that, agreeably to the law of the 5th of June, 1794, the courts had authority, and were bound in duty to take cognizance of captures made within the jurisdiction of the United States, or by privateers illegally fitted out in their ports (the right of doing which Mr. Fauchet did not contest) they could not refuse it in the case of the prize of the *Sans Pareil*: the guard against vexatious prosecutions being the judgment for cost and damages to which an unjust prosecutor is exposed. The circular letter written on this occasion to the Governors of the States manifests the solicitude of our Government to prevent vexatious suits.

Second case. Glass and Gibbs.

By the copy of the proceedings in the Supreme Court of the United States, in this case, you will see that the court did not, as stated by Mr. Adet, determine "that the tribunals could decide whether a prize belonged to enemies or to neutrals." The question before the court was of the cognizance of a captured vessel and cargo, the former the property of a Swede, and the latter belonging partly to some Swedes, and partly to a citizen of the United States. The opinion, therefore, pronounced by the Supreme Court, applied to the case in which one of the claimants was a citizen of the United States. And after solemn argument, the court decided "that the district court of Maryland had jurisdiction, and should accordingly proceed to determine upon this case agreeably to law and right."

I will add only one more remark: That the 17th article, the letter of which we are charged of violating, in suffering our courts to take cognizance of French prizes, expressly refers to "the ships and goods taken from their enemies;" and it is the "examination concerning the lawfulness of such prizes" which the article forbids. But no examination of such prizes has been attempted by our Government or tribunals, unless on clear evidence, or reasonable presumption, that the captures were made in circumstances which amounted to a violation of our sovereignty and territorial rights.

Third case. The French privateer *L'Ami de la Point a Petre*, Captain William Talbot, and her Dutch prize the *Vrouw Christina Magdalena*.

To the information contained in the papers collected in this case I have to add, that this cause was finally decided in the supreme court in August term, 1795. The court were unanimously of opinion that, in the particular circumstances of Talbot's case, notwithstanding his French commission, and his taking an oath of allegiance to the French republic, he continued to be a citizen of the United States. But the cause, as I am informed, did not appear to have turned on this point. Talbot had associated with one Ballard, commanding an armed vessel called the *Ami de la Liberté*, which had been fitted out in the United States, and had no commission. Talbot and Ballard cruised together as consorts; and in fact it was Ballard's vessel that took the prize; Talbot not coming up till an hour after the capture. Ballard was afterwards tried before the circuit court for piracy.

The court were also of opinion, from the tenor of the evidence, that Talbot's vessel was owned by citizens of the United States, to whom the prize money would eventually find its way in case of restitution to the captors.

Ballard and Talbot were both citizens of Virginia. The attempt of the latter to become a French citizen was considered to be fraudulent, being made for the sole purpose of obtaining a commission, under color of which he might plunder the subjects of nations with whom the United States were at peace.

An observation ought not to be omitted here, that, although the captors, Talbot and others, had been defeated both in the district and circuit courts, yet they carried the cause up to the supreme court: thus using the legal right of appealing to the court in the last resort—a right which, alike exercised by the subjects of Powers who were enemies to France, has formed a principal subject of Mr. Fauchet's and Mr. Adet's continued complaints.

4th. Under the head of complaints for vexatious prosecutions, Mr. Adet mentions only two cases in which damages and interest were allowed to the French captors, viz. one of *la Nuestra Senora del Carmen*, at Rhode Island, and the other of *la Princesa des Asturias*, at New York. "Yet (says he) the tribunals have always allowed damages to the captured, when they have declared the prizes illegal." How far the facts will warrant this last assertion, I am not possessed of documents to determine. I presume it is to be understood in a general sense only, and to admit of exceptions. And in this sense there will be no difficulty in admitting the truth of the assertion, and accounting for it. The captures here referred to were made either within our jurisdictional line, or by illegal privateers, being such as were equipped in whole or in part in the ports of the United States. Of these material facts the captors could not be ignorant; consequently they could have no apology for defending their unjust claims in our courts; and, of course, were justly condemned in costs and damages.

In the case of the prizes of the privateer the *Citizen of Marseilles*, damages were claimed by the captors, but denied, for those prizes had been considered in the district court to be illegal. And although the sentence of that court was reversed in the circuit court, yet it was upon the introduction of new testimony on the part of the captors. This last decision was affirmed in the supreme court, yet without damages, inasmuch as the testimony was considered to be so ambiguous as to justify the appeal.

The same remarks apply to the prizes of the privateer *General Laveaux*, with this addition, that one of the judges dissented from the opinion of the court, being firmly of opinion that this privateer was covered American property.

The privateer *la Parisienne* had been registered as an *American coasting vessel*, under the name of the *Hawk*. During the embargo, in the spring of 1794, she slipped out of Charleston, and went to Port de Paix; where she was sold to one Blochos, a Frenchman, who armed her and provided her with a commission. Having afterwards arrived at Charleston, she was recognized and prosecuted for a breach of the revenue laws, in having gone to a foreign port whilst she was in the legal predicament of a *coaster*. The district court condemned her; but, on the application of Blochos to have her restored on paying the appraised value, the judge permitted him to take her in a *state of warlike equipment*. Shortly afterwards she put to sea, and captured two valuable British prizes, the brigantines *Cæsar* and *Favorite*. On their arrival, the one at Charleston, the other at Savannah, suits were commenced to obtain their restitution, as having been captured by an illegal privateer. The decrees of the courts were in favor of the captors, but without damages. The supreme court disapproved of the restitution of the privateer without dismantling her; and considered the mistake committed in this respect a sufficient reason to cover the party prosecuting from the payment of damages.

All the other cases of captures by French privateers, which have been brought up to the supreme court, were decided at last August term. In some of them, the circumstances would not have warranted an award of damages, in others the counsel for the captors omitted to ask for them. When demanded, you know that it is in the discretion of the court to grant or refuse them; this discretion being regulated by all the circumstances of each case. Hence, when a party is drawn before the court without good cause and vexatiously, damages are always given; but are denied when there appears a reasonable cause of controversy.

5th. Mr. Adet having briefly noticed several cases by name, seems to reserve those of the *Vengeance* and the *Casius* for a full display of unwarrantable conduct in the Government and courts of the United States, and therefore descants on them at some length, but with so many aberrations from the facts, with so many erroneous ideas concerning our jurisprudence, and so many injurious insinuations respecting our courts and their officers, it will be necessary that you should learn the true history of these cases from authentic documents.

Case of the French Privateer la Vengeance.

For the full history of this privateer and her prize, I must refer you to the documents in the case. The principal facts are these. About the latter end of June, or beginning of July, 1795, the privateer *la Vengeance* arrived at New York with a valuable Spanish prize called the *Princesa de las Asturias*. Don Diego Pintado, the owner, commenced a suit for his vessel, on the ground that she had been taken by an illegal privateer. The suit was instituted by Mr. Troup, not wantonly, but upon information which was afterwards verified by the oaths of several witnesses. In the progress of the cause these witnesses were contradicted by the witnesses produced on behalf of the captors, for whom a decree was finally given, the clashing evidence preponderating, in the judge's opinion, in favor of the captors; but he expressly declared that there was probable cause for the seizure.

After this suit for the prize had been commenced, the Spanish consul complained to Mr. Harrison, the district attorney, in his official capacity, of a violation of law on the part of the privateer *la Vengeance*, in consequence of which a Spanish subject had been injured. Mr. Harrison, upon an inquiry, found at least a probability that the complaint respecting the privateer was true. This probability arose from what he considered as affording the certainty of *material proof*; and, therefore, in conformity with his official duty, commenced a prosecution on the act of Congress forbidding the arming of privateers in our ports. The decision of this and of the prize cause depended on the same evidence. The decision being in favor of the captors, Mr. Harrison acquiesced in it as it respected the privateer; and he united with his associate counsel in the prize cause in advising the like submission in that case. But the Spanish consul deemed it his duty to pursue the claim to the court in the last resort. This can warrant no complaint: for Mr. Harrison remarks, that perhaps there never were causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts.

The second public suit against the privateer was for exporting arms and ammunition from the United States, when such exportation was prohibited by law. The evidence which appeared in the other causes gave rise to this prosecution; and upon the trial the judge condemned the privateer. An appeal from this sentence was interposed by the French consul. The appeal was heard in the circuit court, and upon *new evidence* the sentence of the district court was reversed.

Mr. Adet complains that, while one suit was pending for the prize, and another against the privateer, the district attorney should exhibit a second information against the privateer, on which she was arrested anew, for having exported arms in violation of a law of the United States, which was in force when the *Vengeance* sailed from New York; and that this information was filed on the simple declaration of Mr. Giles, the marshal of the court, who, as informer, was to share part of the confiscation. As Mr. Harrison remarks, it was in favor of the privateer that this second information was filed *while the first was pending*, because it saved time. Had he postponed the latter until the first had been decided, there might have been some foundation for a charge of unnecessary delay. Mr. Harrison's state of the case shows that this second information was not made on the declaration of the marshal, but on the evidence that appeared on the examination of the first.

Mr. Adet having been pleased to censure the conduct of the attorney, clerk, and marshal, of the district court of New York, in justice to them I have added to the other documents in this case the letters of Mr. Harrison and Mr. Troup. They will answer the double purpose of justifying them, and of vindicating our Government and tribunals.

Mr. Adet particularly notices the papers he had received from St. Domingo, "proving," as he says, "in the most convincing manner, that the *Vengeur* (*la Vengeance*) had arrived at Port de Paix without any armament or equipment whatever; and that she had been sold, armed and equipped wholly, and commissioned as a privateer, on the territory of the republic. These documents were certificates of the general, the ordonnateur, and of the greater part of the principal officers of St. Domingo, &c. He hastened to communicate them to the Secretary of State, and to request him to order the attorney of New York district to stay the proceedings instituted in the name of the Government: there was nothing done with them, and Mr. Harrison continued his prosecution." It will appear by my letter of October 1, 1795, to Mr. Harrison, that these papers were sent to him, and by his answer of October 3d, that he received them. That the bill of sale (one of the papers) was produced to the court, in behalf of the claimant of the privateer, but that the certificate of General Leveaux could not be considered as evidence in the cause; and if it had been admissible, "the claimant would be very cautious of producing it, *on account of its differing* from the witnesses."

6th. *Case of the French privateer le Casius.*

For the full history of this case, I must also refer you to the documents, and here only present you with a concise statement.

The *Casius*, under the name of *les Jumeaux*, was fitted and armed for a vessel of war in the port of Philadelphia, in violation of a law of the United States. In December, 1794, having escaped from the port to descend the river, orders were given to the militia of the State of Delaware to intercept her. The attempt was made, and failed—the crew of *les Jumeaux*, which was unexpectedly found to be very numerous, resisted the officers who went on board, manned their cannon, and brought them to bear on the cutter in which the militia (about forty in number) were embarked. Their force being inadequate to the enterprise, they retired, with an intention to return the next day with a reinforcement. They did so; but *les Jumeaux* had sailed and gone to sea. The agent Mr. Guenet, by whom *les Jumeaux* had been fitted out, was tried in the circuit court at Philadelphia, convicted of the offence, and received sentence of fine and imprisonment.

Les Jumeaux proceeded to St. Domingo. Samuel B. Davis, a citizen of the United States, there took the command of her, with a commission from the French Government. Davis probably sailed from Philadelphia in *les Jumeaux* for the purpose of finally taking the command of her. Her name was now changed to *le Casius*; and on a cruise she took a schooner called the *William Lindsay*, belonging to Messrs. Yard and Ketland, of Philadelphia: Mr. Ketland having purchased an interest in her after her sailing. The schooner and her cargo were condemned as prize at St. Domingo. In August, 1795, Captain Davis, commanding *le Casius*, came with her to Philadelphia. She was immediately known. Mr. Yard, with a view of obtaining an indemnification for the loss of the schooner and her cargo, labelled *le Casius* in the district court, and caused the captain to be arrested. Soon after, the Supreme Court being in session, Captain Davis's counsel applied for and obtained a prohibition to the district court, to stop its proceeding; by which the suits both against him and *le Casius* were defeated. The prohibition was granted on this principle; that the trial of prizes, taken without the jurisdiction of the United States, and carried into places within the jurisdiction of France, for adjudication, by French vessels, and all questions incidental to it, belong exclusively to the French tribunals: and consequently that its vessels of war, and their officers, are not liable to the process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French Government.

Messrs. Yard and Ketland having failed to obtain indemnification in this mode, procured new process on the information of Mr. Ketland, to be issued from the circuit court, by which *le Casius* was attached as a vessel armed and equipped as a ship of war in the port of Philadelphia, with intent to cruise and commit hostilities against nations with whom the United States were at peace; in violation of the act of Congress prohibiting such armaments. Mr. Adet complained that the process was taken out of the circuit court; because, as he alleged, it had no jurisdiction, and that it would be attended with delay, that court sitting but twice a year: whereas, the district court, in which it was said the prosecution (if at all permitted) should have been commenced, was always open. I consulted gentlemen of legal knowledge on the point of jurisdiction in this case, and they were decided in their opinion that the

circuit court had jurisdiction, and exclusively of the district court. You will see, also, in Mr. Rawle's statement of this case, that this opinion was adopted and supported by two gentlemen of eminence at the bar; you will further see, in that statement, that the Government of the United States had no part in originating this prosecution; and that the district attorney, in behalf of the United States, took measures, at each term of the circuit court, to prepare the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term, 1796, the cause was brought to a hearing. In the course of the argument, the question of jurisdiction presented itself. The court adjourned until next day, to consider of it, and on the following morning dismissed the suit. As soon as I had received notice of this event, (on the 19th of October last) I wrote to Mr. Adet, informing him that le Casius remained in the custody of the marshal, but ready to be delivered to his order. To this no answer was returned; but he mentions the matter in the note subjoined to his notes of the 15th November, intimating that the United States were answerable, in this case, for a violation of treaties and for the damages the Casius had sustained. Here the affair rests.

In his letter of the 3d of June, 1796, which you will find among the papers, respecting the Casius, Mr. Adet mentioned the affair of the Favorite, at New York; and intimated an idea that the Executive might, in like manner, cause the prosecution against le Casius to cease. But the proceedings in the case of the Favorite were wholly in the hands of the executive officers, who were under the President's immediate control, and to whom, on evidence satisfactory to the Executive, orders were given to discontinue the process. In this affair of the Favorite, we are fortunate in finding one case in which Mr. Adet (contrary to his assertion in his note of November 15th) acknowledges that justice was done by our Government. You will observe, in Mr. Fauchet's letter of the 23d of September, 1794, a very formidable complaint, in this affair of the Favorite—that it was pretended that a privateer, fitted for a cruise, had deposited arms on board her, and that this pretext was used for visiting and pillaging her; that she was a ship of war of the republic, then serving as a store ship until she could be repaired: that the sovereignty of France was violated, and her flag insulted. Yet, by the letter of John Lamb, Esq. collector of the port of New York, of the 22d of November, 1794, you will see that, at the time the seizure was made of the suspected articles on board the Favorite, "she having been totally dismantled, her crew sent on board other ships of war, and her sails, rigging, and other materials, sold at public auction, she was considered as a *hulk*; otherwise, the event would not have taken place." The collector further declares that the charge of pulling down the national flag, and hoisting another in its place, was groundless.

These are all the cases expressly mentioned by Mr. Adet, in which French privateers and their prizes have been brought under the cognizance of our courts of justice, and all, therefore, to which an answer can be directed. Had he cited the other cases, which, he says, would fill a volume, we have no doubt there would be found in them, as in those which have been mentioned, abundant reason to justify the Government and the tribunals.

Mr. Adet's complaints are not confined to imputations of injustice experienced by French privateers and their prizes from our courts.

First, "he protests against the violation of the 17th article of the treaty, in contempt of which the American tribunals have taken cognizance of the validity of prizes made by French ships of war or privateers, under pretext of original armament, or augmentation of armament, in the United States, or of capture within their line of jurisdiction." But his predecessor, Mr. Fauchet,* after saying that our admiralty courts interfered in prize cases, on the ground of "seizure within the jurisdictional line of the United States, or of armament, or augmentation of armament, of the capturing vessels in their ports," immediately adds, "on this subject, sir, you request me to specify to you a circumstance in which a prize was arrested which did not come under that denomination, and you take the trouble to establish that they have a right to intervene in every case that can be brought under those heads. In the first place, sir, I never have, at least to my recollection, contested the right of your courts, or of the Government, to interfere in matters of the nature of those you mention; but I complain of the facility with which prizes have been thrown into those two classes, which do not belong to them." He then says that he could cite a great number of affairs to which he alludes, but contents himself with mentioning only two. The first is the case of Talbot, of which I have already given some details, and which, with the documents referred to, will show this to have been an unfortunate instance to support his complaint. The other is that of the prizes of the Citizen, of Marseilles, also already mentioned, and which will not justify a complaint: for, although the final decision was in favor of the privateer, yet the sentence of the district court was not reversed in the circuit court, but upon the introduction of *new testimony*; and the supreme court allowed no damages, because the testimony was so ambiguous as to justify the appeal.

But quitting the contradictory declarations of the French ministers, and referring you to the letter dated August 16th, 1793, from the Secretary of State to our minister at Paris, (which has been published) for the reasoning of our Government on this subject, and the demonstration of their right and duty, as a neutral Power, to prohibit any of the belligerent powers arming their vessels in our ports, consequently to restore to their proper owners, prizes taken and brought in by vessels so unlawfully armed, or when taken within our line of jurisdiction, I will only add here, that the principle of the rules on this subject, first adopted by the President on the most mature deliberation, received afterwards the sanction of Congress, by their act of the 5th June, 1794, and of the judges in all their judicial proceedings, in the prize causes in question. If, then, the 17th article of the French treaty has been violated, This, no American citizen will be inclined to believe; and we might suppose, that the consideration of such conduct by the Executive, the Legislature, and the Judges of the Federal Courts, have all deliberately concurred in the violation. In one opinion, would, any where, produce a pause, and some diffidence in pronouncing it erroneous. Neither the rules adopted by the President, nor the act of Congress, have made a new law respecting such prizes: they have only directed the *modes of proceeding to fulfil our neutral duties, agreeably to the universal law of nations*. The judges have applied this law; but not without due attention to the obligations of our treaties, which they regard as supreme laws of the land.

Second, Mr. Adet "protests against the violation of the 17th article of the treaty, in contempt of which, English vessels, which had made prize on Frenchmen, have been admitted into the ports of the United States." The construction of this part of the 17th article, for which Mr. Adet, after his predecessor, Mr. Fauchet, contends, is this: That, if a national ship of war, of the enemies of France, has, at any time, and in any part of the globe, made prize of a French vessel, such ship of war is to be allowed no shelter or refuge in our ports, unless she is driven in through stress of weather; and then she is to be made to depart as soon as possible. On the contrary, the construction adopted by the Executive of the United States, and expressed in the rules before mentioned, which had been transmitted to the collectors in August, 1793, was this: That privateers, only, of the enemies of France, were absolutely excluded from our ports, except as before, when compelled to enter through stress of weather, pursuant to the twenty-second article of the treaty; while the national ships of war of any other nation, were entitled to an asylum in our ports, excepting those which should have made prize of the people or property of France, coming in with their prizes.

On the 9th of September, 1793, the Secretary of State thus expressed to the British minister the determination of the Executive: "*The public ships of war of both nations, (French and English) enjoy a perfect equality in our ports: First, in cases of urgent necessity; Second, in cases of comfort and convenience; and, Third, in the time they choose to continue; and though the admission of prizes and privateers of France is exclusive, yet it is the effect of treaty.*" &c.

In support of our construction of the treaty, it has been observed, that "the first part of the seventeenth article relates to French ships of war and privateers entering our ports with their prizes: the second contrasts the situation of the enemies of France, by forbidding such as shall have made prize of the French: intimating, from this connexion of the two clauses, that those forbidden are those which bring their prizes with them."† To these observations I will add, that, if the literal construction contended for by the French ministers were admitted, then, although the public ships of war which had made prize of French people or property, would be excluded from our ports, yet the prizes of such public ships might be received, and they might be sold too; for the prohibition in the

* Letter of June 8, 1795.

† Secretary of State to Mr. Fauchet, September 7, 1794.

twenty-second article of the treaty applies only to *privateers* and *their prizes*; while the Government of the United States judged that the seventeenth article was intended to exclude the *prizes* made on the French, by *public ships* of war, as well as those made by *privateers*; and gave directions accordingly, to have them excluded. Further, if it had been intended to exclude from our ports the *public ships* of war of the enemies of France, coming *without any prize*, then they would doubtless have been comprehended in one provision with the *privateers* in the 22d article: for privateers are thereby excluded, whether they come with or without prizes. But *public ships of war* are not comprehended, or at all referred to in the twenty-second article; whence the conclusion is fair, that it was not intended to forbid them coming *alone*; and consequently, that the *exclusion* provided in the 17th article, applies to them *only* when they would come into our ports *with their prizes*; this last clause of the same article being in its form opposed to the first clause, which *admits* the entrance of French ships *with their prizes*. Besides, if a *public ship* of war of the enemies of France comes into our ports *without any prize*, how is it to be known whether she has or has not made prize of the people or property of the French? Who is to erect a tribunal to investigate and pronounce on the fact? But if she comes *with a prize*, the case presents no difficulty; she brings with her the evidence which goes to the exclusion of her and her prize.

I must now advert to some others of Mr. Adet's charges against the Government of the United States.

First. "It (the Government of the United States) put in question, whether it should execute the treaties, or receive the agents of the rebel and proscribed princes." And is there any thing in this unjustifiable or extraordinary? Was it easy for a nation distant as ours, to obtain promptly such accurate information as would enable it duly to estimate the varying condition of France? In 1791, the constitution formed by the constituent assembly was accepted by Louis XVI.; it was notified to the United States in March, 1793. Congress desired the President to communicate to the King of the French, their congratulations on the occasion. In August, 1792, the King was suspended. In September, royalty was abolished; and in January, 1793, Louis XVI. tried and condemned by the Convention, suffered death. Was it easy to keep pace with the rapid succession of such revolutionary events? And was it unlawful for our Government, under such circumstances, even to *deliberate*? I do not find that information of the death of the King was received from our minister at Paris until May 1, 1793. The news, however, had previously arrived, in such a manner as to attract the attention of Government: for, in April, the President had determined to receive a minister from the French republic. And it is remarkable, that this was before he knew that a minister had arrived in the United States. This promptitude in deciding a leading question does not bear any strong marks of hesitation. And was there no merit in this ready determination to acknowledge the French republic? Had it been before acknowledged by any Power on the globe? How long did *France hesitate* to acknowledge the republic of the United States? A year and a half. And under what circumstances was the acknowledgment finally made? After the capture of a whole British army appeared to have established our independence. But of this more hereafter. In matters of importance, (and what could be more important than the decision of a neutral and allied nation on questions perhaps involving war or peace) is it the part of wisdom to reject all deliberation, even on points which do not obviously present difficulties? Will not prudence dictate to him who is to decide great national questions, rather to deliberate long than risk the consequences of hasty decisions?

Second. "It made an insidious proclamation of neutrality."

I have already remarked that this proclamation received the pointed approbation of Congress; and I might truly add, of the great body of the citizens of the United States. And what was the general object of this proclamation? To preserve us in a state of *peace*. And have not the ministers of France declared that their Government did not desire us to enter into the war? And how was peace to be preserved? By an impartial neutrality. And was it not then the duty of the Chief Executive to proclaim this to our citizens, and to inform them what acts would be deemed departures from their neutral duties? This was done by the proclamation. It declared it to be the duty, interest, and disposition, of the United States, to adopt and pursue a conduct friendly and impartial toward the belligerent Powers; it warned the citizens to avoid all acts which might contravene that disposition; it declared that whosoever of the citizens should render himself liable to punishment or forfeiture under the law of nations, by committing or abetting hostilities against any of those Powers, or by carrying to any of them articles deemed contraband of war, would not receive the protection of the United States against such punishment and forfeiture; and that the President had given instructions to the proper officers to prosecute all persons who should violate the law of nations with respect to the Powers at war, or any of them. To what in all this can the epithet *insidious* be applied? On the contrary, is not the whole transaction stamped with *candor* and *good faith*?

Third. "By its *chicaneries*, it abandoned French privateers to its courts of justice." *Abandoned them to its courts of justice!* Sir, you know many of the judges personally, and all of them by reputation, and that their characters need no vindication from such an insinuation. They are judges with whose administration of justice our own citizens are satisfied; and we believe they may challenge the world to furnish a proof that they have not administered justice with equal impartiality to foreigners. I will only add here one remark, that the correspondences with the French ministers, formerly published, joined to those now furnished you, with the other documents accompanying them, will show how loudly they can complain of the proceedings in our courts, and at the same time with how little justice.

Fourth. "It eluded the amicable mediation of the republic for breaking the chains of its citizens at Algiers." We did not entertain any doubt of the friendly disposition of the French republic to aid us in this business. But what was really done we have never known. You will find, herewith, Mr. Fauchet's letter of June 4, 1794, and the answer of the Secretary of State on the 6th, to which Mr. Adet refers. The information on the subject which Mr. Fauchet expected "in a little time from Europe," probably never arrived; at least it was never communicated to our Government. There is surely in the Secretary's answer no evidence that our Government were unwilling to accept the mediation of the republic. On the contrary, we have relied upon it to aid our negotiations with the Barbary Powers. Accordingly, when Colonel Humphreys went from hence in 1795, clothed with powers for negotiating peace with those States, he was particularly instructed to solicit the mediation of the French republic; and for that purpose only, he went from Lisbon to Paris, where, through our minister, the committee of public safety manifested their disposition to contribute to the success of his mission. But Colonel Humphreys was at the same time authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers: for, in a country where a negotiation depended on so many contingencies, it was of the last importance to be ready to seize the favorable moment to effect a peace, whenever it should offer. Such a moment presented on Mr. Donaldson's arrival at Algiers. He had not been there forty-eight hours before the treaty was concluded. It is also a fact, that it was effected without the aid of the French consul at that place. However, with respect to Mr. Donaldson's negotiation, we are well informed that "his not conferring with the consul of France was not his fault; and if he had done it, that it would have injured his cause; neither the republic nor her consul enjoying any credit with the Dey." But we are at the same time informed, that the cause of this was transitory, and ought not to hinder us from endeavoring to engage her interest for other places, and in that place for future occasions. Agreeably to this idea, the agent for the United States applied to the French consul, Herculaïs, at Algiers, the last spring, to recommend a suitable person to negotiate a treaty with Tunis. The person recommended was employed, and we have been informed, had, in part, succeeded, and was expected to complete a treaty of peace. This information was communicated to our minister at Paris, in a letter dated 30th August last, from the French minister for foreign affairs, accompanied by an extract of a letter from the Consul Herculaïs.

In all these transactions, far from discovering a trace of evidence to support Mr. Adet's charge, the reverse is manifestly proved.

Fifth. "Notwithstanding treaty stipulations, it allowed to be arrested vessels of the State."

While we admit the fact that French vessels have been arrested, we deny that the arrests have infringed any treaty stipulations. The details in this letter, and the documents referred to, appear to us entirely to exculpate the Government. And if neither the Executive nor our tribunals could, in any case, take cognizance of captures which the French privateers called *prizes*, then they might take our own vessels in our rivers and harbors, and our citizens be without redress. But "it is an essential attribute of the jurisdiction of every country, to preserve peace, to

punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redressing is still the same; and humble, indeed, would be our condition, were we obliged to depend for that on the will of a foreign consul, or on negotiation with diplomatic agents."*

The same reasoning will apply to captures made by illegal privateers; that is, by such as were armed and equipped in the ports of the United States: for it being by the law of nations the right of our Government, and, as a neutral Power, its duty, to prevent such armaments, it must also be its right and duty, by all means in its power, to restrain the acts of such armaments done in violation of its rights and in defiance of its authority. And such were the armaments made by the French People in the ports of the United States. And the most effectual means of defeating their unlawful practices was the seizing of their prizes when brought within our jurisdiction. It is very possible, indeed, that, in some cases, the irritated subjects or public agents of nations whose property was taken by French privateers, might commence vexatious prosecutions; but this is no more than happens frequently among our own citizens, and in every nation in the world; and the only restraints on the vindictive passions of men, in such cases, which the policy of free Governments has imposed, are the damages which the courts compel the malicious prosecutor to pay to the injured party. If, as Mr. Adet asserts, damages have in two cases only been granted by the courts to French privateers, even when the decisions have been in their favor, it has arisen from their own conduct, or the omission of their counsel, or from accidental circumstances, which, in the opinion of the courts, furnished reasonable presumptions against them of having violated the laws, either by illegally arming in our ports, or making the captures within our jurisdiction. If, on the other hand, they have, in the event of contrary decisions, been always condemned to pay damages, we may venture to say it was because they were always in the wrong. For no one will find sufficient ground to impeach the discernment or integrity of our courts.

Sixth. "It suffered England, by insulting its neutrality, to interrupt its commerce with France."

That our commerce has been interrupted by the armed vessels of England, and sometimes with circumstances of insult, we certainly shall not attempt to deny; the universal resentment and indignation excited by those injuries were admissions of the fact; but that the Government has *combined* at the practice, (for that Mr. Adet must have intended to insinuate by the word "suffered") all its acts most forcibly contradict. It was because of those aggressions that preparations for war were commenced; and to demand satisfaction for them was the leading object of Mr. Jay's mission to London. Satisfaction was demanded; and the arrangements agreed on for rendering it are now in execution at London. But if by "suffered," Mr. Adet means that we did not arm, that is, make war on England, to obtain the indemnification, when humanity, reason, and the law of nations, prescribed the mode of previous peaceable demand—to these very principles we may appeal for our justification: and if it is necessary to go further, we say, that, as an independent nation, we must be left to determine in what manner we can most beneficially obviate an evil, and when it is most proper for us to repel an injury. To deny us this right of judgment is to deny our independence. We have not been insensible either to our honor or our interest. If we have manifested much long suffering, we have not been singular. Neutral nations very commonly endure many temporary evils; because these appear light when compared with the calamities of war; and they look forward, as we have done, to a period when returning justice may redress their wrongs. This period, we trust, will arrive in regard to those we are now suffering from the French republic. If a nation not bound to us by treaty, and between whom and ourselves actual circumstances and many recollections tended to excite peculiar passions, engaged towards us justice, shall we expect less of an avowed friend? We may here properly inquire, what could have been the understanding of the parties on this point, when the treaty of 1778 was made between France and the United States. She knew that, notwithstanding the extent of our country, and its rapid increase in population, many years must elapse before we could form a powerful navy to protect our commerce. She knew the conduct of maritime Powers in all their wars; particularly she was acquainted with the maxims and measures of England, towards the commerce of neutral nations, in all her wars with France. And if, knowing these things, France then expected that, in all subsequent wars, we should *compel* the maritime Powers in general, and Great Britain in particular, to admit our commerce to perfect freedom, then, instead of a treaty of *commerce* containing regulations for conducting it, when France should be at war, she would have demanded from us a stipulation that, in every future war in which she should be engaged with any other maritime Power, we also should engage in it as her associate. But this is a condition which France was too just to demand, and to which the United States would never have agreed.

Seventh. "Notwithstanding the faith of treaties, it gave an asylum to these same English, who, after having insulted her flag, pillaged her citizens, came also to brave the American people in their ports, and to take a station whence to cruise, on a favorable opportunity, against the French."

This, like most others of Mr. Adet's charges, is but the renewal of the complaints of his predecessor, Mr. Fauchet; and the vindication of the Government will appear in the answers and communications from the Secretary of State to that minister, in the year 1794, and 1795. The cases particularly noticed were those of the British frigate *Terpsichore* and her prize *la Montague*; and of the British ship *Argonaut* and her prize *l'Esperance*. The *Thetis* and *Hussar* British frigates, with their French prizes *la Prevoyance* and *la Raison*, are also mentioned, but without any facts or circumstances as subjects of inquiry, which of course is precluded. That of the *Terpsichore* and her prize appears to have been the first case of the kind in which the Executive of the United States and those of the particular States were called to interfere; and therefore, it will not be thought extraordinary if the Executive of Virginia was unprepared with arrangements to give instant effect to the stipulation of the 17th article of the treaty of 1778, forbidding an asylum to armed vessels of the enemies of France and their prizes. What delay took place seems to have been the result of accident; certainly not of design. And by letters from this Department, the executives were earnestly pressed to take the necessary order for prompt execution, in future, of this part of the treaty. But why should the French ministers complain with such energy, that a British ship of war, with her prize, remained in one of our ports, during, perhaps, twenty or five and twenty days, when, against the earnest requests and orders of the Executive, the French privateers, armed in our ports in violation of the laws, long continued to keep on our coast and enter our harbors, thence, on favorable opportunities, to cruise against their enemies? The *Columbia* or *Carnagone*, continued her unlawful acts for more than a year.

After all the zealous remonstrances of Mr. Fauchet, now renewed by Mr. Adet, about the captures of the French corvette *l'Esperance*, by the British ship *Argonaut*, who went, with her prize, into Lynnhaven Bay, what were the facts? The Governor of Virginia went personally to the French consul, at Norfolk, for information concerning this declared violation of the treaty, but "received none which appeared to justify the uneasiness occasioned by that event, he charging no circumstance as *improper in the captors*, but rather seemed to consider the introduction of the prisoners made on that occasion, so soon, into a place where the exchange would be effected, as an alleviation of the misfortune of losing the vessel."

The captain of the French corvette himself was desired to give evidence in the case; he promised, but failed to appear. He was called upon a second time to give information, but discovered an unwillingness to do it, observing that he had given to the consul a circumstantial account of the transaction on his arrival. The Governor having heard that a respectable pilot, by the name of Butler, was acquainted with the circumstances of this affair, he directed his deposition to be taken; it was taken, and imported, that Admiral Murray himself purchased the prize *l'Esperance*, and manned and fitted her, in Lynnhaven Bay, for a cruise. But Butler's deposition was afterwards taken on the part of the British, in which he contradicted all the material facts recited in the former deposition, for which he accounted, by saying that he could neither write nor read, and that there had been inserted, in his first deposition, what he had never said. Under these circumstances, it was desirable to obtain further information. This was furnished by the British minister, in the extract of a letter from Admiral Murray, which bears every mark of candor and humanity, and of respect for the United States. It is as follows: "The French sloop of war *l'Esperance* was brought into Lynnhaven Bay on the 11th of January, (a few days after my arrival there) by Captain Ball, who

* Letter from the Secretary of State to Mr. Morris, August 16, 1793.

had captured her fifteen leagues from the shore: the weather being very tempestuous, a lieutenant, with a sufficient number of men only to navigate her, (not being half the complement the French had in her) were sent on board from the Resolution and Argonaut, and, so soon as the weather permitted those ships to supply her with water and provisions, I sent her to sea, that I might give no umbrage to the American States. An additional reason for bringing l'Esperance into Lynnhaven Bay, was out of humanity to the French prisoners, whom, having had a long voyage, I sent to Norfolk as soon as prudence would permit; otherwise they must have been kept prisoners on board, the whole winter, and sent to Halifax in the spring; nor was she equipped or armed then, in any manner whatever; nor did the lieutenant receive any commission for her whilst in Lynnhaven Bay, and, when at sea, only an acting order to command her, which is customary, and absolutely necessary in all captures; otherwise, if retaken by the enemy, he might be considered as a pirate."

Eighth. "It might be said that it applauded their (the English) audacity; all submission to their will; it allowed the French colonies to be declared in a state of blockade, and its citizens interdicted the right of trading to them."

If, among the multitude of such complaints as Mr. Adet has exhibited, any one could excite surprise, this charge is calculated to produce it. Here a formal charge is made against the Government of the United States, that it did not control, in another independent nation, the right of judging of its own affairs; that it did not forbid, and effectually prevent, the officers of a foreign Power, the British Admirals and commanders in the West Indies, declaring certain French colonies to be in a state of blockade! "But the official legalization of a proclamation had been posted up under our eyes, prohibiting our commerce with the French colonies, and suspending, *to us alone*, the law of nations!" The answer to Mr. Fauchet, from the Secretary of State, represents this matter differently. The British consul general, at Philadelphia, by a publication, on the 10th of April, 1795, gave notice that he had received official communications that the islands of Guadalupe, Marigalante, and Desirade, were, by proclamation, issued by His Britannic Majesty's general and vice admiral, commanding in the West Indies, declared to be in an actual state of blockade, and that *neutral* (not singly *American*) vessels were, thereby, prohibited from attempting to enter any ports or places in those islands, with supplies of any kind, under the penalty of being "dealt with conformably to existing treaties, and as warranted by the established laws of nations." And while existing treaties, (our treaty with Great Britain had no operative existence till six months after the consul's advertisement) and the laws of nations were avowed to be the rules by which the property of neutrals was, in this case, to be adjudged, had they reason to complain? If any neutral vessels attempted to enter any of those ports which were not, in reality, in a state of blockade, and yet were captured, could they be condemned? Certainly not, by the rules which the British prescribed to themselves—"treaties and the laws of nations." But, if the British commanders proclaimed untruths, and issued arbitrary orders for capturing neutral vessels, and their cruisers and courts of admiralty executed them arbitrarily, could the American Government prevent them? We could demand of the British Government satisfaction for injuries to our own citizens, consequent on such orders: and if any such were sustained, the arrangements for making reparation are now in execution. But, admitting that any ports in the French colonies were, in fact, blockaded, who should notify it to neutral nations accustomed to trade with those ports? Certainly the officers of that Power whose fleets and armies formed the blockade; and, in the United States, no mode of giving universal notice could be so effectual as a publication in handbills and newspapers.

Ninth. "It eluded all the advances made by the republic for renewing the treaties of commerce on a more favorable footing to both nations; it excused itself on the most frivolous pretext; whilst it anticipated Great Britain, by soliciting a treaty in which, prostituting its neutrality, it sacrificed France to her enemies; or, rather, looking upon her as obliterated from the map of the world, it forgot the services she had rendered it, and threw aside the duty of gratitude, as if ingratitude were a governmental duty."

Of the advances referred to, the first were made by Mr. Genet. These you will see in the printed correspondence between him and Mr. Jefferson. Mr. Genet's letter is dated the 23d of May, 1793, in which he informed the Government that he was authorized to propose a treaty on a "liberal and fraternal basis." Mr. Jefferson's letter to Mr. Morris, our minister at Paris, dated the 23d of August, 1793, assigns the reason for postponing the negotiation. "The Senate (says he) being then in recess, and not to meet again till the fall, I apprised Mr. Genet that the participation in matters of treaty, given by the constitution to that branch of our Government, would of course delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over till the meeting of the Senate." Congress were not to meet until December; consequently there was no necessity of precipitating the business. But, with the best dispositions to form new commercial arrangements, mutually more beneficial than those of the treaty of 1778, the unwarrantable conduct of Mr. Genet, from the moment he landed at Charleston, until the date of his letter on the subject of the negotiation, was sufficient to excite caution in the American Government. He had there violated the sovereignty of the United States, "by authorizing the fitting and arming of vessels in that port, enlisting men, citizens and foreigners, and giving them commissions to cruise and commit hostilities on nations at peace with us," and with whom we had extensive commercial connexions. "These privateers were taking and bringing prizes into our ports, and the consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prize." Nevertheless, the Government, really desirous of forming a new and more advantageous commercial treaty with France, instructed the minister of the United States at Paris to manifest the same to the Executive of France, and to suggest for this purpose that the powers of Mr. Genet be renewed to his successor. It is true that, in his letter dated the 30th of September, Mr. Genet had renewed the proposition of negotiating a commercial treaty; but how was it possible for the Government to undertake a negotiation with that minister, after "the correspondence which had taken place between the Executive and him," (a correspondence on his part replete with insults) "and the acts which he had thought proper to do, and to countenance, in opposition to the laws of the land?" After the Government had instructed our minister at Paris to desire Mr. Genet's recall, and to declare to the Government of France "the necessity of their having a representative here disposed to respect the laws and authority of the country, and to do the best for their interest which these would permit: and when it was only an anxious regard for those interests, and a desire that they might not suffer, which induced the Executive, in the mean time, to receive his communications in writing, and to admit the continuance of his functions so long as they should be restrained within the limits of the law, as theretofore announced to him, or should be of the tenor usually observed towards independent nations by the representative of a friendly Power residing with them?" Under such circumstances what answer could the Executive return to Mr. Genet more proper, more marked with attention to France, than that his letter "could be considered with all the respect and interest which its *object* necessarily required?"

It is probable that the powers to negotiate a commercial treaty were not renewed to Mr. Genet's successor; certainly they were not communicated to our Government.

We come now to the fresh overtures of a commercial negotiation made by Mr. Adet.

The first notices of them are found in memoranda of facts dated the 27th and 29th of June, 1795, and subscribed by the Secretary of State. By these it appears that, on the 13th of June Mr. Adet arrived at Philadelphia. On the 15th Mr. Fauchet introduced him to the Secretary of State; on the 16th Mr. Adet informed the Secretary that he should the next day send him some act of the French Government relative to commerce: but it was not sent. On the 22d of June Mr. Adet was reminded of the promised communication. He said it was copying, and gave reason to suppose that he should forward it on that day; but on that day nothing was received.

On the 29th of June, 1795, Mr. Adet had an interview with the Secretary of State: he observed that he brought with him the commercial decrees which Mr. Genet had formerly propounded to our Government, and was instructed to negotiate a treaty of commerce upon their basis. He was asked whether he had any documents to communicate. He replied that he would send them that day. He said he had to communicate some inquietudes respecting the late treaty between the United States and Great Britain. He observed that it was understood that the United States had disabled themselves from entering into a new commercial treaty, upon a liberal scale, with France. The Secretary answered that he had determined, before he came, to ask the permission of the President to communicate to him a copy of the treaty; and then he might say in what part he supposed that any impropriety with respect to France

* Mr. Jefferson to Mr. Morris, August 16, 1793.

existed. The President having afterwards assented, the Secretary on the same day delivered to Mr. Adet a printed copy of the treaty, on which he promised to communicate his remarks.

These remarks, dated June 30th, and the Secretary's answer, dated July 6th, refuting the objections they contained, I have already noticed. The subsequent proceedings will show, either that those objections did not make any strong impressions on Mr. Adet's mind, or that the Secretary's answer had removed them.

On the 30th June, 1795, Mr. Adet communicated a part of his instructions relative to "a new commercial treaty and a new consular convention, to be entered into between France and the United States." The instructions imported that he was only to "prepare with the American Government the means and arrangement" of these treaties, and then to communicate them to the Committee of Public Safety. The object of the new treaty was declared to be, "to found the commercial relations of the two republics upon stipulations *more reciprocally advantageous* and more clearly worded than that of 1778, and the object of the consular convention to secure the execution of the commercial treaty."

The Secretary of State answered on the 1st of July, expressing the readiness of the Government to open the proposed negotiation, and requested a communication of the dates of the decrees to which Mr. Adet's instruction referred.

On the 8th of July, 1795, Mr. Adet replied to the Secretary of State, "that he neither knew nor possessed any other decree, relative to the new negotiation to be opened between France and the United States, than that of the 5th* of February, 1793, communicated to us by citizen Genet." This letter of the 8th was received the 12th, accompanied by a note of the latter date, apologizing for the delay on account of sickness. On the 12th the Secretary of State had written to him, *pressing him* on the subject of the new negotiation.

On the 16th of July, 1795, the Secretary of State again wrote to Mr. Adet, and after informing him that, as *he* was not clothed with any very formal authority on this subject, the President of the United States had thought proper to place *him* (the Secretary of State) upon the same, and no other footing. The Secretary proposed that the negotiation should be conducted in writing, unless when either thought it expedient to have an interview on any particular difficulty. And then, assuring Mr. Adet that no unnecessary procrastination should be found in the Secretary of State, further proposed, that Mr. Adet should state, 1st. The parts of the treaty which he wished to be abolished; 2d. Those parts which he wished to be corrected; and, 3d. *Any additions* which seemed to him desirable: but expressed the readiness of the Secretary to adopt any other better mode of conducting the negotiation, if such occurred to Mr. Adet.

On the 20th of July, 1795, Mr. Adet, mentioning his sickness, which for fifteen days had obliged him to abstain from business, replied, on the subject of the negotiation, in these words: "In a few days I shall have the honor of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new treaty and new consular convention."

From this detail it must, I conceive, be no easy task to find any facts by which Mr. Adet's charge can be supported. What he affects to call "frivolous pretexts," are substantial reasons; and, in respect to his own advances to treat, the conduct of our Government manifests an *eagerness* to enter on the negotiation: certainly, you will discover in it no disposition to elude or to procrastinate.

You will be pleased to observe, sir, that the letter from the Secretary of State to Mr. Adet, explaining the manner in which they should proceed in the negotiation, is dated the 16th of July; and that Mr. Adet's answer, agreeing shortly to meet the Secretary, in order to take the necessary measures for commencing the business, is dated the 20th of July; yet, in his note of November 15th, 1796, after having charged the Government of the United States "with eluding all advances made by the republic for renewing the treaties of commerce, and excusing itself on the most frivolous pretexts;" after acknowledging that the President had authorized the Secretary of State to negotiate, and that the latter had explained the manner of proceeding, he asks, "But at what time? when the ratification of the treaty, concluded between Lord Grenville and Mr. Jay, no longer permitted the undersigned to pursue that negotiation." I am sorry, sir, in this place, to call your attention to dates. The British treaty was not ratified until the 14th of August, 1795, that is, about a month after the plan of negotiating with Mr. Adet had been proposed to him by the Secretary of State, and twenty-five days after he had agreed to proceed in it. And if that ratification finally induced him to abandon the idea of negotiating a new treaty between France and the United States, it did not instantly produce this determination. He doubtless perceived that his own objections to the British treaty were obviated by the answer from the Secretary of State; and when he acknowledged the receipt of it, he had given up the right of judging of the treaty, whether it was good or bad. "I shall," says he, in his letter of July 20th, 1795, "transmit it (the Secretary's answer) to the French Government, together with my observations and the treaty. In such important circumstances, it is exclusively the province of my Government to judge, and I cannot permit myself to decide at all." And then immediately adds: "In a few days I shall have the honor of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new treaty and new consular convention." The British treaty, then, did not obstruct the negotiation; the principles of which might have been agreed on, and the articles drawn into form, to be submitted to the respective Governments: for that was all the respective negotiators were authorized to do.

Will the ministers of the French republic never cease to reproach us with "ingratitude?" If, indeed, "France wrought," as well as "guaranteed, the independence of the United States," as Mr. Adet asserts, "at a time when she might, as the price of that very independence, have granted them less liberal conditions," our obligations are greater than we have hitherto imagined. But it is time that these claims to our gratitude were investigated, and their extent ascertained. We have citizens yet alive, who were actors and witnesses of the declaration of our independence, and of the efforts to maintain it, with their effects, prior to our treaty with France. But laying no stress on our own recollections or consciousness, we will resort to the testimony of France herself.

France, by her minister the Marquis de Noailles, having, in the declaration of the 13th of March, 1778, which I have already quoted, announced to the court of London the treaty of friendship and commerce she had formed with the United States, and that, to maintain the commerce of his subjects with them, which was the object of that treaty. His Most Christian Majesty had "taken eventual measures, in concert with the United States of North America," that court published a justificative memorial, to vindicate to the world the war she had determined to wage against France. In the Observations of the court of France on this British memorial, we find the following declarations on the part of France: "While the ambassador of England put the King's patience to the strongest proofs, and while the court of London was constantly repeating denials of justice to His Majesty's subjects, at the same time that the British officers continued to desolate them on the sea, an event came to pass in America which essentially changed the face of things in that quarter of the world. This event was the defeat of the army under General Burgoyne. The news of this unexpected disaster, which arrived in Europe in November, 1777, astonished the British ministers, and must have the more sensibly affected them, as it *overthrew the plan they had laid for the reduction of the colonies.*"† The Observations then suggest that this great event induced, in the British cabinet, the idea of conciliation with America, and of a coalition against the Crown of France, in revenge for the supposed aid rendered by her to the United States; and to gratify "their most dear and constant wish—that of humbling France." "It was natural for the British ministry, *unable to subdue her colonies*, to seek to be reconciled to them, and to engage them to espouse her resentment. They might so much the more flatter themselves that they should succeed herein, as the proceedings of France, with regard to American privateers, and, especially, the dislike the King had at all times manifested to any engagement with the Congress, must have given disgust and dissatisfaction to their deputies, and induce them, notwithstanding their well known aversion, to seek, even in England, the safety of their country, when they failed to find it in France."‡

"The King, well informed of the plan of the court of London, and of the preparations which were the conse-

*Mr. Adet has since corrected this date, the decree intended being dated February 19, 1793.

† Observations, page 60.

‡ Observations, page 64.

quence of it, perceived that no more time was to be lost, if he would prevent the designs of his enemies: His Majesty determined, therefore, to take into consideration, *at length*, the overtures of the Congress.*†

"The commissioners from the United States proposed to the King a treaty of amity and commerce, and an alliance, offensive and defensive, by which His Majesty should engage, not only to acknowledge simply and purely the independence of the United States, but also to guaranty and defend it by force of arms. The King ordered an answer to be given, that he could indeed look upon the independence of the United States as existing, but that it did not belong to him to acknowledge it, because he had not any right to judge of it; neither could he guaranty it, *as he did not intend to enter into a war for its support*. His Majesty, in consequence, refused an offensive alliance, and confined himself to the *treaty of amity and commerce*. But as it was more than probable that the court of London *had formed the design of attacking France*, His Majesty thought he ought to enter into an alliance with the United States, *eventual and purely defensive*. The stipulations contained in this second treaty are, in substance, that, *if France should be attacked by the court of London, before the cessation of hostilities between that court and its colonies, then the King and the United States should mutually assist each other against the common enemy*: That the King should guaranty the independence and sovereignty of the United States; and that he should not lay down his arms till it should be acknowledged by Great Britain.†‡

Thus it is manifest that the United States were to be left still to fight their own battles, *unless Great Britain should choose to increase the number of her enemies by attacking France*, in which it would be as truly the interest of France as of the United States to make it a common cause.

"This last treaty remained secret, because it was not in force at the time of concluding it; but that of commerce was notified at the court of London, March 13, 1778.§ The first words of the notification are these: "The United States of North America, *who are in full possession of independence*," &c. The whole paragraph has been already quoted. The notification further expressed "that the King, being determined to protect effectually the lawful commerce of his subjects, and to maintain the dignity of his flag, His Majesty has, in consequence, taken eventual measures, in concert with the United States of North America." The court of London chose to consider this notification as a declaration of war, of which they accuse the King as being the author, and represent him as the violator of laws divine and human, &c. &c. "The act, however, which has drawn upon the King such odious imputations, has, for its foundation, two incontestable truths: the first, *that, at the period of the 6th of February, 1778, the Americans had the public possession of their independence*; the second, that the King had the right to look upon this independence as existing, without being obliged to examine the legality of it, and that no law forbade him to form connexions with the Americans."

The Observations then reciting that the fruitless attempts of the colonies to obtain redress from their mother country, in the mode of supplication, had induced them to league together to maintain their privileges, sword in hand, and soon after to publish the solemn act whereby they declared themselves independent, say, "This act, which is of the 4th of July, 1776, induced the court of London to give way to her resentment; she displayed her power to chastise the Americans, and to reduce them by conquest. But what has been the fruit of their efforts? Have they not served to *demonstrate to America, to all Europe, and to the court of London herself, her impotence, and the impossibility of her ever hereafter bringing the Americans again under her yoke*?"¶ That she had given this demonstration to America, is evident by the manner in which Congress received the *conciliatory bills*, hastily sent from the court of London to America, and communicated by Lord and General Howe. Congress were then uninformed of the treaties which their commissioners had lately concluded at Paris. Yet, confident in the strength and spirit of their country, and of the inability of Britain to subdue it, they resolved, *unanimously*,§ to reject these overtures for peace and conciliation, and to hold no conference or treaty with any commissioners on the part of Great Britain, unless, as a preliminary, they withdrew their fleets and armies, or, in positive terms, acknowledged the independence of these States.

Again: "It is sufficient for the justification of His Majesty, that the colonies, which form a nation considerable, as well for the number of their inhabitants, as for the extent of their dominion, have *established their independence*, not only by a solemn declaration, *but also in fact*; and that they have supported it against the efforts of their mother country. Such was, in effect, the situation of the United States, *when the King began to negotiate with them*. His Majesty had full liberty of considering them as independent, or as the subjects of Britain. He chose the first part, because *his safety, the interest of his people, invariable policy, and, above all, the secret projects of the court of London, imperiously laid him under the necessity*."¶ The secret projects here referred to were those of reconciliation, on terms which might satisfy the United States, and produce a re-union and coalition, for the purpose of *falling upon France*. To avoid the risk of this combined attack, to avoid greater danger in future, by preventing the possibility of uniting again the great portions of the British empire, *separated in fact*, and thus essentially to diminish its power, were the avowed inducements, with the court of France, to consider the United States as independent. Having stated these things, they "ask if there is a sovereign who, in the same situation with His Majesty, would not have imitated his example?"**

Again: "He (the King of France) had the right to consider as independent the confederate inhabitants of an immense continent, who presented themselves to him with this character; especially after their ancient sovereign had *demonstrated*, by efforts as continual as painful, *the impossibility of bringing them back to obedience*."††

"To complete the justification of His Majesty, nothing remains but to examine whether what are called *reasons of State* could have determined His Majesty to connect himself with the Americans. To treat this question with all the clearness of which it is susceptible, the political interests of France must be viewed under two different relations: the first respects the other Powers of Europe; the second respects Great Britain.‡‡

"In treating with the Americans, *after they became independent*, the King exercised the right inherent in his sovereignty, *with no other view than to put an end to the predominant power which England abused in every quarter of the globe*." The Observations then suggest that, by this conduct, the King has essentially watched over the interest of all the sovereigns of Europe, "by contributing to restrain a power which has always carried to excess the abuse of her resources."§§

The court of London having charged the King of France with ambition, and the project of *demolishing* the power of England, by his engagements with the Americans, the observations declare, that "nothing more will be discovered in them, [his engagements with the United States] on the most accurate scrutiny, than a *diminution* of this power—a diminution which England has herself provoked, by a conduct the most unjust and most irregular, and which the tranquillity and happiness of Europe have for a long time required."¶¶

"The most vigilant and consummate prudence could not devise adequate precautions against the enterprises of such a power; so that, the only means of being secured from it, was to *seize the opportunity of diminishing it*."¶¶

"It may then be truly said that, on examination of the conduct of the King, it was not only just and lawful, but even necessary, as well for the *individual interest of France*, as for that of all Europe."(*)

I will trouble you with but one more extract from the justificatory Observations of the court of France.

"To deceive the other nations with regard to the real motives which have directed the conduct of the King, the British ministry maintain that he entered into treaty with the Americans, not because he feared the secret views of Great Britain, but because he foresaw that the Americans, defeated, discouraged, without support, and without resources, were about to return to their mother country; and that there was not a moment to be lost in reanimating and confirming them in their opposition. It was, without doubt, for the sake of this assertion, that the British ministry have thought it beneath the dignity of their sovereign to search for the period at which France formed connexions with the United States; it might, with greater truth, be said, that this research did not coincide with their plan of defence. The King is willing to spare the British ministry a task so disagreeable and embarrassing, by observing for them, that the conversations which led to the treaties of the 6th of February, 1778, *were considerably posterior*

* Observations, page 66.

† Obs. p. 67.

‡ Obs. p. 69.

§ Obs. p. 73.

¶ Journals of Congress, April 22, 1778.

¶¶ Obs. p. 77.

** Obs. p. 78.

†† Obs. p. 82.

‡‡ Obs. p. 88.

§§ Obs. p. 89.

¶ Obs. p. 90.

¶¶ Obs. p. 91.

(*) Obs. p. 92.

to the capitulation of General Burgoyne. Now, it is notorious that this event elevated the courage and the hopes of the Americans as much as it dejected the British nation, and principally the court of London. If, then, the King has listened to the propositions of Congress, *after this period*, so disastrous to the British, *it has not been, and could not have been, for any other reason but because he thought, with the United States, that their independence was thenceforward irrevocable.*"*

In these extracts from the Observations of the court of France, we see an open avowal of her motives for entering into treaties with the United States during our Revolution. But do such motives afford any strong claims to our gratitude? She rejoiced at the prospect of a final separation of the thirteen colonies from Great Britain; she saw them erected, by their solemn Declaration, into independent States; but, during near three years of our contest, she continued waiting for some fortunate event that should ensure stability and ultimate success to our enterprise. This event took place in the capture of a whole British army. "Then the King listened to the propositions of Congress, because he thought with the United States that *their independence was irrevocable.*" He then treated with the Americans, "*with no other view* than to put an end to the predominant power which England exercised in every quarter of the globe." "A *diminution* of this power, (says the King) the tranquillity and happiness of Europe have, for a long time, required." "The only means of being secured from it, *was to seize the opportunity of diminishing it;*" and *he did seize it,* "because *his safety, the interest of his people, invariable policy, and, above all, the secret projects* of the court of London, *imperiously laid him under the necessity.*"

After these repeated declarations on the part of France that her only view, in contracting engagements with the United States, was to diminish the British power, and thereby promote the safety and interest of her own people and the tranquillity of Europe, very unexpected, indeed, are the modern claims of boundless and perpetual gratitude. Nevertheless, animated, as we always have been, with sincere desires to maintain those useful and friendly connexions with France which had their foundation in our Revolution, we should have remained silent on these claims, had not the frequency and manner in which they have been urged, compelled their discussion. We are not now disposed to question the importance of the aid we actually derived from France in the war of our Revolution; nor to retract the grateful acknowledgments that all America has, from that time, offered to that nation; we were in the habit of expressing our *gratitude* to her for the benefits which we received, although they resulted from her exertions to advance *her own interest* and secure *her own safety*. But if those benefits had been rendered from *pure benevolence, from disinterested good will* to us, and we had been remiss in acknowledging them, is it the part of generosity, of magnanimity, constantly to upbraid the receivers of their favors with ingratitude? Do not such reproaches cancel the obligation? But if for favors, apparently generous, *substantial returns* are demanded, the supposed liberal act degenerates and becomes a mercenary bargain.

If such only are the motives for our gratitude towards France, at the commencement of her political and commercial connexions with us, in the midst of our war with Great Britain, what more can we discover at the conclusion of that war? Let us examine.

In 1781, with the assistance of a French army by land, and a powerful fleet by sea, a second British army was captured.

This event made even the British Government despair of bringing the United States again under her subjection. The ministry was changed; and the Parliament passed an act to authorize the King to make peace. In the summer of 1782, an agent, on the part of Great Britain, repaired to Paris, to negotiate with the commissioners of the United States. For some time, Doctor Franklin and Mr. Jay were alone at Paris. The commission to Mr. Oswald (the British negotiator) authorized him to treat of and conclude a peace or truce with any commissioner or commissioners, named or to be named by the colonies or plantations of New Hampshire, &c. (naming the thirteen) or with any of them separately, with parts of them, or with any persons whatsoever. Mr. Jay was not satisfied with this commission to Mr. Oswald; the independence of the Thirteen States was no where intimated. Agreeably to their instructions from Congress, to take advice of the court of France, the commissioners communicated Mr. Oswald's commission to the prime minister, the count de Vergennes. The Count expressed his opinion that the commission was sufficient; that it was such a one as we might have expected it would be; "that an acknowledgment of our independence, instead of *preceding*, must, in the natural course of things, be the *effect* of the treaty." This opinion the count continued, from time to time, to repeat. In short, "it was evident the count did not wish to see our independence acknowledged by Britain until they had made all their uses of us." Mr. Jay still continued unmoved. He conferred with Mr. Oswald, and "urged, in the strongest terms, the great impropriety and consequently the utter impossibility of our ever treating with Great Britain on any other than an *equal footing*; and told him plainly that he (Mr. Jay) would have no concern in any negotiation in which we were not considered as an *independent people.*"

It was on this occasion that Mr. Oswald communicated to Mr. Jay this article of his instructions: "In case you find the American commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession; our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the Thirteen Colonies."

The British ministry approved of this communication; but still were for *treating* with us as colonies, and making an acknowledgment of our independence *only an article of the treaty*. Mr. Jay's discernment discovered the source of the backwardness, at this time, in the British court, to admit our independence *previous* to the negotiating of the treaty; and mentioned it, with his reasons, to Mr. Oswald; who, far from contradicting Mr. Jay's inference, told him a fact which confirmed his opinion that it originated in the court of France, and was communicated to that of London by the British commissioner, then in Paris, to treat of peace between France and Great Britain. Mr. Jay then explained to Mr. Oswald what he supposed to be the natural policy of the French court, and showed him "that it was the interest of Britain to render us as independent on France as we were resolved to be on Britain." Mr. Oswald was convinced. Mr. Jay reminded him of the several resolutions of Congress, passed at different periods, not to treat with British commissioners on any other footing than that of absolute independence; and proposed to give to him in writing what he had before expressed in conversation—*his determination not to treat but on the footing of equality*. Mr. Oswald preferred having it in writing. Mr. Jay prepared the draught of a letter, to be signed by him and Doctor Franklin, expressing their determination not to treat but on terms of equality, as an independent nation; and exhibiting the reasons of this determination. Doctor Franklin thought the letter "rather too positive, and, therefore, rather imprudent; for that, in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace, after such a decided and peremptory refusal. Besides, the Doctor seemed much perplexed and fettered by the instructions from Congress, to be *guided by the advice of the French court*. Neither of these considerations affected Mr. Jay: for, as to the first, he could not conceive of any event which would render it proper, and therefore possible for America to treat in any other character than as an independent nation. And, as to the second, he could not believe that Congress intended they should follow *any advice which might be repugnant to their dignity and interest.*"

Doctor Franklin's doubts prevented this letter being signed. Mr. Oswald was disappointed, and desired to see the draught. He saw it, and requested a copy of it. After taking time for consideration, Mr. Jay complied with the request. "For, though unsigned, it would convey to the British ministry the sentiments and opinions he wished to impress; and if, finally, they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us. Besides, he could not be persuaded that Great Britain, after what the House of Commons had declared; after various other acts of that Government, manifesting the intention to acknowledge it: would persist in refusing to admit our independence, provided they really believed that we had firmly resolved not to treat on more humble terms."

"With the copy of this draught Mr. Jay gave Mr. Oswald copies of the various resolutions of Congress which evinced their adherence to their independence. These papers Mr. Oswald sent by express to London, and warmly recommended the issuing a new commission, to remove all further delay."

*Observations, pages 95, 96.

Mr. Jay having afterwards ascertained that the Count de Vergennes had sent a confidential agent to London, but whose journey was intended to have been a secret, for purposes evidently hostile to the interests of the United States, determined immediately to counteract the project, by an agent on whom he could rely, to make to the court of London such representations as he thought the occasion demanded. He succeeded; and in about two weeks, Mr. Oswald received a new commission, in the form for which Mr. Jay had contended.

Mr. Jay remarked that, agreeably to the declaration of independence, the *United States*, as free and independent, had full power to levy war, *conclude peace*, contract alliances, &c. That, by the act of confederation, the style of the confederacy was declared to be, the *United States of America*, and by that act Congress were vested with the sole and *exclusive* right and power of determining on *peace* and war, and of entering into *treaties* and alliances; that, being of right and in fact free and independent States, their Representatives in Congress granted a commission to certain gentlemen, of whom Dr. Franklin and he were two, in *their name* to confer, treat, and conclude, with ambassadors or commissioners, *vested with equal powers*, relating to the re-establishing of peace, &c. But the first commission to Mr. Oswald was not equivalent: the *United States* were not named in it; nor *their* commissioners, who consequently were not the persons with whom Mr. Oswald was authorized to treat. And if the commissioners had consented to treat with Mr. Oswald under such a commission, what would have been the condition of the people of the United States in the interval between the commencement of the negotiation and the conclusion of peace? They would have been, not *independent citizens*, but, by our acknowledgment, *British subjects*! Mr. Jay would not consent to this degradation, after we had maintained our independence six years, after we had established it in fact, and after Congress had, by firm and repeated resolutions, refused to treat with Great Britain, unless, as a *preliminary*, she withdrew her fleets and armies, or else in *positive and express terms acknowledged the independence of the United States*. At the same time Congress manifested their readiness to attend to such terms of peace as might consist with the *honor of independent nations*; but the honor of an *independent nation* forbade their treating in a *subordinate* capacity. Even the dignity of France, who four years before treated with us as an independent nation, required that we should not degrade ourselves when going to treat with her enemy. And why, then, should her ministers desire us to do it? Especially when the treaty of defensive alliance declared the "essential and direct end of it was to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of *government* as of commerce." There were several reasons. The two parties, France and the United States, engaged not to lay down their arms until the independence of the United States should be attained. The explicit acknowledgment of their independence by Great Britain would show that, for the essential and direct object of the alliance, there was no necessity of continuing the war. But, since making this treaty of alliance with the United States, France had formed *other connections*, with whose views we had no concern, and for whose sake we were not bound to postpone the offered peace. We have seen the explicit avowal of the King of France, that he entered into a treaty with the United States with the view to promote the safety and interest of his kingdom and subjects, by diminishing the power of England: but, in doing this, and eventually facilitating our independence on Great Britain, it became apparent that there would be no objection to our dependence on France, particularly in "leaving the King master of the terms of the treaty of peace." And to keep us thus far dependent, was manifestly the object of certain measures of the French court, calculated to deprive the United States of an immense western territory, of the navigation of the Mississippi, and of the fisheries, except on our own coast.

A combination of facts and circumstances leave no doubt of the intentions of the French court, as to the objects above mentioned. I cannot undertake the lengthy detail, and will only just mention, in regard to *territory*, what was proposed and urged by one whose official station rendered it impossible to believe that he was expressing only his own sentiments, or that he was not acting by the direction of the French court. He proposed what he called a conciliatory line between the United States and Spain. This was to begin at the division of East from West Florida, and run thence to Fort Toulouse on the river Alabama, thence by different courses to Cumberland river, and down the Cumberland to the Ohio. It was insisted that the United States could have no pretensions westward of this line. That, "as to the course and navigation of the Mississippi, they followed the property, and would belong, therefore, to the nation, to which the two banks belonged: the United States could have no pretensions, not being masters of either border of the river;" and that, "as to what respects the lands situated to the northward of the Ohio, there was reason to presume that Spain could form no pretensions thereto: their fate must be regulated with the court of London." It is certain that, originally, Spain made no pretensions to any lands eastward of the Mississippi to the northward of the Floridas; and it is clear that the idea of her finally making the claim, was suggested by the court of France.

We are now prepared to understand the declarations made in the instructions to citizen Genet, minister plenipotentiary from the French republic to the United States. These instructions are dated the 4th of January, 1793, and were published in December of that year, in Philadelphia, by Mr. Genet, in vindication of his extraordinary measures, which had induced our Government to desire his recall. In these instructions we find the following passages: "The executive council has called for the instructions given to citizen Genet's predecessors in America, and has seen in them, with indignation, that, at the very time the good people of America expressed their gratitude to us in the most feeling manner, and gave us every proof of their friendship, Vergennes and Montmorin thought that it was right for France to hinder the United States from taking that political stability of which they were capable, because they would soon acquire a strength which it was probable they would be eager to abuse." "The same Machiavelian principle influenced the operations of the war for independence: the same duplicity reigned over the negotiations for peace."

We see, then, that, in forming connexion with us in 1778, the court of France, the actual organ of the nation, had no regard to the interest of the United States; but that their real object was, by seizing the occasion of dismembering the British empire, to diminish the power of a formidable rival; and that, when, after we had carried on a distressing war for seven years, the great object for which we had contended, independence, was within our reach, that court endeavored to postpone the acknowledgment of it by Great Britain, and eventually to deprive us of its fairest fruits—a just extent of territory, the navigation of the Mississippi, and the fishery.

Such being the motives and conduct of France, what inspired our truly grateful sentiments towards that nation? The ardent affection, the sincere friendship of Americans to Frenchmen? We were engaged in a common cause against Great Britain. We received loans of money; we were aided by troops and ships in attacking and conquering the common enemy, in the bosom of our country; and this association in war produced acquaintances and personal friendships; and, experiencing these benefits, we gave way to our feelings, without inquiring into the motives from which they were rendered.

But why are we so often reminded of the debt of gratitude? Is it really because more than *gratitude*, because *compensation* is expected to cancel it? If compensation is the object, the treaty of alliance has absolved the claim. "The contracting parties declare that, being resolved to fulfil, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, *there shall be no after claim of compensation*, on one side or the other, whatever may be the event of the war."

I am here naturally led to notice Mr. Adet's charge, already mentioned, that *we have not offered to France the succors which friendship might have given, without compromising the Government*.

If Mr. Adet had specified the kind of succors which might thus have been offered, we could better judge of the correctness of his assertion.

But is it true that we have rendered no succors to France? Read the following passages in the Secretary of State's letter of the 16th of August, 1793, to Mr. Morris. "We recollect with satisfaction, that, in the course of two years, by unceasing exertions, we paid up seven years' arrears and instalments of our debt to France, which the inefficacy of our first form of government had suffered to be accumulating; that, pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France, threatened with famine; that, in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial;" "that we have given the ex-

clusive admission to sell here the prizes made by France on her enemies in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of other nations, as we believe."

To this detail I have to add, that of all the loans and supplies received from France in the American war, amounting nearly to fifty-three millions of livres, the United States, under their late Government, had been enabled to pay not two millions and a half of livres; that the present Government, after paying up the arrearages and instalments mentioned by Mr. Jefferson, has been continually anticipating the subsequent instalments, until, in the year 1795, the whole of our debt to France was discharged, by anticipating the payments of eleven millions and a half of livres; no part of which would have become due until the second of September, 1796, and then only one million and a half; the residue at subsequent periods; the last not until the year 1802.

There remain yet various passages in Mr. Adet's notes, on which some observations are to be made.

In my letter of the 1st of November last, in answer to Mr. Adet's note of October 27th, in which he communicated the decree of the executive directory of the 2d of July last, declaring that the flag of the republic of France should treat the flag of neutrals in the same manner as these shall suffer it to be treated by the English, I asked an explanation of the decree, mentioning the circumstances which excited doubts. There seemed to be sufficient cause for inquiry. Had the decree referred to the *past* captures by the English, our knowledge of *them* would have been some guide in forming our opinion of the threatened captures by the French; but the operation of the decree was to depend on the *future* conduct of the English; the French were to treat the flag of neutrals as these *shall* suffer it to be treated by the English. As this could not be ascertained beforehand, we wished to know whether the restraints, then exercised by the British Government, were considered as of a nature to justify a denial of those rights which were pledged to us by our treaty with France? Whether the orders had actually been given to capture the vessels of the United States? And, if given, what were the precise terms of those orders? Mr. Adet, in his reply, says, that I appear not to have understood either the decree of the directory, or his note which accompanied it. The meaning of the decree is certainly not very obvious. The manner of executing it was declared to depend on a contingency—the future conduct of the English. How were French cruisers in the four quarters of the world to determine what was the conduct of the English at any given time? If he could have furnished a copy of the orders actually given to French armed vessels, under the decree, we might have seen clearly what were the intentions of the directory. If we are to take the practice of the French armed vessels and of some of the French tribunals, as the true illustration of the decree, Mr. Adet's own explanation will be very defective. He has specified only two cases—the taking of English (or other enemy's) property on board American vessels, and the seizure of all the goods classed as contraband in our treaty with Great Britain. In the case of contraband goods, the seizure of them is lawful only when they are destined to the ports of their enemies; and the *contraband goods only* are liable to confiscation. But the special agents of the directory in the West Indies order the seizure of all vessels having on board contraband goods, no matter whether destined to an enemy's, or to a neutral, or even to a French port; and when seized they confiscate not merely the contraband articles, but all other goods, and the vessel herself in which they are laden. They also assign in their decrees of confiscation another cause of capture and condemnation—that the American vessel has sailed to or from a port in possession of the English. We are not informed that the English take any neutral vessels for this cause. We have heard of several American vessels being captured and confiscated by the French, merely because they had not a sea letter, when no doubt could have been entertained of the property being American. Yet it is conceived that the want of a sea letter was never intended to exclude other proofs of property.

Further: ought we to have imagined that the executive directory intended to leave it to the discretion of every privateer, and of every inferior tribunal, to judge what, at any time *subsequent* to their decree, was the *actual* treatment received by American vessels from the British? Ought we to have imagined that the decree was formed in such indefinite terms on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression? Ought we to have imagined what Mr. Adet has himself declared to be the meaning of the decree, that the French armed vessels were not to content themselves with capturing American vessels having English property or contraband goods on board, and getting such property and goods condemned by their tribunals, but, if any English commanders were to practise "*exactions*" towards Americans, that Frenchmen were to do the same? Ought we to have imagined that the directory intended the citizens of France should be encouraged to take revenge on their friends for the outrages of their enemies? And what is to limit these vexations? If one English commander in a hundred perversely and wantonly abuses his power, is every French officer to become his rival in dishonor? Or, if we are to suffer only measure for measure, (and surely the decree goes not beyond this) who is to designate the every hundredth French officer, who is to be the instrument of similar oppression?

But French armed vessels are to make all these captures in violation of the treaty, and we are to suffer all these vexations in violation of reason and humanity, while we endure them from the English "without an efficacious opposition!" And what opposition will be deemed *efficacious*? For all captures made by the British, contrary to the law of nations, we have, agreeably to that law, demanded satisfaction. The British have engaged to make us satisfaction; and commissioners are now sitting to liquidate those demands. What opposition could have been more efficacious? What further opposition can be lawful?

Instead of further comments on this subject, let me present to you some passages in Mr. Adet's letter of the 14th of July, 1795. In this letter, he communicated to the Secretary of State the decree of the Committee of Public Safety, of the 3d of January, 1795,* repealing the 5th article of the decree of the 15th of November, 1794.† The latter violated our treaty by subjecting the property of the enemies of France, on board American vessels, to capture, and by adding to the list of articles contraband; it was therefore repealed by the former. Mr. Adet seized this occasion to make the following declaration: "You will see, sir, (said he) in both [the decrees] the undignified disposition and sincere desire of the French Government religiously to observe the engagements it has contracted with its allies, and its readiness to redress infractions which have never taken place but from the impulse of circumstances." "It is amidst her triumphs that the republic loves to give this striking mark of its fidelity. Victorious France knows no other concern than that of justice; no other diplomatic language than that of truth." "To this truth, to this justice, to this fidelity, we now make our appeal."

From the style of Mr. Adet's complaint of the British being *suffered* to arm in our ports, it might be imagined the instances were numerous. None were *permitted*. The *actual* armaments were few, and are as old as the year 1793, and were represented by Mr. Genet to the Secretary of State. "What answer (asks Mr. Adet) did the Government give to the representations of the minister of the French republic in this respect? It said that these vessels sailed too suddenly; that it was not able to cause them to be stopped." The answer was given by the Secretary of State in different words: "Those from Charleston and Philadelphia have gone off *before it was known* to the Government, and the former, indeed, in the first moments of the war, and before preventive measures could be taken in so distant a port." In the case of the *Trusty*, Captain Hale, at Baltimore, the Governor of Maryland having been informed that she had been *buying guns*, had given orders to examine the fact; "but she got off before the officer could get on board, having cleared out three or four days before." I have not observed that Mr. Genet ever renewed his complaint, with regard to any of these vessels; whence, I suppose, he was satisfied with the answer; as, indeed, he ought to have been. The two English vessels that sailed from Philadelphia escaped even the vigilance of the French consul; both had departed for many days before he had been informed of them. This is stated by the consul himself, in his report of the 21st of June, 1793, to Mr. Genet. And yet the Government is now charged by Mr. Adet with violating the treaty, because it did not stop them! Although the officers of the United States had been required to be watchful, and to report all illegal armaments in our ports, yet it was natural for the Government to expect to derive information from the French consuls, who, doubtless, were charged by their own Government to be particularly vigilant in regard to all attempts at such armaments by the enemies of the republic. Mr. Adet remarks that "some inhabitants of the United States had aided in these illegal armaments" of the enemies of France; and asks, "What measures were taken against them? Was any search made to discover them; to

*14th Nivose, 3d year.

†25th Brumaire, 3d year.

prosecute them? Never." Yet the very letter from Mr. Genet to the Secretary of State, in which, and its enclosures, Mr. Adet has found this subject of complaint, suggests a different conclusion: "I learn, with pleasure, (says Mr. Genet) by your letter of the 23d of this month, [June, 1793,] that the government of Georgia have caused to be stopped a vessel armed in that State, for the purpose of cruising against the French, and that the persons interested in this vessel will be prosecuted."

I shall say but a few words on the subject of the letters of which Mr. Adet complained that they remained unanswered. The first (of September 29, 1795) contained those reproachful insinuations which were recited in my letter of the 1st of November last. Why were these introduced by him if they were not to be applied? An answer was draught on the subject of his letter, with animadversions on those insinuations; but, desiring to avoid irritations, the answer was not sent. It was deemed of the less consequence, seeing, in my letter to Mr. Monroe, of the 13th of September, 1795, the sentiments and reasonings of the Government, on that and other subjects relating to France, had been fully expressed, to enable him to make immediate communications to the French Government itself; and it was hoped that the information given in that letter, and in others written to him the preceding summer, would have furnished materials (and that these materials would have been timely used) for such representations as would have satisfied the French Government that the United States, in forming the treaty with Great Britain, had only exercised an indisputable right; and neither by that treaty, nor any other act, had infringed a single article of our treaties with France.

On the subject of the impresses of our seamen, mentioned in Mr. Adet's letters of March and April, 1796, I shall only add, that nothing was more notorious than that those impresses had excited universal resentment in the United States, and been the subject of repeated remonstrance from our Government to the British court. Thus, in Mr. Pinckney's note to Lord Grenville, in August, 1793, which was published here that year in the same collection of State papers with Mr. Jefferson's letter of September 7th,* which Mr. Adet has quoted, and on the fifth page next succeeding it, we find the following: "Under this head, it may be observed that, for want of arrangements being made for the security of American seamen in the ports of this country, (England) they are subject to the various hardships Mr. Pinckney has so frequently detailed to Lord Grenville." And, in the next page, in his letter to Mr. Jefferson, Mr. Pinckney says, "the protection afforded our seamen remains also on the same footing; they (the British Government) profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with." To remove, as far as possible, the embarrassments arising from this cause, and more effectually to protect our seamen, was the object of a bill pending in Congress, and the subject of public debate at the time I received Mr. Adet's letters. This bill was passed into a law.

All these acts demonstrated that the Government did not assent, but, on the contrary, that they resisted the impressment of American seamen; and this resistance has been continued; consequently we cannot be charged on this ground with a violation of our neutrality.

Among the former subjects of complaint, not now renewed by Mr. Adet, is that against the Government for permitting the purchase and exportation of horses, by British agents, in the course of the last winter and spring. The correspondence on this subject is lengthy, and yet the question lies within a very narrow compass.

Perhaps no rule is now better established than that neutral nations have a right to trade freely with nations at war, either by carrying and selling to them all kinds of merchandise, or permitting them to come and purchase the same commodities in the neutral territory; in the latter case, not refusing to one Power at war what it permits another to purchase; with this exception in respect to articles contraband, that, if the cruisers of one of the belligerent Powers meet at sea with neutral vessels laden with such articles, destined to the ports of their enemies, the neutral vessels may be captured, and the contraband goods will be lawful prize to the captors; but the residue of their cargo, and the vessels themselves, are to be discharged.

But, if there were any doubt on this point, under the law of nations, there can be none in relation to France and the United States; because this matter is especially regulated by their treaty of commerce. This treaty, so far from *restraining* the trade of either party remaining neutral, while the other is engaged in war, *provides regulations agreeably to which it should be conducted.*

The 12th and 13th articles authorize either party that is at war, to stop the neutral merchant vessels of the other destined to the ports of an enemy, upon just grounds of suspicion, concerning the voyage or the lading. If, on examining the ship's papers, it appears there are any contraband goods on board, "consigned for a port under the obedience of his enemies," she may be carried into port, and the contraband articles may, by regular proceedings in the admiralty, be confiscated: "saving, always, as well the ship itself as any other goods found therein, which, by this treaty, are to be esteemed free; neither may they be detained on pretence of their being, as it were, infected by the prohibited goods, much less shall they be confiscated as lawful prize." It further provides that, if the master of the neutral ship shall be willing to deliver the contraband goods to the captor, and the latter receives them, then is the neutral ship to be forthwith discharged, and allowed freely to prosecute her voyage. The 23d article goes further: if the neutral ship shall have on board the *enemies* of the other, "they are not to be taken out unless they are *soldiers in actual service.*"

These articles are so explicit, it may seem strange that a doubt should arise concerning them. I presume no doubt did arise for Mr. Adet, overlooking these provisions of the treaty, demanded that the Government should stop the exportation of horses by the British, upon the principle that it was a neutral duty required by the law of nations. An answer was given to his demands, in which the regulations of our treaty with France were particularly brought into view, as well as the rules of the law of nations. Mr. Adet, however, after some time, renewed his claims, but again kept the treaty out of sight. An answer was given to these renewed claims; and we heard no more on the subject until the French privateers in the West Indies began to capture American vessels which had horses on board; you will find among the documents on this subject the copy of a decree of the citizens Victor Hugues and Lebas, the special agents of the executive directory in the Windward Islands, condemning an *American vessel* and her *entire cargo*, for having a small number of horses on board—not bound to their *enemies* but to a *neutral port*. And these special agents ground their decree on the *advice they received from Mr. Adet*, under the date of 14th Messidor, being July 2d, 1796. This vessel and cargo were thus condemned, without the sight of a single paper belonging to her; the master had them in his pocket, and would have brought them home, but for the recollection of the interpreter, some hours after the sentence of condemnation had been passed. These citizens exercise, indeed, a very brief authority. The process in the case of a second American vessel, which, to complete her lading, had taken on board nineteen horses, but which was also bound to a neutral port, was in this form: The captain having come before one of the agents, he, without any previous examination or hearing, addressing himself to the captain, pronounced sentence in these words: "I have confiscated your vessel and cargo;" closing the sentence with opprobrious language.

Mr. Adet, on the 18th of May last, revived his predecessor's claim of *right*, by treaty, to sell their prizes in our ports. This occasioned the correspondence on this subject which you will find among the documents collected on this occasion. He contents himself, however, with considering it as a right granted not positively, but by *implication*. That is, because the treaty *forbids the enemies of France* to sell their prizes in our ports, therefore, it *grants to her* a right of selling her prizes. As if my friend's *denial* of a favor to my *enemy*, was, in fact, a *grant* of the same favor to *me*. The simple statement of the ground of the claim would seem sufficient to show that the treaty will not support it. That sales of French prizes have been at all permitted, has been owing to the *indulgence* of the Government. This indulgence was continued until it interfered with a new positive obligation: an obligation precisely the same that France herself contracted eight years *subsequent* to her treaty with us, and *with the same Power*. This obligation is found in the 24th article of our treaty, and the 16th of the French treaty with *Great Britain*. Thus France and the United States alike engaged to permit no enemy of Great Britain to arm privateers in their ports, or to sell their prizes there, or in any manner to exchange them. Consequently, had France remained at peace, and we engaged in a war with Great Britain, our privateers would not be permitted to sell their prizes in French ports.

*Mr. Adet, by mistake, dates it September 13.

And by the maritime law of France,* prizes, except they are taken from her enemies, can stay in her ports no more than twenty-four hours, unless compelled by tempest to remain longer; and the sales of such prizes are forbidden, under severe penalties. But, notwithstanding the certainty of our right to forbid the sales of prizes in our ports, and notwithstanding the express legal command of the chief justice of the United States, holding a circuit court in South Carolina, in May last, prohibiting the sale of a particular prize (the British ship *Amity*) at Charleston, the French agents sold the prize vessel, and the sale received the formal sanction of the *French consul*. Yet, even this affair has been made a subject of complaint by Mr. Adet, because the collector of that port refused a clearance to the prize vessel thus sold in defiance of the authority of the United States, and because he also delayed until, in a new case, he should get advice to permit the exportation of the cargo of the prize ship, which, on a survey, had been reported to be irreparable.

Indeed, the French minister has discovered an aptitude to complain. I may cite, as instances, his letters of the 9th January and 3d of March, 1796; the former, because the colors of France, which he had presented to the United States, were not permanently fixed and displayed before Congress; the latter, because some printers of almanacs or other periodical publications in the United States, in arranging the names of the foreign ministers and agents resident among us, had placed those of Great Britain before those of France and Spain. Mr. Adet desired my declaration in writing, that the Government of the United States had no concern in printing the works in which the agents of the French republic were registered after those of Great Britain, and that the works themselves might be suppressed. I gave him an answer in writing, with my consent to his publishing it in the newspapers, agreeably to his request. The answer states that, in matters of this kind, the Government did not and could not interfere. With regard to the colors, I must observe that, in what concerns our foreign relations, the President being the sole representative of the People of the United States, they were properly presented to him. He received them with all possible respect, and directed them to be deposited with our national archives, that both might be preserved with equal care.

It remains to notice a summary of complaints exhibited by M. de la Croix, the French Minister for Foreign Affairs, to Mr. Monroe, our minister at Paris, under the date of March 9th, 1796, to which the latter returned an answer, under the date of March 15th. These were enclosed in Mr. Monroe's letter of the 2d of May, and received at the Department of State on the 19th of July. Copies of both papers, and an extract of so much of his letter as relates to this subject, are among the documents now collected.

First complaint: The inexecution of treaties. 1st. The courts of justice have taken and still take cognizance of prizes brought by French privateers into the ports of the United States.

2d. English ships of war have been admitted into those ports, even in cases prohibited by the 17th article of the treaty; that is, when they have made prizes on the French republic or its citizens; and have also conducted thither their prizes.

3d. The consular convention has in two points become illusory: 1st. For want of giving of the consuls the means of having their decisions executed in all disputes between Frenchmen, of which the consuls have the exclusive cognizance: 2d. Because the judges charged with issuing warrants for apprehending French mariners who desert, require the original roll of the crew to be first produced: 4th. The arrest of the corvette *Le Casius* and her captain.

Second complaint. The impunity of the outrage committed on the republic in the person of its minister, the citizen Fauchet, by the English ship *Africa*, in concert with the vice consul of that nation, within the waters of the United States.

Third complaint. "The treaty concluded in November, 1794, between the United States and Great Britain."

Excepting the second complaint, relative to the attempt of the English ship *Africa* to seize Mr. Fauchet and his papers, and the 3d article under the first complaint, relative to the consular convention, all the charges in this summary have been already examined, and we think proved to be unfounded.

As to the consular convention, many inconveniences would attend the giving to the consuls a jurisdiction to the extent contended for on the part of the French republic, to be exercised by the French consuls in the United States, and consequently, by American consuls in France. The inconveniences are manifestly so great as to require very explicit language in the convention of the two nations on this subject, to authorize the conclusion that such enlarged jurisdiction was intended. It would be to erect in foreign countries, complete courts of justice, with effectual process to compel the appearance of parties and witnesses, and to execute their decisions. And as the transactions in commerce and navigation could not, in the nature of things, be confined to the foreigners alone, the citizens of the country must often be necessary witnesses to those transactions, and of course rendered amenable to this foreign jurisdiction in their own country; whereas, the jurisdiction demanded, is only of French consuls over French citizens in the United States; and reciprocally, of American consuls over the citizens of the United States in France. From these considerations, a presumption would arise, that the jurisdiction contemplated in the consular convention was to be merely *voluntary*, but, at the same time, *exclusive of the courts of the country*. An examination of the convention, we believe, will support this, and no other construction. The 12th article provides, that all differences and suits between Frenchmen in the United States, and between citizens of the United States in France, and particularly, all disputes between seamen and their captains, and between captains of different vessels of their nation, shall be determined by their respective consuls, either by a *reference to arbitrators*, or by a summary judgment *and without costs*. "No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter." This last clause alone would seem sufficient to repel the claim we are considering. Sheriffs, marshals, and their deputies, cannot aid in the execution of consular decisions, because they are "officers of the country," expressly forbidden to "take any part in the matter." But was it meant that the laws should give consuls the power to appoint such executive officers of their own nation? We find no such thing in the convention. On the contrary, in the case of deserters from vessels, mentioned in the 9th article, whom the consuls are authorized to cause to be arrested, they are expressly directed to apply in writing to the "courts, judges, and officers, competent" to make the arrests; meaning the courts, judges, and officers, of the country where the consuls reside. Besides, if power could be given to consuls to appoint officers to execute their decisions, these officers must, of course, have their fees of compensation, to be paid by one or other of the parties: but the 12th article declares, that the consular judgments shall be "without costs." To these observations I subjoin the deliberate opinions of two respectable lawyers, Mr. Harrison, of New York, and Mr. Bradford, the late attorney general of the United States.

"NEW YORK, March 6, 1794.

"I have considered the 12th article of the convention between his late Most Christian Majesty and the United States of America, and also the act of Congress concerning consuls and vice consuls, as far as it prescribes the duty of marshals of the United States; and it is my opinion that the marshals are not bound by law to execute any sentence of a French consul, arising under the said article.

"RICHARD HARRISON,
Attorney United States for the New York district."

"PHILADELPHIA, March 14, 1794.

"I have considered the convention and act above referred to, and I perfectly coincide in the opinion given by the attorney of the United States for the district of New York.

"WM. BRADFORD."

The other complaint under this head is, that the judges who are charged (by an act of Congress) to issue warrants of arrest against deserters from French vessels, have required the *original ship's roll*, to prove that the men alleged to have deserted were a part of the crew, in contempt of the 5th article, which admits in the tribunals of both countries, copies certified by the consul.

If we look at the 9th article of the consular treaty, we shall see that the consuls who demand the arrests of deserters from vessels of their nation, must prove, "by an exhibition of the registers of the vessel, or ship's roll, that

*Valin, vol. ii. p. 272.

those men were a part of the crew." It is apparent that the original roll, and not a copy, is here referred to; nor, indeed, is the contrary pretended; but it is said that the 5th article admits certified consular copies, as evidence in the courts of both nations. But the 5th article appears to have no relation to the subject of the 9th. It stipulates that "the consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations, and all other acts, which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments and other disposals by last will; and the copies of the said acts, duly authenticated by the said consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would." The ship's roll (or shipping paper) of a vessel's crew is not an act to be done before the consul, but the evidence of a private agreement between the captain of a vessel and his crew; and when he alleges that any of them have deserted, the 9th article requires this original evidence of the fact to be produced to the judge, as the ground on which he shall issue his warrant to arrest them. And this is the construction put on this article by the judges; and, for aught I know, without any diversity of opinion. The difference alleged by Mr. Fauchet in one of his letters to the Secretary of State, I have inquired into, and find he was under a mistake. And the mistake arose, probably, from this circumstance, that when, from the information of the consul, there was danger that the deserter would wholly escape, unless instantly apprehended, the judge has issued his warrant to arrest and bring before him the alleged deserter; but, when brought, that judge has not committed the man, or delivered him to the consul, unless the original roll was produced, to prove him one of the ship's crew.

As to the outrage against Mr. Fauchet by the Africa man of war, in attempting to seize him and his papers, within the jurisdiction of the United States, and Captain Home's insult, on their authority, I do not know what measures more efficacious could have been taken by the Executive than those which were adopted, to obtain satisfaction. After waiting a reasonable time for explanations on the part of Captain Home, and of Mr. Moore, the English vice consul, and receiving none, the President revoked the exequatur of the vice consul, and desired the Governor of Rhode Island, where the Africa had been lying, to communicate to Captain Home the demand of the President that he should immediately remove from a station within the jurisdiction of the United States, where he had violated their rights; and further, to make known to him that, in forty-eight hours after the requisition should be communicated to him, all intercourse between the citizens of the United States and his ship would be forbidden.

It is very true that the exequatur of the British vice consul, was withdrawn expressly for his knowingly transmitting to the Governor of Rhode Island a most insulting letter from Captain Home: because, although he was on board the Africa when the attempt was made against Mr. Fauchet, the President had no evidence of his co-operation. The minister of the United States in London was directed to represent to that court the conduct of Captain Home, and to demand his exemplary punishment. It was not to be expected that he would be judged unheard; and consequently, much delay must have ensued. From her station on the coast of North America, the Africa went to the West Indies. Seeing, some time since, by an article in the newspapers, that the Africa was returned to England, our minister in London was reminded of this affair, that the demand of satisfaction might be renewed.

Although the subject of M. de la Croix's third and last complaint (the British treaty) has been already discussed, allow me here to make a few remarks. He says "it will be easy to prove that the United States, in this treaty, have knowingly and evidently sacrificed their connexions with the republic, and the most essential and least contested prerogatives of neutrality." The reverse of what the minister considers so *easy to prove*, we think has been *demonstrated*. Our legally binding connexions with France we always considered as being formed by our treaties: and we say with confidence, that we have not "knowingly" violated these in a single article. If individuals have at any time infringed them, the Government has been sincere and diligent in its endeavors to redress the wrong. If the ties of affection, of warm enthusiastic friendship, have been weakened, the cause is to be sought for not in the acts of the American Government, which have been constantly directed to the preservation of our peace with all nations. These ties did not depend on treaties. It was our friendship to France, contracted during our Revolution, and our partiality for the cause of liberty and self government, for which she engaged in *her own*, that made us endure numerous injuries, almost without complaining. We were not willing to ascribe to the republic the outrages of her ministers against the laws, the sovereignty, and the dignity of the United States, or the exceptionable style of their communications. Even when, for such flagrant aggressions, often repeated, we desired the recall of one of her ministers, it was done in the most soothing language; and in the mean time, lest the interest of the republic should suffer, he was permitted to exercise his functions in all cases in which those interests could be affected. When his successor arrived, he officially requested that the offending minister might be apprehended, that he might be sent to France: but the Government, satisfied by his removal, declined the measure. Some irritations were experienced from that successor. What sensations have been produced by Mr. Adet's notes, your own feelings, on the perusal, will enable you to judge. If he intended to excite the general indignation of our citizens, he is not disappointed: but it is presumed this was not the object. After an exhibition of complaints in a style so exceptionable, he could add but one more improper act, that of publishing his notes in the newspapers: he had scarcely transmitted them to the Executive, before he forwarded them to the printer for publication.

From the foregoing statement we trust it will appear that there has been no attempt in the Government of the United States to violate our treaty, or weaken our engagements with France: that whatever resistance it has opposed to the measures of her agents, the maintenance of the laws and sovereignty of the United States, and their neutral obligations, have rendered indispensable. That it has never acquiesced in any acts violating our rights or interfering with the advantages stipulated to France, but, on the contrary, has opposed them by all the means in its power: that it has withheld no succors from France that were compatible with the duties of neutrality to grant: that as well by their independent political rights as by the express provisions of the commercial treaty with France, the United States were at full liberty to enter into commercial treaties with any other nation, and consequently, with Great Britain: that no facts, manifesting a partiality to that country, have been, and I add that none such can be, produced.

Of the propriety and justness of these conclusions, you will endeavor to satisfy the French Government; and, conscious of the rectitude of our own proceedings, during the whole course of the present war, we cannot but entertain the most sanguine expectations that they will be satisfied. We even hope that this has been already accomplished, and that you will be saved from the pain of renewing a discussion which the Government has entered upon with regret. Your mission and instructions prove its solicitude to have prevented this necessity, and the sincerity of its present hopes that your endeavors, agreeably to those instructions, "to remove jealousies and obviate complaints, by showing that they are groundless; to restore confidence, so unfortunately and injuriously impaired; to explain the relative interests of both countries, and the real sentiments of your own;" have been attended with success. And, as a consequence thereof, we rely on the repeal of the decrees and orders which expose our commerce to indefinite injuries, which militate with the obligations of treaties, and our rights as a neutral nation.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 1.

Mr. Adet, Minister Plenipotentiary of the French republic, to Mr. Pickering, Secretary of State.

LEGATION AT PHILADELPHIA.

The undersigned, minister plenipotentiary of the French republic, in conformity to the orders of his Government, has the honor of transmitting to the Secretary of State of the United States, a resolution taken by the executive directory of the French republic, on the 14th Messidor, 4th year, [July 2, 1796] relative to the conduct which the ships of war of the republic are to hold towards neutral vessels. The flag of the republic will treat the flag of neutrals in the same manner as they shall suffer it to be treated by the English.

The sentiments which the American Government have manifested to the undersigned minister plenipotentiary, do not permit him to doubt that they will see, in its true light, this measure, as far as it may concern the United States; and that they will also feel that it is dictated by imperious circumstances, and approved by justice.

Great Britain, during the war she has carried on against the republic, has not ceased using every means in her power to add to that scourge, scourges still more terrible: she has used the well known liberality of the French nation to the detriment of that nation. Knowing how faithful France has always been in the observance of her treaties; knowing that it was a principle of the republic to respect the flags of all nations, the British Government, from the beginning of the war, has caused neutral vessels, and in particular American vessels, to be detained; taken them into their ports, and dragged from them Frenchmen and French property. France, bound by a treaty with the United States, could find only a real disadvantage in the articles of that treaty which caused to be respected as American property, English property found on board American vessels. They had a right, under this consideration, to expect that America would take steps in favor of her violated neutrality. One of the predecessors of the undersigned, in July, 1793, applied, on this subject, to the Government of the United States; but he was not successful. Nevertheless, the National Convention, who, by their decree of the 9th May, 1793, had ordered the seizure of enemy's property on board neutral vessels, declaring, at the same time, that the measure should cease when the English should respect neutral flags, had excepted, on the 23d of the same month, the Americans from the operation of this general order. But the Convention was obliged soon to repeal the law which contained this exception, so favorable to Americans. The manner in which the English conducted themselves, the manifest intention they had to stop the exportation of provisions from America to France, rendered it unavoidable.

The National Convention, by this, had restored the equilibrium of neutrality which England had destroyed; had discharged their duty in a manner justified by a thousand past examples, as well as by the necessity of the then existing moment. They might, therefore, before they revoked the orders they had given to seize enemy's property on board American vessels, have waited till the British Government had first definitively revoked the same order; a suspension only of which was produced by the embargo laid by Congress the 26th March, 1794. But as soon as they were informed that, under orders of the Government of the United States, Mr. Jay was directed to remonstrate against the vexatious measures of the English, they gave orders, by the law of the 13th Nivose, 3d year, to the ships of war of the republic, to respect American vessels; and the committee of public safety, in their explanatory resolve of the 14th of the same month, [January 4, 1795] hastened to sanction the same principles. The National Convention and the committee of public safety had reason to believe that this open and liberal conduct would determine the United States to use every effort to put a stop to the vexations practised against their commerce, to the injury of the French republic. They were deceived in this hope; and though the treaty of friendship, navigation, and commerce, between Great Britain and the United States, had been signed six weeks before France adopted the measure I have just spoken of, the English did not abandon the plan they had formed, and continue to stop and carry into their ports all American vessels bound to French ports, or returning from them.

This conduct was the subject of a note which the undersigned addressed, on the 7th Vendemiaire, 4th year, [29th September, 1795, O. S.] to the Secretary of State. The remonstrances which it contained were founded upon the duties of neutrality, upon the principles which Mr. Jefferson had laid down in his letter to Mr. Pinckney, dated the 13th September, 1793; yet this note has remained without an answer, though recalled to the remembrance of the Secretary of State, by a despatch of the 9th Germinal, 4th year, [29th March, 1796, O. S.] and American vessels, bound to French ports, or returning from them, have still been seized by the English. Indeed, more; they have added a new vexation to those they had already imposed upon Americans: they have impressed seamen from on board American vessels, and have thus found the means of strengthening their crews at the expense of the Americans, without the Government of the United States having made known to the undersigned the steps they had taken to obtain satisfaction for this violation of neutrality, so hurtful to the interests of France as the undersigned had set forth in his despatches to the Secretary of State, of the 9th Germinal, 4th year, [29th March, 1796, O. S.] 19th Germinal, [8th April, 1796] and 1st Floreal, [20th April, 1796] which have remained without an answer.

The French Government, then, finds itself, with respect to America, at the present time, in circumstances similar to those of the year 1793; and, if it sees itself obliged to abandon, with respect to them and neutral Powers in general, the favorable line of conduct it had pursued, and to adopt different measures, the blame should fall upon the British Government. It is their conduct which the French Government has been obliged to follow.

The undersigned minister plenipotentiary conceives it his duty to remark to the Secretary of State, that the neutral Governments, or the allies of the republic, have nothing to fear as to the treatment of their flag by the French, since, if, keeping within the bounds of their neutrality, they cause the rights of that neutrality to be respected by the English, the republic will respect them. But if, through weakness, partiality, or other motives, they should suffer the English to sport with that neutrality, and turn it to their advantage, could they then complain, when France, to restore the balance of neutrality to its equilibrium, shall act in the same manner as the English? No, certainly; for the neutrality of a nation consists in granting to belligerent Powers the same advantages; and that neutrality no longer exists, when, in the course of the war, that neutral nation grants to one of the belligerent Powers advantages not stipulated by treaties anterior to the war, or suffers that Power to seize upon them. The neutral Government cannot then complain if the other belligerent Power desires to enjoy advantages which its enemy enjoys, or if it avails itself of them; otherwise, that neutral Government would deviate, with respect to it, from the line of neutrality, and would become its enemy.

The undersigned minister plenipotentiary thinks it useless further to develop these principles. He does not doubt that the Secretary of State feels all their force, and that the Government of the United States will perfectly maintain a neutrality which France has always respected, and will always respect, when her enemies do not make it turn to her detriment.

The undersigned minister plenipotentiary embraces this opportunity of reiterating to the Secretary of State the assurance of his esteem; and informs him, at the same time, that he will cause this note to be printed, in order to make publicly known the motives which, at the present juncture, influence the French republic.

Done at Philadelphia, 6th Brumaire, 5th year of the French republic, one and indivisible,
[27th October, 1796, O. S.]

P. A. ADET.

No. 2.

Extract from the Register of the Resolves of the Executive Directory, of the 14th Messidor, 4th year of the French republic, one and indivisible. July 2, 1796.

The executive directory, considering that, if it becomes the faith of the French nation to respect treaties or conventions which secure to the flags of some neutral or friendly Powers, commercial advantages, the result of which is to be common to the contracting Powers, those same advantages, if they should turn to the benefit of our enemies, either through the weakness of our allies, or of neutrals, or through fear, through interested views, or through whatever motives, would, in fact, warrant the inexecution of the articles in which they were stipulated, decrees as follows:

All neutral or allied Powers shall, without delay, be notified that the flag of the French republic will treat neutral vessels, either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them.

The Minister of Foreign Relations is charged with the execution of the present resolve, which shall not be printed.

A true copy,

By the Executive Directory. The Secretary General,

True copy. The Minister of Foreign Affairs,

CARNOT, President.

LAGARDE.

CH. DELACROIX.

True copy. The Minister Plenipotentiary of the French republic near the United States of America,

P. A. ADET.

No. 3.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, November 1, 1796.

SIR:

I have the honor to acknowledge the receipt of your note of the 27th ultimo, covering a decree of the executive directory of the French republic, concerning the commerce of neutral nations.

This decree makes no distinction between neutral Powers who can claim only the rights secured to them by the law of nations, and others, between whom and the French republic treaties have imposed special obligations. Where no treaties exist, the republic, by seizing and confiscating the property of their enemies found on board neutral vessels, would only exercise an acknowledged right under the law of nations. If, towards such neutral nations, the French republic has forbore to exercise this right, the forbearance has been perfectly gratuitous. The United States, by virtue of their treaty of commerce with France, stand on different ground.

In the year 1778, France voluntarily entered into a commercial treaty with us, on principles of perfect reciprocity, and expressly stipulating that *free ships should make free goods*; that is, if France should be at war with any nation with whom the United States should be at peace, the goods (except contraband) and the persons of her enemies (soldiers in actual service excepted) found on board the vessels of the United States, were to be free from capture. That, on the other hand, if the United States should engage in war with any nation, while France remained at peace, then the goods (except contraband) and the persons of our enemies (soldiers in actual service excepted) found on board French vessels, were also to be free from capture. This is plainly expressed in the twenty-third article of that treaty, and demonstrates that the reciprocity thereby stipulated was to operate at *different periods*: that is, at one time in favor of one of the contracting parties, and of the other at another time. At the present time, the United States being at peace, they possess, by the treaty, the right of carrying the goods of the enemies of France, without subjecting them to capture. But what do the spirit of the decree of the executive directory and the current of your observations require? That the United States should now gratuitously renounce this right. And what reason is assigned for denying to us the enjoyment of this right? Your own words furnish the answer. "France, bound by treaty to the United States, could find only a *real disadvantage* in the articles of that treaty, which caused to be respected, as American property, English property found on board American vessels." This requisition, and the reason assigned to support it, alike excite surprise. The American Government, sir, conscious of the purity of its intentions, of its impartial observance of the laws of neutrality, and of its inviolable regard to treaties, cannot, for a moment, admit, that it has forfeited the right to claim a reciprocal observance of stipulations on the part of the French republic, whose friendship, moreover, it has ever cultivated with perfect sincerity. This right, formerly infringed by a decree of the National Convention, was recognised anew by the repeal of that decree. Why it should be again questioned, we are at a loss to determine. We are ignorant of any new restraints on our commerce by the British Government; on the contrary, we possess recent official information that *no new orders have been issued*. The captures made by the British, of American vessels having French property on board, are warranted by the law of nations. The force and operation of this law was contemplated by France and the United States when they formed their treaty of commerce; and their special stipulation on this point was meant as an exception to an universal rule. Neither our weakness nor our strength have any choice, when the question concerns the observance of a known rule of the law of nations.

You are pleased to remark, that the conduct of Great Britain in capturing American vessels, bound to and from French ports, had been the subject of a note, which, on the 29th of September, 1795, you addressed to the Secretary of State, but which remained without an answer. Very sufficient reasons may be assigned for the omission. The subject, in all its aspects, had been already officially and publicly discussed, and the principles and ultimate measures of the United States, founded on their indisputable rights, were as publicly fixed. But, if the subject had not, by the previous discussions, been already exhausted, can it be a matter of surprise that there should be a repugnance to answer a letter containing such insinuations as these? "It must, then, be clear, to every man who will discard prejudices, love, hatred, and, in a word, all the passions which lead the judgment astray, that the French republic would have a right to complain if the American Government suffered the English to interrupt the commercial relations which exist between her and the United States; if, by a *perfidious condescension*, it permitted the English to violate a right which it ought, *for its own honor and interest*, to defend; if, under the *cloak of neutrality*, it presented to England a poniard to cut the throat of its faithful ally; if, in fine, *partaking in the tyrannical and homicidal rage of Great Britain*, it concurred to plunge the people of France into the horrors of famine." For the sake of preserving harmony, silence was preferred to a comment upon these insinuations.

You are also pleased to refer to your letters of March and April last, relative to impresses of American seamen by British ships; and complain that the Government of the United States had not made known to you the steps they had taken to obtain satisfaction. This, sir, was a matter which concerned only that Government. As an independent nation, we were not bound to render an account to any other, of the measures we deemed proper for the protection of our own citizens, so long as there was not the slightest ground to suspect that the Government ever acquiesced in any aggression.

But permit me to recur to the subject of the decree of the executive directory.

As before observed, we are officially informed that the British Government have issued no new orders for capturing the vessels of the United States. We are also officially informed that, on the appearance of the notification of that decree, the minister of the United States at Paris applied for information "whether orders were issued for the seizure of neutral vessels, and was informed that no such order was issued; and further, that none such would be issued in case the British did not seize our vessels." This communication from the minister of the United States at Paris, to their minister in London, was dated the 28th of August. But the decree of the directory bears date the 14th Messidor, answering to the second of July. These circumstances, together with some observations in your note, leave the American Government in a state of uncertainty of the real intentions of the Government of France. Allow me, then, to ask, whether, in the actual state of things, our commerce is considered as liable to suffer any new restrictions on the part of the French republic? Whether the restraints now exercised by the British Government are considered as of a nature to justify a denial of those rights which are pledged to us by our treaty with your nation? Whether orders have been actually given to the ships of war and privateers of the French republic, to capture the vessels of the United States? And what, if they exist, are the precise terms of these orders?

These questions, sir, you will see are highly interesting to the United States. It is with extreme concern that the Government finds itself reduced to the necessity of asking an explanation of this nature. And if it shall be informed that a new line of conduct is to be adopted towards this country, on the ground of the decree referred to, its surprise will equal its regret that principles should now be questioned which, after repeated discussions both here and in France, have been demonstrated to be founded, as we conceive, in the obligations of impartial neutrality, of stipulations by treaty, and of the law of nations. I hope, sir, you will find it convenient by an early answer to remove the suspense in which the Government of the United States is now held on the questions above stated.

I shall close this letter by one remark on the singularity of your causing the publication of your note. As it concerned the United States, it was properly addressed to its Government, to which alone pertained the right of communicating it, in such time and manner as it should think fit, to the citizens of the United States.

I am, sir, with great respect, &c.

TIMOTHY PICKERING.

No. 4.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 13 Brumaire, (3d November, 1796, O. S.)
5th year of the French republic, one and indivisible.

SIR:

I hasten to acknowledge the receipt of your letter dated 1st November, which was delivered to me last night, and which I find this morning in the newspapers.

I shall have the honor in a few days of furnishing you with more ample information upon the object of which it treats; and I pray you will permit me to confine myself to remark to you that the article of the executive directory which I had the honor to notify to you, bears no mark of similitude with the supposed order in question in the letter from Mr. Monroe to Mr. Rufus King, which you cite, and which was made known to me by the newspapers.

Accept, sir, the assurance of my respectful esteem.

P. A. ADET.

No. 5.

Mr. Adet, Minister Plenipotentiary of the French republic, to Mr. Pickering, Secretary of State of the United States.

LEGATION AT PHILADELPHIA.

The undersigned, minister plenipotentiary of the French republic, now fulfils to the Secretary of State of the United States a painful but sacred duty. He claims, in the name of American honor, in the name of the faith of treaties, the execution of that contract which assured to the United States their existence, and which France regarded as the pledge of the most sacred union between two people, the freest upon earth. In a word, he announces to the Secretary of State the resolution of a Government terrible to its enemies, but generous to its allies.

It would have been pleasing to the undersigned minister plenipotentiary to have only to express, on the present occasion, the attachment which his Government bears to the American people, the vows which it forms for their prosperity, for their happiness. His heart, therefore, is grieved at the circumstances which impose on him a different task. With regret he finds himself compelled to substitute the tone of reproach for the language of friendship. With regret, also, his Government has ordered him to take that tone; but that very friendship has rendered it indispensable. Its obligations, sacred to men, are as sacred to Governments; and if a friend offended by a friend can justly complain, the Government of the United States, after the undersigned minister plenipotentiary shall have traced the catalogue of the grievances of the French republic, will not be surprised to see the executive directory manifesting their too just discontents.

When Europe rose up against the republic at its birth, menaced it with all the horrors of war and famine; when on every side the French could not calculate upon any but enemies, their thoughts turned towards America. A sweet sentiment then mingled itself with those proud sentiments which the presence of danger, and the desire of repelling it, produced in their hearts. In America they saw friends. Those who went to brave tempests and death upon the ocean, forgot all dangers, in order to indulge the hope of visiting that American continent, where, for the first time, the French colors had been displayed in favor of liberty. Under the guarantee of the law of nations, under the protecting shade of a solemn treaty, they expected to find in the ports of the United States an asylum as sure as at home; they thought, if I may use the expression, there to find a second country. The French Government thought as they did. Oh hope, worthy of a faithful people, how hast thou been deceived! So far from offering the French the succors which friendship might have given without compromising it, the American Government, in this respect, violated the letter of treaties.

The 17th article of the treaty of amity and commerce of 1778, states that French vessels of war, and those of the United States, as well as those which shall have been armed for war by individuals of the two States, may freely conduct, where they please, the prizes they shall have made upon their enemies, without being subject to any admiralty or other duty; without the said vessels, on entering into the harbors or ports of France, or of the United States, being liable to be arrested or seized, or the officers of those places taking cognizance of the validity of the said prizes; which may depart and may be conducted freely and in full liberty to the places expressed in their commissions, which the captains of said vessels shall be obliged to show. And that, on the contrary, no shelter or refuge shall be given to those who shall have made prizes upon the French or Americans; and that, if they should be forced by stress of weather, or the danger of the sea, to enter, they shall be made to depart as soon as possible.

In contempt of these stipulations, the French privateers have been arrested in the United States, as well as their prizes; the tribunals have taken cognizance of the validity or invalidity of these prizes. It were vain to seek to justify these proceedings under the pretext of the right of vindicating the compromised neutrality of the United States. The facts about to be stated will prove that this pretext has been the source of shocking persecutions against the French privateers, and that the conduct of the Federal Government has been but a series of violations of the 17th article of the treaty of 1778.

On the 4th of August, 1793, a circular letter of the Secretary of the Treasury was sent to all the collectors of the customs. It accompanied regulations adopted by the President, prohibiting all armaments in favor of the belligerent Powers. These regulations immediately acquired the force of law, and the agents of the Government, and the tribunals, concurred in their execution. They gave them a retrospective effect, and caused to be seized in the ports of the United States the armed vessels and prizes which had come in prior to that time. But, even before these regulations, adopted by the President, had established any rule whatever upon the prohibition of armaments, the tribunals had already, by order of the Government, assumed the cognizance of prizes made by French vessels. (No. 1.) One of the predecessors of the undersigned protested against this, but in vain. The tribunals still continued their persecutions.

On the 3d of December, 1793, the President asked of Congress a law confirming the measures contained in the letter from the Secretary of the Treasury, above mentioned. (No. 2.) This law was passed the 5th June, 1794. What was its result? In consequence of this law, the greater part of the French privateers have been arrested, as well as their prizes; not upon formal depositions, not upon established testimony, not upon a necessary body of proofs, but upon the simple information of the consul of one of the Powers at war with the French republic; frequently upon that of sailors of the enemy Powers; sometimes according to the orders of the Governors, but often upon the demand of the district attorneys, who assert, upon principles avowed by the Government, (No. 3) that their conviction was sufficient to authorize them, without complaint or regular information, to cause the privateers to be prosecuted in virtue of the law above mentioned. (No. 4.)

When the ministers of the republic have asked justice of the Government for the vexations experienced by the privateers, in contempt of the 17th article of the treaty, they have never been able to obtain satisfaction.

Thus, when, on the 9th Fructidor, 3d year, (26th August, 1794) the predecessor of the undersigned addressed a complaint to the Government on this subject, the Secretary of State answered, on the 3d September, 1794, by a phrase indicative of delay.

Thus, when the same minister, on the 27th Vendémiaire, 3d year, (17th October, 1794) reminded the Secretary of State of the means he had proposed to him for putting an end to the measures adopted against the French privateers, when he caused him to see that this means, which consisted in requiring security from those who claimed the prizes as illegal, would prevent the enemies of the republic from instituting so many suits, of which they themselves perceived the injustice, he obtained no other answer than that his proposition relative to securities was inadmissible.

When, on the 13th Floreal, 3d year, the same minister expressed himself in these terms, in a letter to the Secretary of State: "You have alleged, sir, that the Executive of the United States cannot interfere in the affairs of which the tribunals have taken cognizance; in admitting this objection for all the business now in suit, I do not the less think that your Government could, by general measures, bring back the jurisdiction of the American tribunals, concerning prizes made by our vessels within the limits prescribed by our treaties, which make part of the supreme law of the land; it might make known that the facility with which your courts of admiralty admit, without distinction, all the chicanery which our enemies create against us, in the present war, is evidently contrary to the spirit of the treaty?" The Government paid no attention to these reflections, and the answer of the Secretary of State merely notices the particular fact which had occasioned the note of citizen Fauchet.

What was the undersigned minister plenipotentiary able to obtain in the affair of the Cassius and of the Vengeance? Nothing.

The Government of the United States must have seen, however, by the claims which the ministers of the republic addressed to it, and by the great number of facts of which it has had a knowledge, how much the execution of the measures of the President, and of the law of the 5th of June, 1794, was contrary to the 17th article of the treaty; how much the agency of the tribunals, who ought not to have any cognizance of the validity or invalidity of prizes, tended to annul that article, and to deprive the republic of the advantage which it assures to her. In fact, was it not evident that, when the Powers at war with the republic had the privilege, in virtue of the law of the 5th of June, 1794, of causing to be arrested the privateers and their prizes, of detaining them in the ports of the United States, of ruining them by considerable costs, by the excessive expenses which they occasioned them, they drew from that privilege an immense advantage to the detriment of France? Doubtless, it was of little import to them that sometimes the privateers obtained justice, in the last resort, if they detained the privateer for a length of time, and if they, by that means, sheltered from their pursuit the commerce of the enemy of France. The neutrality of the United States, in this case, was altogether to their advantage; and the Federal Government, on seeing this state of things, should, out of respect to its neutrality and to treaties, have solicited from the Congress the means of conciliating the duties of the former with the obligations of the latter.

The Government very well knew how to solicit the law of the 5th of June, 1794, when that law was to bear on France alone; when it gave to the tribunals a right which has been abused, and which enables them to decide upon prizes. Why, on seeing the inconveniences of this law, has it not endeavored to remedy them? Should it wait to be solicited on this head? Should it not anticipate all claims, and, when these were presented by the ministers of the republic, should it not do justice?

Besides, if the Government had been impartial, as it has pretended to be, it would not have adopted that slow and circuitous mode, so favorable to the enemies of France, for deciding the cases relative to its neutrality; it would have preferred the measures proposed by Mr. Jefferson, on the 25th of June, 1793, to the minister of the republic. These measures were simple; they were in conformity with the duties of neutrality, and the interests of the republic.

The Federal Government had decided questions which interested its neutrality, upon informations furnished by the State Governors and the agents of the republic; the prizes remained in the hands of the French consul until this decision took place; the stipulations of the 17th article of the treaty of 1788 were not violated; and the Government, at the same time, satisfied the obligations of duty and justice. In vain would it say that it had not this power. Notwithstanding the law of the 5th of June, 1794, giving to the tribunals the right of taking cognizance of cases in which neutrality had been violated, did not the President, on the 21st of June, 1794, decide that the ship *William*, taken out of the limits of the waters of the United States, should be delivered to the captor? And, on the 3d of July, 1794, did he not decide that the *Pilgrim* had been taken in the waters of the United States, and that, of course, she should be given up to the owners? In these cases, the President not only decided on matters the cognizance of which had been assigned to the tribunals, but likewise gave a retrospective effect to his own decision upon the protecting line of the United States, which was not notified to the minister of the republic till the 8th of November, 1793.

Not satisfied with permitting the 17th article of the treaty to be violated by its agents and tribunals, the Federal Government also suffered the English to seize upon the advantages interdicted to them by that article. They armed in the ports of the United States, brought in and repaired their prizes, and, in a word, found in them a certain asylum.

Thus the English privateer *Trusty*, Captain Hall, was armed at Baltimore, to cruise against the French, and sailed, notwithstanding the complaints of the consul of the republic. At Charleston, one Bermudian vessel, several English vessels, and one Dutch vessel, from the 24th of May, to the 6th of June, 1793, took in cannon for their defence, and sailed without opposition.

What answer did the Government give to the representations of the minister of the French republic, in this respect? It said that these vessels sailed too suddenly; that it was not able to cause them to be stopped: but the treaty was not less violated. Some inhabitants of the United States had aided in these illegal armaments. What measures were taken against them? Was any search made to discover them—to prosecute them? Never: and yet the Government of the United States no sooner learnt that, in consequence of an implied stipulation which the treaty of Versailles seemed to contain, the French were arming in the ports of the United States, than the most energetic orders were sent for stopping these armaments. Even citizens of the United States were imprisoned upon suspicion that they had participated in them. The minister cannot omit citing here the following passage of a letter from the Secretary of State, Edmund Randolph, to Mr. Hammond, dated June 2, 1794: "On a suggestion that citizens of the United States had taken part in the act, [he speaks of the armaments in the United States] one who was designated was instantly committed to prison for prosecution: one or two others have been since named and committed in like manner, and, should it appear that there were still others, no measures would be spared to bring them to justice." What more could the American Government do in favor of the English, if they had a similar treaty to that with France, and had been sole possessors of the advantages assured to her by positive stipulations?

However, in contempt of these very stipulations, the *Argonaut*, an English ship of war, in January, 1795, conducted into Lynhaven Bay the French corvette *L'Esperance*, which she had taken upon the coast; she there had her repaired, in order to send her upon a cruise. Letters were in consequence written by the Secretary of State to the Governor of Virginia, and to Mr. Hammond. What was the result? Nothing. On the 29th of May, 1795, the Federal Government had not yet done any thing positive as to the acts which produced the complaint of the minister of the republic. The Secretary of State announced "that these facts shall be examined, and that, if they are verified, the Federal Government will not be in the rear of its obligations." To that has the reparation demanded by the republic been limited.

What are we to think of these delays, when we see the officers of the Government acting with so much activity against the French, on the slightest suspicion that they have violated the neutrality; when, in his letter of 29th April, 1794, the Secretary of State answers the complaints of the English minister: "We have received no intelligence of the particular facts to which you refer; but, to prevent all unnecessary circuity, in first inquiring into them, and next transmitting to this city the result, the proper instructions will be given to act, without further directions." How did the Federal Government conduct towards the autumn of 1794? The English frigate *Terpsichore* took the privateer *la Montagne* into the port of Norfolk. The French vice consul claimed the execution of the treaty, of the Governor of Virginia. The Governor answered him that he would have the necessary investigation made, and would afterwards take the proper measures. The predecessor of the undersigned then interposed with the Federal Government; and the Secretary of State assured him that he would write to the Governor of Virginia to have justice rendered. But this justice was limited to investigations made with such slowness that, five months after, this affair was not finished; and, on the 24th of February, 1795, the Secretary of State contented himself with sending to the predecessor of the undersigned, the despatches of the Lieutenant Governor, dated October 10, 1794; by which he announces that he ordered the commandant of the militia of Norfolk to make the necessary inquiries for enabling the Executive of Virginia to render to the republic the justice it had a right to expect. The result of these inquiries is not known. However, the fact about which the minister Fauchet complained to the Secretary of State was noto-

rious, and painful researches were not necessary to convince himself of it. Do we not find, in this proceeding, a formal desire to elude the treaties, and to favor the English?

If the Government of the United States had wished to maintain itself in that impartiality which its duties prescribed; if it had wished freely to execute the treaties; it would not have waited, every time that the English infringed them, for the minister to solicit its justice. Should it not have given instructions so precise, that the Governors of the States, and subaltern officers of the Federal Government, might know what duties they had to fulfil, in order to maintain the execution of treaties? Why have the most energetic orders (such as the Secretary of State, Randolph, mentions) been given, when the support of the neutrality inviolate in favor of the English came in question? Why have the measures, taken by the Federal Government, operated with so much slowness when France was interested? Why, in fine, have the multiplied remonstrances of her ministers never produced the redress of grievances of which they complained?

When the predecessor of the undersigned minister plenipotentiary claimed the execution of the 17th article of the treaty, interdicting the entry into the American ports of English vessels which should have made prizes upon the French; when he cited this simple and formal stipulation: "on the contrary, neither asylum nor refuge shall be given, in the ports or harbors of France, or of the United States, to vessels which shall have made prizes of the French or Americans; and, should they be obliged to enter, by tempest or danger of the sea, all proper means shall be used to make them depart as soon as possible;" the Secretary of State, in order to avoid shutting the American ports against the English, interpreted this article in their favor. "But it would be uncandid to conceal from you the construction which we have hitherto deemed the true one. The first part of the 17th article relates to French ships of war and privateers entering our ports with their prizes; the second contrasts the situation of the enemies of France, by forbidding such as shall have made prize of the French; intimating, from this connexion of the two clauses, that the vessels forbidden are those which bring their prizes with them. It has been considered that this section of the treaty was principally destined to the withholding of protection or succor to the prizes themselves; had it been otherwise, it would have been superfluous to have prohibited [in the 22d article, foreign privateers] from selling what they have taken in the ports of the United States."

He said, moreover, in his letter of the 29th of May, 1795: "But, on the 3d of August, the President declared his construction of that treaty to be, that no public armed vessels were thereby forbidden from our waters, except those which should have made prize of the people or property of France, coming with their prizes." But how is it possible to find, in the stipulations of the treaty, the sense given to them by the Government of the United States? This expression of the treaty, "which shall have made prizes," is general, and applies to all capturing vessels, whether they enter the ports of the United States with prizes, or enter them alone, after having made prizes. It is evident that the Government adds to the letter of the treaty, in this circumstance; and is it not astonishing that it admits a construction of the treaty, when it expects to find a meaning disadvantageous to France, and, in other instances, opposes all construction, when this would be favorable to the republic? But has it the right of construing the treaty, of changing, of its own accord, the sense of a clear and precise stipulation, without the consent and concurrence of the other contracting party? Doubtless not, especially when, by so doing, it wounds her interests.

The Secretary of State, by the 22d article, pretends to support his construction of the 17th article. What does this 22d article contain? A prohibition of the enemies of France and of the United States from arming in the respective ports of the two Powers, of selling their prizes, or of discharging all or part of their cargo there. This article, therefore, applies to the prizes; whilst the 17th applies to the capturing vessels. Did it not exist, the enemies of France, or of the United States, might send their prizes into the respective ports of the two Powers, without conducting them there themselves. The 17th article, containing only a prohibitory arrangement for the capturing vessels, could not prohibit them from doing this. It was necessary, then, to have recourse to a formal prohibition. Besides, as the vessels which have made prizes on the French or Americans, are admitted into the ports of France or of the United States, in cases of tempest, or dangers of the sea, they might, in this case, have conceived themselves authorized to dispose of their prizes, to sell them, or to discharge their cargoes. It was necessary, therefore, to take this right from them in a positive manner; it was necessary to prevent them from benefiting by a stipulation made in favor of humanity: this is the end answered by the 22d article, which is not superfluous, as the Secretary of State maintains, but, on the contrary, contains a distinct stipulation from that of the 17th. It is, then, evident from this that, in the cases above cited, by the undersigned, the stipulations of the 17th article have been violated. They have been equally so, by the admission, in sundry ports, of the Thetis and Hussar frigates, which captured le Prevoyance and la Raison, French store ships, and by admitting, in the last instance, this same ship la Raison, prize to the Thetis, into the ports of the United States.

But admitting, for a moment, the construction gratuitously given by the Secretary of State to the 17th article of the treaty of 1778, this article has not the less been violated, when the Argonaute, which had quitted Hampton Roads in order to capture l'Esperance, was permitted to enter with that prize; when the Terpsichore was suffered to bring in the privateer la Montagne. In vain were sought, in the resources of a false and subtle logic, the means of excusing such conduct. The facts speak; and every upright mind, not blinded by passion, will necessarily yield to their evidence. Yet the prohibitory stipulation of the admission of prizes made by her enemies, is the only advantage which France expected to enjoy, after having wrought and guaranteed the independence of the United States, at a time when she might, as the price of that very independence, have granted them less liberal conditions.

These wrongs of the American Government towards the republic, just stated by the undersigned minister plenipotentiary, will soon be aggravated by new ones. It was a little matter only to allow the English to avail themselves of the advantages of our treaty; it was necessary to assure these to them by the aid of a contract which might serve at once as a reply to the claims of France, and as peremptory motives for refusals, the true cause of which it was requisite incessantly to disguise to her under specious pretences.

Such was the object of Mr. Jay's mission to London; such was the object of a negotiation, enveloped, from its origin, in the shadow of mystery, and covered with the veil of dissimulation. Could the executive directory have any other idea of it, on examining its issue; on seeing all the efforts made by the American Government to conceal the secret from every eye?

In his message to the Senate of the 16th April, 1794, the President declared that Mr. Jay was sent to London only to obtain a redress of the wrongs done to the United States; at the same time, the Secretary of State communicated to the predecessor of the undersigned a part of the instructions to Mr. Jay, reminding him of the *intention of the American Government not to deviate from its engagements with the republic of France*. The French minister, deceived by this communication, contributed ingenuously to deceive his Government. The American minister in France removed the fears of the French Government as to the mission of this envoy extraordinary, and represented it as the only means of obtaining indemnification for the losses which the American commerce had sustained. What has this negotiation produced? A treaty of amity and commerce, which deprives France of all the advantages stipulated in a previous treaty.

In fact, all that could render the neutrality profitable to England, and injurious to France, is combined in this treaty. Her commercial relations with the United States are entirely broken, by the abandonment of the modern public law on contraband—a law which England had consecrated in eleven treaties, and which the Americans had also consecrated in their treaties with France, Holland, Sweden, and Prussia. From the new arrangements, adopted by the United States, with regard to England, the free carriage of the articles for the equipment and armament of vessels, is granted exclusively to that Power.

By the 23d article of the treaty of Versailles, the United States have the liberty of freely carrying on commerce with the enemies of France. The 24th article of the treaty with Holland, the 10th article of the treaty with Sweden, and the 13th article of the treaty with Prussia, contain the same stipulation. This last article gives even more extensive rights to the United States, by permitting them to carry to the enemies of this Power, all the articles enumerated in the list of such as are contraband of war, without their being liable to confiscation. But, by the 18th article of the treaty of London, the articles for arming and equipping vessels are declared contraband of war. The Government of the United States has, therefore, by this stipulation, granted to the English a right which they had refus-

ed, in consequence of the modern public law, to other nations with whom they have made treaties; that of seizing on board their vessels, articles proper for the construction and equipment of vessels. The English, then, according to that, enjoy the exclusive commerce of articles proper for the construction of vessels; yet, prior to the treaty concluded between John Jay and Lord Grenville, the United States had the right of carrying on commerce with every Power: the partiality of the American Government in favor of England has, therefore, been such, that not only the interests of France, but also those of other States, have been sacrificed to her.

In vain will it be objected that France, having the right, by her treaty of 1778, to enjoy all the advantages in commerce and navigation, which the United States have granted to England, is not injured by the stipulations of the treaty of 1794, relative to contraband of war, as they become common to her. But the right secured to her, by the second article of the treaty of 1778, does not at all extend to the allies whom the success of her arms, and the just resentment inspired by the ambition of England, have definitively given, and shall give to her in Europe. These dispositions change, during the course of the war, the situation of the United States towards England, and the belligerent Powers allied to France; the interest of these Powers is common to France; and from the moment that is injured, France is injured also.

After having assured to the English alone the carriage of naval stores, the Federal Government wished to assure them that of meals; in a word, it desired to have commerce only with England. Thus it stipulates, by the 18th article, that the American vessels laden with grain may be seized, under the frivolous pretext that it is extremely difficult to define the cases wherein provisions, and other articles which are generally excepted, could be classed in the list of contraband of war: thus it stipulates, in article 17th, that the American vessels may be arrested upon the single suspicion, either that they have merchandise belonging to the enemy, or that they carry to him articles contraband of war. The United States, in their treaty with France, have made stipulations entirely opposite to those just cited: whilst her vessels of war are bound to respect the American flag going to English possessions, the English drag into their ports American vessels going to the ports of France; subject them to decisions more or less arbitrary, and often condemn them, on account of the name alone, of their owners; by which means, all the commercial relations between the United States and France are entirely suspended. What American will venture to send vessels into French ports? What commerce will he venture to undertake with the French possessions, when it will be certain that his funds, either in going to, or returning from, them, run the greatest hazard? Would he not rather prefer trafficking with a country to which his vessels might go without being exposed to other risks than those of the sea? Would he not prefer Great Britain to France for his speculations? In virtue of the treaty of London, and by the course of things, would not the commerce of the United States pass entirely to England, during the present war?

After having consented to such conditions, the American Government cannot pretend to impartiality; it cannot say that it has maintained an equal neutrality between France and England, since it has granted to Great Britain advantages denied to France. But every one of these advantages granted to England was a real injury to the republic; and if it is not maintained, without sporting with all principles, that a government may consider itself as neutral, in granting to a belligerent Power advantages which it refuses to another, it is clear that the Government of the United States, after having made its treaty with Great Britain, ceased to be neutral, when it opposed itself to the participation by France, in the favors granted to the English.

In consequence, the undersigned minister plenipotentiary again declares, that the executive directory has just ordered the vessels of war and privateers of the republic to treat American vessels in the same manner as they suffer the English to treat them.

Were the treaty of London out of the question, the measure the executive directory now takes, would not be less conformable to justice. The undersigned minister plenipotentiary has developed to the Secretary of State, in his note of the 6th Brumaire last, [27th of October, 1796,] principles which leave no doubt in this respect, and which the answer of the Secretary of State, is far from destroying. (No. 5.) But the stipulations of treaties now come to the support of general principles. The republic calls for the execution of the second article of the treaty of 1778, which says that France and the United States mutually engage not to grant any particular favor, as to navigation or commerce, which shall, not immediately become common to the other party. The Government of the United States having, by the treaty of London, sacrificed to England the freedom of their flag, the property of the enemies of England, and naval stores, France, by her treaty, is authorized to claim the same advantage, to make use of it, and the United States have no right to complain.

Certainly it would have been more conformable to the designs of France, to her principles, to see the American flag floating without interruption upon the seas, to see the commerce of the United States enjoy that liberty, that freedom, which should belong to neutral nations; but in order to that, it was necessary that the American Government should know how to maintain that neutrality; it was necessary that it preserved it, free from violation by Great Britain; and if now the execution of the measures which the directory is obliged to adopt give rise to complaints in the United States, it is not against France they should be directed, but against those men who, by negotiations contrary to the interests of their country, have brought the French Government to use the prerogatives granted to the English.

When, after having suffered to be violated the treaties which unite it to France, the Government of the United States has associated itself with England, and has rendered its neutrality as useful to that Power as it is now injurious to its ancient ally, could the republic be silent? Her outraged generosity, her wounded honor, prevented her; her silence was weakness; and, strong in her principles as in her proceedings, she should demand her unacknowledged or forgotten rights.

Thus, therefore, as it results from the statement which the undersigned minister plenipotentiary has just given:

1st. That the 17th article of the treaty of 1778, has been violated; that, in contempt of this article, the American tribunals have been permitted to take cognizance of the validity of prizes made by French ships of war and privateers, under pretext of original armament or augmentation of armament in the United States, or of capture within the jurisdictional line of the United States.

2d. That the said article 17 has been equally violated by the admission of English vessels in the ports of the United States which had made prizes on Frenchmen, and by the admission of their prizes:

The undersigned minister plenipotentiary, in the name, and by the orders of the executive directory, protests against the violation of the seventeenth article above cited, in contempt of which the American tribunals have taken cognizance of the validity of prizes made by French ships of war, or privateers, under pretext of original armament, or augmentation of armament, in the United States; or of capture within the jurisdictional line; claims the replevy of all seizures, and the repeal of all other judicial acts exercised on those prizes; and protests, moreover, against all opposition to the sale of the said prizes.

Further, the undersigned minister plenipotentiary protests against the violation of the seventeenth article of the treaty of 1778, in contempt of which English vessels, which had made prize on Frenchmen, have been admitted into the ports of the United States; and declares that the executive directory cannot regard as a just construction of the treaty the distinction which Mr. Randolph, Secretary of State, has established in his letter of 29th May, 1795, in which he admits only the exclusion of the English vessels which bring in their prizes, and wishes to except from the prohibitory measure, the vessels which, after having made prizes, enter the ports of the United States.

The undersigned minister plenipotentiary moreover declares that the executive directory regards the treaty of commerce concluded with Great Britain as a violation of the treaty made with France in 1778, and equivalent to a treaty of alliance with Great Britain; and that, justly offended at the conduct which the American Government has held in this case, they have given him orders to suspend, from this moment, his ministerial functions with the Federal Government.

The same cause which for a long time prevented the executive directory from allowing their just resentment to break forth, has also tempered its effects. Neither hatred, nor the desire of vengeance, rapidly succeed to friendship in the heart of Frenchmen; the name of America still excites sweet emotions in it, notwithstanding the wrongs

of its Government, and the executive directory wish not to break with a people whom they love to salute with the appellation of friend.

The undersigned minister plenipotentiary therefore announces, that the Government of the United States, and the American people, are not to regard the suspension of his functions as a rupture between France and the United States, but as a mark of just discontent, which is to last until the Government of the United States returns to sentiments, and to measures, more conformable to the interests of the alliance, and the sworn friendship between the two nations.

This alliance was always dear to Frenchmen; they have done every thing to tighten its bands. The Government of the United States, on the contrary, has sought to break them. Scarcely had the war broken out between France and England, when America was alone invited to the commerce of the Antilles. All the colonial ports were open to her. Her vessels entered the ports of France, without being subjected to higher duties than French vessels. When the English violated the freedom of the neutral flag, the Convention was obliged to use reprisals. They ordered that neutral vessels should be seized by the ships of the republic: she excepted the Americans from this measure. Forced, against her inclination, to make it bear on them also, she waited, with impatience, for the moment when she might return to a conduct more conformable to her sentiments for the United States. Soon she revoked her law relative to the arrest of their vessels. Soon, also, the committee of public safety gave orders to respect the American flag. In every circumstance, France sought the means of proving to the United States the sincerity of her friendship. When the Federal Government complained of the conduct of one of the predecessors of the undersigned, the French Government saw only the complaints of the Government of the United States, and immediately gave the most striking reparation.

Let the annals of the French revolution be opened; let the minutes of that august sitting be seen, in which the National Convention received the minister of the United States into its bosom; the addresses were not studied; they sprang from hearts full of affection for an allied people; they breathed the feelings which dictated them, and the American minister found himself in the midst of his friends. What joy did not the American flag inspire when it waved unfurled in the French Senate? Tender tears trickled from each eye; every one looked at it with amazement! There, said they, is the symbol of the independence of our American brethren; behold there the pledge of their liberty! May victory always attend it! may it lead to glory none but a free and happy people! These words, which escaped from a thousand mouths, were the expression of the sentiments of the whole nation. Was not an American to each Frenchman another Frenchman? He was more—he was a friend; and that sacred name, amidst civil dissensions, was equally respected by all.

What, then, was done by the Government? It put in question whether it should execute the treaties, or receive the agents of the rebel and proscribed princes. (No. 6.) It made an insidious proclamation of neutrality; by its chicaneries it abandoned French privateers to its courts of justice; it eluded the amicable mediation of the republic, for breaking the chains of its citizens at Algiers. (No. 7.) Notwithstanding treaty stipulations, it allowed to be arrested vessels of the State; it suffered England, by insulting its neutrality, to interrupt its commerce with France. Notwithstanding the faith of treaties, it gave an asylum to these same English, who, after having insulted her flag, pillaged her citizens, came also to brave the American people in its ports, and to take a station whence to cruise, on a favorable opportunity, against the French. It might be said that it applauded their audacity; all submission to their will, it allowed the French colonies to be declared in a state of blockade, and its citizens interdicted the right of trading to them. (No. 8.) It eluded all the advances made by the republic for renewing the treaties of commerce, upon a more favorable footing to both nations. (No. 9.) It excused itself on the most frivolous pretexts; whilst it anticipated Great Britain, by soliciting a treaty in which, prostituting its neutrality, it sacrificed France to her enemies, or rather looked upon her as obliterated from the map of the world; it forgot the services that she had rendered it, and threw aside the duty of gratitude, as if ingratitude was a governmental duty.

Alas! time has not yet demolished the fortifications with which the English roughened this country, nor those the Americans raised for their defence; their half rounded summits still appear in every quarter; amidst plains—on the tops of mountains. The traveller need not search for the ditch which served to encompass them; it is still open under his feet. Scattered ruins of houses laid waste, which the fire had partly respected, in order to leave monuments of British fury, are still to be found. Men still exist who can say, here a ferocious Englishman slaughtered my father; there my wife tore her bleeding daughter from the hands of an unbridled Englishman. Alas! the soldiers who fell under the sword of the Britons are not yet reduced to dust; the laborer, in turning up his field, still draws from the bosom of the earth their whitened bones; while the ploughman, with tears of tenderness and gratitude, still recollects that his fields, now covered with rich harvests, have been moistened with French blood; while every thing around the inhabitants of this country animates them to speak of the tyranny of Great Britain, and of the generosity of Frenchmen; when England has declared a war of death to that nation, to avenge herself for its having cemented with its blood the independence of the United States. It was at this moment their Government made a treaty of amity with their ancient tyrant, the implacable enemy of their ancestry. O! Americans, covered with noble scars! O! you who have so often flown to death and to victory with French soldiers! You who know those generous sentiments which distinguish the true warrior! Whose hearts have always vibrated with those of your companions in arms! Consult them to-day, to know what they experience; recollect, at the same time, that, if magnanimous souls with liveliness resent an affront, they also know how to forget one. Let your Government return to itself, and you will still find in Frenchmen faithful friends and generous allies.

Done at Philadelphia, the 25th Brumaire, 5th year of the French republic, one and indivisible, (15th November, 1796, O. S.)

P. A. ADET.

NOTES IN SUPPORT OF THE FOREGOING.

(No. 1.) See letter from citizen Genet to Mr. Jefferson, of 22d June, 1793, message from the President, page 15 of the original French.

(No. 2.) *Extract of the President's speech to the House of Representatives, 3d December, 1793.*—"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty, to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions the proclamation which will be laid before you was issued.

"In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties, and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

"It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will, probably, be found expedient to extend the legal code, and the jurisdiction of the courts of the United States, to many cases, which, though dependent on principles already recognized, demand some further provisions.

"Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States, or usurp and exercise judicial authority within the United States, or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate, these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

"Whatever those remedies may be, they will be well administered by the judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it."

(No. 3.) The undersigned minister plenipotentiary having complained to the Secretary of State that the attorney of the United States had caused the privateer *La Vengeance* to be arrested, without an affidavit or other authentic testimony; on the 11th August, 1795, the Secretary of State sent him an answer which Mr. Troup had addressed to him in the absence of Mr. Harrison, district attorney of New York, in which is this passage:

"As to the suit against the privateer, it was commenced by Mr. Harrison, as attorney for the district, upon an official disclosure to him, by the Spanish consul, of the evidence which led him to suppose the privateer had been fitted out and armed within the United States. Mr. Harrison, upon receiving this disclosure, felt himself called upon by considerations which, as a public officer, he could not resist, to proceed against the privateer under the third section of the act of Congress, entitled 'An act in addition to the act for the punishment of certain crimes against the United States,' passed 5th June, 1794. This section works a forfeiture of the privateer, one half to the use of any person who shall give information of the offence, and the other half to the use of the United States. No person having appeared in quality of informer, to institute the suit, Mr. Harrison, according to the course of the common law, filed an information, in behalf of the United States, solely against the privateer, as you will perceive by the copy of the information already transmitted to you. No law of the United States, and no law or usage of this State, required the information to be founded upon any previous affidavit or evidence of the truth of the matters alleged in it. The filing of an information is an act entirely in the discretion of the officer entrusted by law with the power of doing it; and, if he should abuse his power, he stands upon the footing of all public officers who are guilty of malversation in office. In the present instance, Mr. Harrison has acted from the best of his judgment upon the duty of his office, after officially obtaining information from a public officer, who conceived himself likewise bound, by a sense of duty, to communicate the information."

When the undersigned minister plenipotentiary renewed the charge, on the 3d Vendemiaire, 4th year (24th September, 1795) to the Secretary of State, and still complained that an affidavit was not required to cause a privateer to be arrested—he [the minister] expressed himself in these words:

"But I again recur to the assertion that an affidavit is not necessary for ordering the arrest of a vessel.

"What is the law, what is the usage, which establishes the prosecution for reparation of an offence, before it be ascertained that it has been committed; and what certainty then had Mr. attorney? His opinion! Upon what is it founded? The complaint of the Spanish agent, since there was not a single affidavit.

"Now, sir, upon mere suspicions, which the enemy's interest will not fail always to bring forward, the French privateers are to be subjected to seizure! Such a measure tends to nothing less than to paralyze the seventeenth article of our treaty."

The Secretary of State, in reply, sent to the undersigned minister plenipotentiary the copy of a letter from Mr. Harrison, of the 3d October, 1795, in which is this remarkable passage: "In this whole business, however, I have, undoubtedly, acted from my own opinion, founded upon such evidence as came to my knowledge; and, as in similar cases, I must necessarily, in the first instance, be unacquainted with the opinions and convictions of others, I know of no other rule by which I can be guided, *unless when I am honored with the directions of the chief executive magistrate.*"

The Secretary of State thus closes his letter on the 16th of October, covering that of Mr. Harrison:

"You will perceive that, whatever may be the event of the suits pending in court, concerning her [the privateer] and her prize, the public officer, Mr. Harrison, is supported in his proceedings by the laws and usages of this country, upon such evidence and information as in the case referred to were produced."

(No. 4.) In virtue of this law, the tribunals were only authorized to decide on cases in which the neutrality of the United States shall have been compromised. Yet these tribunals conceived they had a right to pronounce upon prizes made by the French, in almost an indefinite manner. In the affair of Glass and Gibbs against the ship *Betsey*, the decision of which has been printed, the Supreme Court pronounced, that the tribunals could decide whether a prize belonged to enemies or to neutrals. In the affair of Joost Janson against the Dutch ship *Vrouw Catharina Magdalena*, it was decided that the naturalization granted in the territories of France to American citizens, during the war, could not give them the right either of serving or of commanding on board of French privateers; that the prizes made by such, although legally commissioned, were not valid; a distinction is established between a legal and an illegal privateer; it was judged that they had a right to pronounce on this legality, and consequently on the validity of the prizes; it was finally decided that a prize made at sea, with the assistance of an illegal privateer, was void, and should be restored.

It was according to these first decisions of the Supreme Court that the district attorney of Virginia wrote officially, on the 28th March, 1794, to the vice consul at Norfolk, "No vessel can be condemned as prize but in district courts, which are the proper admiralties of the United States." The enemies of France understood, or did not understand, this mode; but they availed themselves of it; and, in order to cause French privateers to be arrested, they had recourse to the law of 5th June, 1794.

At this period, however, the law had put into the hands of Government a sufficient power for preventing the arming and equipping of privateers in the ports of the United States. By the letter of the Secretary of the Treasury, of the 4th of August, 1793, the collectors of the customs were authorized, and even required, to visit, in the strictest manner, not only all privateers, but all vessels entering, or going out of, American ports. The law of 5th June authorized the President to support the exercise of these functions with military force. Of course they did not neglect to visit, with the greatest rigor, all French vessels, privateers, and others, during their continuance in the ports of the United States, and at their departure. They did not quit these ports but under the eye, and with the express permission, of the officers of the Government; for it had forbidden the collectors to clear them, if they committed the least violation on the neutrality of the United States, in which case they might be seized and confiscated. Yet, whether they had entered the ports of the United States armed, and also went out armed, or had since been armed for war in French ports, scarcely did one of their prizes enter but she was arrested by order of the Federal court.

The proceedings were instituted and pursued without any of the forms for protecting citizens. As the undersigned minister plenipotentiary has said, the assertion of an enemy of the republic was sufficient for causing a prize to be seized; often the privateer which had brought her in, and sometimes for the arrest of her captain, no proof was required from the enemy consul who instigated the arrest; he was not obliged to give security for the damages which might result from the procedure, if it were unfounded; the captain was not allowed to remain in possession of his property, on giving security for its value; the prizes were not valued; they simply placed them in the hands of the officers of justice; rarely were they permitted to be sold, and then the sale was made with slowness, and not till the consent of the two parties was obtained. In fine, when, after much delay and expense, notwithstanding the shifts of a crafty chicanery, the complainants proved nothing they advanced, the prizes were adjudged to the captors, but indemnification for damages and losses occasioned by this seizure was refused.

The undersigned minister plenipotentiary knows but two affairs, that of *la Nostro Senora del Carmen*, at Rhode Island, and that of *la Princesa des Asturias*, at New York, where security was given to the party complaining, and where damages and interest were allowed to the captors. Yet the tribunals have always allowed damages to the captured when they have declared the prizes illegal. The least pretext was sufficient to obtain from a tribunal the arrest of a prize; it was sufficient to allege that the privateer had taken one or two cannon, one or two barrels of powder, opened some port holes in the territory of the United States.

In the affair of the two prizes of the French privateer *Les Citoyens de Marseilles*, which entered the port of Philadelphia armed and commissioned, repaired in the same port, and sent under the eyes of the Government, the only thing in question was, that some port holes were pretended to have been opened in the vessel after her departure from Philadelphia; the court of Charleston was of opinion that the holes had been opened, and condemned the two prizes. The superior courts did not adopt this opinion, and the first sentence was reversed; but after how long a time, how much care, fatigue, pain, and expense!

In the affair of the *Princessa des Asturias*, at New York, as will be seen hereafter, only two cannon and a score of fuses were in question. Behold, what is called an armament! behold, how words are abused!

Prizes have been arrested under still more frivolous pretexts. The privateer *La Parisienne* had infringed a revenue law of the United States; she was seized and condemned by the district court. This tribunal, doubtless agreeable to rules prescribed by the law, had restored this vessel to her owners, on making them pay her value. The privateer, after having executed the sentence of the court, went out and made two considerable prizes: one was sent into Charleston and the other into Savannah. They were both arrested at the instance of the English consuls, under the pretext that the tribunal had acted illegally, by restoring the confiscated privateer; that, notwithstanding this restitution, and the payment of her value to the treasurer, she had always remained the property of the United States, and could not make any lawful prize. This ridiculous assertion was seriously opposed in the district and circuit courts, and in the Supreme Court of the United States; at the close of the proceedings, which lasted near two years, the prizes were adjudged to the captors, but without allowing them damages.

In like manner have been treated the rich and numerous prizes of the French privateers *La Mere Michelle*, *Le Brutus*, *Le General Laveaux*, and *Le Vengeur*. The captors have gained their causes in three courts, and have not obtained damages.

Were it necessary to cite here all the vexatious proceedings commenced against French vessels, the undersigned minister plenipotentiary would be obliged to write a volume. He contents himself with adding to what he has just said, the affair of the *Vengeance* and that of the *Cassius*.

Affair of the Vengeance.

At the beginning of 1794, the predecessor of the undersigned charged the captain of *La Dorade*, a French galliot, with a particular mission for St. Domingo. He ordered him to go to New York with his galliot, to take some powder which was at Sandy Hook on board the frigate *La Semillante*, belonging to the republic, and which made part of her equipment, and to carry them to General Laveaux. This vessel had formerly been armed for war; she had been built with port holes; consequently she attracted the particular attention of the Government. Many difficulties were thrown in her way; but finally, after having submitted to all the requisite inspections, she sailed, with a formal clearance from the collector of the customs of Philadelphia. She went to New York, where the captain acquitted himself of his mission, and thence to Port de Paix, where the powder was delivered to General Laveaux. At that place this galliot was sold to an inhabitant of St. Domingo, who armed her, equipped her completely, partly at Port de Paix, and partly at Cape François. She was called *La Vengeance*, and given to Captain Berard, as commander, who sailed from St. Domingo with a commission in good form, and a crew entirely French, to cruise against the enemies of the republic. A few days after her departure, she captured a Spanish vessel called the *Princessa des Asturias*, laden with a rich cargo, and carried her into the port of New York, in the summer of 1795.

The Spanish consul, availing himself of the facility given him by the law of the 5th of June, 1794, had the prize arrested, under the pretext that the privateer had been armed in the United States; and we saw officers of the Government appear to defend his assertion—Mr. Harrison, attorney of the district of New York, and Mr. Troup, clerk of the district and circuit courts, to which appertained the decision of the cause.

It was under these auspices that the prize was arrested, and the captain of the privateer saw himself obliged to defend her against the allegation of a pretended armament: but it was not sufficient to have arrested the prize; they must also attack the privateer. This did not fail to happen. Shortly after, Mr. Harrison, without laying aside his office of attorney for the captured, but acting in this instance in the name of the United States, informed against *La Vengeance*, and required her arrest under the same pretext which had been used for arresting her prize. This information was not founded on any affidavit or material proof. But Mr. Attorney, according to his letter to the Secretary of State, had no need of any; he had seen, in the hands of the Spanish consul, documents sufficient for having the prize condemned. In fine, not content with these measures, the same attorney, some time after, the two other causes being still pending, exhibited a second information against the privateer, and had her arrested anew, for having exported arms in violation of a law of the United States, which was in force when the *Vengeance* sailed from New York. This information was made on the simple declaration of Mr. Giles, marshal of the court, who, as informer, was to share part of the confiscation. So that all the officers of the district court (except the judge) were interested in the condemnation of the privateer or her prize. It is well to observe that, during the course of the process, the moneys arising from the sale of the prize were deposited in the hands of the clerk, (attorney for the Spaniards) those arising from the sale of the prize in the hands of the marshal (informer, and interested in the confiscation.) So that their interest was to spin out these causes by means of appeal; and so it has happened.

As this last information is here principally in question, it is proper to enter into some details on the subject. It appeared in the allegation, that the privateer had exported from the United States two cannon, twenty muskets, and fifty barrels of powder.

Two cannon and twenty muskets could scarcely be an object of commercial speculation. The existence of the cannon has never been proved, and, certainly, whatever muskets were found on board, were only for the defence of the vessel, without a wish to infringe the laws of the American Government. The powder, in truth, was of the greatest consequence, but the consul of New York hastened to give his declaration, under oath, and to prove by witnesses, that this powder had been taken from on board *La Semillante*, and made part of her equipment. Mr. Harrison did not yield to this evidence.

However, the three causes went on; but the yellow fever, which took place at New York, spun them out to a considerable length. The judgment of the district court was not given till November. In the mean time, an express, which Captain Berard had sent to St. Domingo on the first arrest of his prize, had returned with papers, proving, in the most convincing manner, that the *Vengeur (Vengeance)* had arrived at Port de Paix without any armament or equipment whatever; and that she had been sold, armed, and equipped, wholly, and commissioned as a privateer, on the territory of the republic. These documents were certificates of the general, the ordonnateur, and of the greater part of the principal officers of St. Domingo; the accounts of armament attested by all the providers, (fournisseurs) &c. the whole executed in the most authentic form.

The undersigned hastened to communicate these documents to the Secretary of State of the United States, and to request that he would order the attorney of New York district to stay the proceedings he had instituted in the name of the Government; there was nothing done with them, and Mr. Harrison continued his prosecution.

In fine, the moment came for deciding these three causes. They were pleaded with much preparation before the district court of New York; the privateer was acquitted of the charge of illegally arming, and the prize adjudged to the captor. Mr. Harrison did not appeal as to the privateer; but the cause of the prize was carried to the circuit court, and finally to the supreme court, and these two tribunals confirmed the sentence of the district court.

As to the exportation, the judge was of opinion that the vessel should be condemned for it, and grounded his sentence only on the article of twenty muskets. Some of the attorneys for the privateer had considered it as of so little consequence, that they had not conceived it would be brought in question, and had omitted to speak of it in their pleadings. It was natural to appeal from such a sentence; the consul of New York was the appellant, and required, agreeable to a law of Congress, that the vessel should be given up to him, under security, during the appeal: but he could not obtain it; the vessel was sold for less than a tenth part of the cost of her armament; and the money was deposited till the conclusion of the process.

The circuit court, as was expected, set aside the sentence which condemned the privateer; but Mr. Harrison, not content with all he had hitherto done, immediately appealed to the supreme court of the United States, which was not more favorable to him, and confirmed the sentence of the circuit court. The Government, notwithstanding the representations of the undersigned minister plenipotentiary, took a decided part in the appeal, and gave it in charge to Mr. Lee, the attorney general, to argue, which he did with much eloquence, but with the success such a cause merited.

Affair of the Cassius.

In the month of Thermidor, of the 3d year, (August, 1795) the corvette *Le Cassius*, belonging to the republic, commanded by Captain Davis, and sent by General Laveaux to the undersigned minister plenipotentiary, on a particular mission requiring her immediate return to St. Domingo, was seized in virtue of an order from the district court of the United States for the State of Pennsylvania, and her captain was arrested at the suit of a merchant of Philadelphia, to answer for a pretended illegal capture made in virtue of his commission, and out of the jurisdiction of the United States.

The undersigned minister plenipotentiary complained of this violation of the treaties and of the law of nations, and requested the Government to cause, as soon as possible, the release of the corvette *Le Cassius* and her captain. He conceived himself so much the more grounded in his request, as he knew that a like interposition was not new in the annals of the United States; as he knew that the Executive power of the State of Pennsylvania had interposed in a similar case, and in the same manner, in favor of the State of Virginia; and as this measure, dictated by a profound knowledge of the law of nations, and of the reciprocal duties of nations, had been approved and ratified by the tribunals, organs of the law.* But Mr. Randolph, Secretary of State of the United States, replied to the undersigned on the 15th of August, 1795, "as long as the question is in the hands of our courts, the Executive cannot withdraw it from them."

The undersigned insisting, on the 1st Fructidor, in the third year, (18th August, 1795) expressed himself in these terms: "I do not know, nor ought I to know, any other than the Government of the United States; I cannot, under any shape, admit the competency of your tribunals in the different circumstances which arise on the execution or in execution of the treaties. If these tribunals are the first to violate them, I can only address myself to the Government for reparation of that violation; otherwise it would be to render the agents of the French Government, the French Government itself, amenable to these tribunals; which would be to reverse principles." Informed that the *Cassius* and her captain might be liberated on giving security, the undersigned requested, by the same letter, that the Government of the United States would itself furnish this security; and knowing that the Supreme Court of the United States, which was then in session, had the power in certain cases of arresting the proceedings of the inferior courts, on their signifying to them a prohibition, he suggested to the secretary to adopt this sure and prompt method to put an end to this vexatious procedure. Both these requests were refused. The captain of *Le Cassius* then addressed himself to the supreme tribunal, requested the prohibition, and obtained it. The district court was enjoined immediately to stop the proceedings which had been commenced, and to liberate Captain Davis and his vessel.

But at the very instant in which the *marshal* was desired to execute the order of the supreme court, he had already in possession a new order from another tribunal, (the circuit court) enjoining him to arrest the vessel *anew*, upon the charge of an English merchant and naturalized American, stating that this vessel had been formerly armed in the United States; and consequently requested that she should be confiscated, one moiety to himself, the other moiety to the Government. The undersigned was uninformed whether this vessel had ever been armed in the ports of the United States; he was even assured that some individuals had only attempted to put on board arms and ammunition, and which they were prevented from doing at the time; but he takes upon him to affirm, that since this vessel has become the property of the French republic, General Laveaux armed and equipped her wholly at St. Domingo, and that, at her arrival here, she had not a cannon or pound of powder which had not been put on board her in the territory of France. This new order was signed by one of the judges of the supreme court, (in quality of circuit judge) who having already ordered the prohibition in the first instance, must have known very well that this vessel was the property of the French republic; and who must also have known that the circuit court was not competent to this proceeding; which the law and usage have constantly attributed to the district tribunals. But the district court then sat but once a year at Philadelphia; its approaching, yet distant session, was to be at Yorktown, and the prosecutor had adopted this roundabout mode to take away every means from the French republic of obtaining restitution of her vessel legally, before the expiration of near a year. In the interval, she was to rot at the quays of Philadelphia. This has taken place. The undersigned, from a spirit of conciliation, made an useless attempt with one of the judges of the circuit court to obtain the liberation of the vessel, on giving security; the reply was, that the judge could do nothing of himself; that the court, when assembled, could alone determine.

The undersigned minister plenipotentiary made new representations to the Secretary of State of the United States upon the foregoing facts. Mr. Pickering, then Secretary of State, in his answer of 1st August,† 1795, repeats this phrase of Mr. Randolph: "As long as the question is in the hands of our courts, the Executive cannot withdraw it from them;" adding thereto this remarkable expression: "and, therefore, is not chargeable with suffering a violation of the treaties subsisting between the two republics." The undersigned complained that the new suit commenced against the *Cassius* had been carried to an incompetent tribunal, and in the same letter of 1st August,‡ 1795, the Secretary of State replied on this head to the undersigned, "the counsel who have told you that such is the law, have led you into an error," &c.; maintaining the competency of the tribunal.

The undersigned minister, in these circumstances, saw himself obliged to disarm the vessel; to discharge the crew, which, during these transactions, he had supported, at great expense, and abandoned the *Cassius* to the Government of the United States, protesting against the illegality of her arrest.

The undersigned minister is not acquainted with the details of what happened since that time relative to this affair; he only knows that, in the month of October last, the circuit court declared itself incompetent, notwithstanding the assertion of the Secretary of State, and quashed all the proceedings. In consequence, the Secretary offered him the *Cassius*; as if, after having retained, in contempt of treaties, a State vessel, after having left her to rot in port, the Government of the United States were not to answer both for the violation of the treaties, and for the damages the *Cassius* has sustained.

(No. 5.) The Secretary of State, by his public letter of the 1st November last, in answer to the note of the undersigned minister plenipotentiary, of the 6th of Brumaire last, appears not to have understood either that note or the decree of the executive directory of the 14th Messidor of the fourth year.

This decree does not simply contain the order for seizing English property on board of neutral vessels, and of course on board of American vessels; it orders that the vessels of the republic shall act towards neutrals in the same manner as neutrals shall suffer the English to treat them.

This decree consequently implies, not only the seizure of enemies' property on board of American vessels, against the principle, *free ships make free goods*—a principle the American Government abandoned, after having recognized it by acceding to the declaration of Russia in 1780; not only the seizure of articles classed as contraband in the treaty concluded between Lord Grenville and Mr. Jay, and declared innocent merchandises by the treaty of 1778, but also reprisals for all vexations, contrary to the law of nations and to the treaties, which the Americans shall endure on the part of the English, without an efficacious opposition.

The Secretary of State has been pleased to observe, that France and the United States, by a reciprocal treaty, had consecrated the principle, *free ships make free goods*, and diminished the list of articles seizable as contraband. Upon this basis he built reasoning which he might have spared if he had been pleased to remember the 2d article of the treaty of 1778.

The Secretary has also been pleased to reply in part to the note of the undersigned minister plenipotentiary, dated 6th Brumaire, relative to the press exercised on the American sailors, that the Federal Government were not to give an account to any nation of the measures it takes for the protection of its citizens. If such an answer required a reply, the undersigned minister plenipotentiary would request the Secretary of State to observe, that the object of his note of 6th Brumaire, and of his letters of the 9th and 19th Germinal last, which are there referred to, was not at all to know the steps taken by the Federal Government, for the protection of its citizens; but the measures pursued by it for preventing its citizens from increasing the maritime forces of the enemies of the French republic, its ally. It

* Simon Nathan versus the Commonwealth of Virginia. Dallas's Reports, p. 77.

† This should be circuit.

‡ This should be October.

is evident that, in this case, the Federal Government should give an account, and that the French republic would have a right to regard its silence as a tacit consent to that measure, and a real hostility.

The undersigned minister plenipotentiary can no longer be suspected of having demanded of the Government of the United States explanations foreign to the relations which exist between that Government and the French republic; of having had the intention to wound the Federal Government, in his letter of 7th Vendemaire in the fourth year, since, after the passage cited by the Secretary of State, is the following paragraph: "But I am convinced it will not be so. The American Government is too much attached to the laws of an exact neutrality, it knows too well that the cause of free people is linked to that of France, to allow to be usurped by the English a right injurious to the interest of the republic."

"It is in this conviction that I have written you this letter, persuaded that it is perhaps superfluous to address to you these reclamations. I do not doubt but the American Government will prove to all Europe the intention it has of maintaining the most exact neutrality with regard to the belligerent Powers that it will oblige England to violate no longer the rights of nations, and that it will not henceforward reduce France to the pain of addressing new claims upon this subject."

(No. 6.) In the General Advertiser, published at Philadelphia, on the 9th of June, 1796, may be seen the questions proposed by the President on the 18th of April, 1793, to the Heads of the Departments. The undersigned minister plenipotentiary contents himself with giving here an extract.

Question 2. Shall a minister from the republic of France be received?

Question 3. If received, shall it be absolutely or with qualifications; and, if with qualifications, of what kind?

Question 4. Are the United States obliged, by good faith, to consider the treaties, heretofore made with France, as applying to the present situation of the parties; may they either renounce them, or hold them suspended till the Government of France shall be established?

Question 12. Should the future regent of France send a minister to the United States, ought he to be received?

(No. 7.) The French Government, jealous of giving to the United States proofs of its attachment, had commenced negotiations with the regency of Algiers, in order to put an end to the war which that Power was making on the commerce of the United States. The Minister for Foreign Affairs, by a letter of the 5th of January, 1794, instructed the predecessor of the undersigned to communicate to the Federal Government the steps which the French Government had taken in this respect. The predecessor of the undersigned, in consequence, wrote to the Secretary of State, on the 16th Prairial in the second year, the following letter: "I have already had the pleasure, sir, to inform you, verbally, of the interests which the committee of public safety of the National Convention had, in due season, taken, in the truly unhappy situation of your commerce in the Mediterranean."

"I now fulfil the duty imposed on me by the Government, by calling to your recollection, in writing, the steps which are to be taken by our agent with the Dey of Algiers, for repressing this new manœuvre of the British administration, which has put the finishing stroke to its proofs of malevolence towards free people. The despatch of the minister, communicating this measure to me, is dated the 5th of January, and did not come to my hands till fifteen days ago. I do not yet know by what route. I could have wished it had been less tardy in coming to me, that I might sooner have fulfilled the agreeable task of proving to you, by facts, the protestations of friendship, of which I have so often spoken in the name of the republic of France."

"The information which I shall receive from Europe in a little time, will doubtless possess me of the success of those negotiations which were to have been opened in January last. If the situation of your affairs is yet such, with respect to that barbarous regency, as that our intervention may be of some utility, I pray you to invite the President to cause to be communicated to me the means that he will join to those of the committee of public safety, for the greatest success of the measures already taken. It is in virtue of the express request of the minister that I solicit of the President some communication on this subject. I shall be satisfied to be able to transmit it by a very early conveyance, which I am now preparing for France."

The Secretary of State replied to him on the 6th of June, 1794, by a letter, of which the following is an extract:

"Your other letter, of the 4th of June, is a powerful demonstration of the interest which the republic of France takes in our welfare. I will frankly communicate to you our measures and expectations, with regard to Algiers; but, as you will so soon receive the detail of those measures, which your Government have pursued in our behalf, and after the rising of Congress some new arrangement will probably be adopted by the Executive, it will be better, perhaps, to postpone our interview on this matter until the intelligence, which you further expect, shall arrive."

Then Mr. Jay was charged to negotiate with the British Government, and the citizen Fauchet did not afterwards receive any communication on the subject.

(No. 8.) On the 13th Floreal, in the third year of the republic, (2d of May, 1794) the predecessor of the undersigned minister plenipotentiary expressed himself in these terms to the Secretary of State, upon the blockade of the French colonies:

"After so many useless attempts, sir, you must be sensible of the pain I experience in tracing this picture, so different from that which the French republic gives whenever justice towards you is in question, even though her interests are compromised. It was when a terrible war was incessantly devouring her that she rigorously fulfilled her treaties with you; in this instance she demands but justice, and cannot obtain it. On the contrary, she sees her enemies admitted to an intimacy with you, at the moment in which your commerce and your sovereignty are alike insulted by them; at the moment when, adding derision to injustice, they despoil you anew upon the seas, when they promise to indemnify you for former acts. This reflection, sir, becomes much more grievous when we see posted up under your eyes the official legalization of a proclamation, which prohibits your commerce with our colonies, and suspends to you alone the law of nations. I know, sir, what respect imposes on me as to what immediately interests your affairs, and your relations as a people; but I cannot entirely pass in silence transactions to which the republic is no stranger, because they are directed against her; and that, to subscribe by an excess of courtesy to such orders, were to quit the neutral position which the Americans profess. Examine, I pray you, sir, whether this neutrality can be said to exist, when, on the one hand, you can no longer maintain your treaties, and, on the other, you are obliged to abandon your relations exclusively to the discretion of England, who, doubtless, will soon declare all the universe blockaded, except her possessions. What account do you conceive I can render to the French Government of the means you take for rendering your neutrality respectable? Yet, on that, my instructions insist, and it is on that, more especially, that France is uneasy."

The Secretary of State replied, on the 29th of May, 1795, to this passage of citizen Fauchet's letter, in the following manner:

"The predicament of a neutral nation is always peculiar and delicate, and eminently so while it defends itself against charges of partiality from one of the warring Powers, lest it should seem to palliate the misdoings of another. But you are not to infer from any justification of the Executive, that the validity of the proclamation of blockade is assented to. We did read, on the 10th of April, 1795, a publication from His Britannic Majesty's consul general for the Middle and Southern States of America, giving public notice that he had received official communications that the islands of Guadaloupe, Marigalante, and Desirade, were, by proclamation, issued by His Britannic Majesty's general and vice admiral commanding in the West Indies, declared to be in an actual state of blockade; and that neutral vessels were, by that proclamation, prohibited from attempting to enter any of the ports or places of the said islands with provisions or supplies of any nature or kind whatsoever, under the penalty of being dealt with conformably to existing treaties, and as warranted by the established laws of nations." So highly valued has the West India commerce always been, that this exclusion was often revolved in the mind of the Executive. It was acknowledged that neutrals are interdicted by the law of nations from a blockaded port. From some quarter or other the blockade must be notified, or else neutrals would be a constant unsuspecting prey, not being in a condition to collect this information for themselves. Who, then, are to notify the military investment of a place? Surely not the besieged, but the besiegers, whether we consult principle or practice. The check which

neutrals have upon a wanton and false parade of a siege is the same with the check upon any other groundless pretence. We might, indeed, have remonstrated, but with what color may well be imagined, when this Department was unprovided with any document upon which the rescinding of that edict could have been urged. If rumor were a fit guide, who can pronounce on which side rumor preponderated, when stripped of the exaggerations which a host of passions had gathered together? We had, it may be said, one effort remaining, which was to promulge to the citizens of the United States that the proclamation was null and void *as to them*. If, after this defiance of that act, any American vessel had risked, and incurred confiscation, the Government would have been importuned for something more than the *general protection*, which is the birthright of all our citizens. The clamor would have been for a *special indemnity*; and, under such a cloak, frauds innumerable might have been covered.*

(No. 9.) The citizen Genet, one of the predecessors of the undersigned, notified the Secretary of State, on the 23d of May, 1793, that he was empowered to renew the existing treaties between the French republic and the United States. The Secretary of State replied to him that the Senate not being assembled, it was impossible to meet his overtures, because that body were, according to the constitution, to participate in the consummation of treaties.*

On the 30th of September, 1793, citizen Genet renewed the subject; the Secretary of State, in acknowledging the receipt of that letter, informed him that he had laid it before the President, and that it will be taken into consideration with all the respect and interest that such an object requires.

The Senate assembled, and the treaty was never again brought in question.

The predecessor of the undersigned, in his verbal communications with the Secretary of State, expressed the desire which the republic had of renewing her treaties. He received only evasive answers.

The undersigned minister plenipotentiary, charged to prepare, with the Federal Government, the plan of a new treaty of commerce, communicated to the Secretary of State, on the 30th June, 1795, (O. S.) that part of his instructions which authorized him to open this negotiation.

On this subject the President gave the necessary authority to the Secretary of State, who explained to the undersigned the manner in which they could proceed in it. But at what time? When the ratification of the treaty concluded between Lord Grenville and Mr. Jay no longer permitted the undersigned to pursue that negotiation.

At Philadelphia, the 25th of Brumaire, in the fifth year of the French republic, one and indivisible, (15th November, 1796, O. S.)

P. A. ADET.

[For Nos. 6, 7, and 8, containing proclamation of neutrality, and instructions to collectors, see ante, pages 140, 141, No. 64.]

No. 9.

Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State.

PHILADELPHIA, the 9th Fructidor, (August 26, 1794, O. S.)

2d year of the French republic, one and indivisible.

SIR:

I have informed you, several times, of the numberless vexations which our privateers are made to experience at the instigation of English agents; this persecution, far from diminishing, becomes intolerable. I have used all the means in my power to prevent armaments in the United States; no commission has been granted since my arrival, and you may be assured that none will be given; but I am bound to defend, with energy, the rights of those who have been legally armed and commissioned. I believe I cannot better succeed in *my memoirs of defence* than by addressing myself to a just and free Government, to prevent the animosity of these subaltern agents, against all the French who make prizes upon our combined enemies. I am possessed of a great number of complaints against those unjust and odious proceedings. I wait for certain information that I may submit them to the justice and impartiality of the Government, which I believe is tenacious in the execution of its treaties, and in disavowing all those miserable subtleties—all those miserable chicaneries, shamefully employed to damp the courage of the mariners of the French republic. In the mean time, sir, I send you a picture which, without doubt, will be as afflictive to you as it is to myself. I pray you to cause orders to be given to the officers of the customs at Newport, to restore to the agent of the republic, the prize made by the privateer *Sans Pareil*. Without informing the consul, without adhering more to the laws of fidelity than to those of equity, this prize has been seized, and under the pretext that the privateer *Sans Pareil* had been armed in the ports of the United States. If this pretext had been really alleged, a more glaring injustice and more palpable falsehood could not have been disguised; but, perhaps, (as I may be permitted to suppose, after such conduct) they have only wished to gain time; but, perhaps, as has frequently happened, they have only wished to discourage and fatigue the captors, by injuring the prize, from the length of time required for obtaining the decision, which they will retard by a thousand unfair expedients. In this case, sir, it is at length time to take a determination which will secure the interests of the captors, who, without this precaution, will be always injured, whatever may be the determination of the courts; they will be affected, first by the loss of time; secondly, by the expenses in prosecuting this business; and, lastly, by waste in the merchandises and vessels which they shall have taken. This reflection, dictated by justice, reminds me that a letter I wrote to you, requesting indemnity for the ship *William*, which has been suffered to decay in the port of Philadelphia upwards of a year, for the want of a decision, remains without an answer. I am inclined to believe, notwithstanding your silence, that you have taken my request into consideration; I will go farther, and say that I am sure it has been as favorably received as it is just. The one I now make is not less so, sir, and I calculate upon an answer as prompt as favorable.

Accept, sir, my esteem.

JH. FAUCHET.

No. 10.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, 3d September, 1794.

SIR:

I have urged the Governor of Rhode Island to report, without delay, the case of the prize taken by the privateer *Sans Pareil*. Be assured, sir, that no doubt is entertained of your determination to discountenance illicit privateers, and that the Government of the United States will not suffer the acquisitions of the French privateers to be wrested from them, without adequate cause; nor yet, that they should be wantonly vexed by unjust detentions.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 11.

From the same to the same.

PHILADELPHIA, September 27, 1794.

SIR:

I do myself the honor of informing you that the Governor of Rhode Island has decided that the Perseverance, a prize to the *Sans Pareil*, shall be restored to the captors, and of assuring you that I am, with great respect, &c.

EDM. RANDOLPH.

*Letter from Mr. Jefferson to Mr. Morris, dated 23d of August, 1793. Message from the President, 3d of December, 1793, page 68 of the original English.

No. 12.

Mr. Randolph, Secretary of State, to the Governor of Rhode Island.

PHILADELPHIA, September 3, 1794.

SIR:

It being represented that the Perseverance, a prize to the French privateer Sans Pareil, is detained at Newport by your excellency's order, with a view to institute an inquiry into the legality of the privateer, and, consequently, of the prize, I have to request you, sir, as soon as may be, to transmit to me the circumstances of the case. I have now before me a letter from the French minister, who expresses great anxiety lest delay should take place in the settlement of cases like the present, and the ardor of French privateers be damped by the vexations which a seizure of their prizes may produce.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 13.

Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State.

PHILADELPHIA, 26th Vendemaire, (17th October, 1794, O. S.)
3d year of the French republic, one and indivisible.

SIR:

I conceive how painful it must be to you to observe me recurring so often to the same questions, and speaking to you so frequently on the same affairs; be persuaded that it is not less so to me, to have daily new motives of complaint against the abuse made of the laws, in order to persecute our privateers.

You announce to me that La Perseverance, prize to the Sans Pareil, had been delivered to the captors by order of the Governor of Rhode Island; in contempt of that decision the English agents have just created new difficulties; a new decision is still expected to take place on the first Monday of November. It is impossible, sir, for this state of things to continue much longer. You are sensible how necessary it will be to retrench from our treaty the article which reciprocally permits the ships of war of the two nations to conduct to, and sell their prizes in, their respective ports, should this right become illusory and void by the difficulty thrown in the way of its execution. I proposed a method as simple as it is just, for putting an end to this tyrannical chicanery: this method was, to require security from those who prosecuted prizes as illegal. Were this measure adopted, it would render our enemies less ingenious in their proceedings, and prevent them from bringing so many actions; of the injustice of which they themselves are convinced.

Your silence led me to presume that you were of opinion with me on this point. I am undeceived by the recent complaints which crowd upon me from all parts; I expect, sir, that the Federal Government will put an end to these persecutions by the mode I have proposed, or by any other which its wisdom may suggest.

Permit me, sir, to call to your attention, at the same time, the outrage committed on board the Favorite by men clothed in American uniform. Among the arms which they have pillaged, there are some of which the republic stand in great need. I hope that forms will not add to the crime already committed, delays injurious to the interests of the French republic, outraged by an act so contrary to the law of nations and to treaties.

Accept, sir, my esteem.

JH. FAUCHET.

No. 14.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 22, 1794.

SIR:

I received your letter of the 17th inst. remonstrating against the vexations which your cruisers are said to experience, with the most unqualified wishes that we were always able to administer immediate relief. But the extent of the United States imposes the necessity of substituting the agency of the Governors in the place of an instantaneous action in the Federal Executive, and therefore general rules alone can be provided.

Under these rules, formed in the last year, the Governor of Rhode Island operated on the prize of the Sans Pareil, and discharged her. If, however, individuals conceive that they have a legal claim upon her, and draw her before a court of law, the Executive of the United States cannot forbid them. The plea, under the treaty, that the court has no cognizance of French prizes, will be admitted if it applies, and the person by whom the process is instituted will be liable to a judgment for costs and damages, if he fails in his proof.

The bond, which you propose as a security against vexation, we have no power to demand, because the Executive do not mean to interfere, without presumptive proof of title; and this presumption, when established, would seem to be a sufficient protection against being harassed. The courts have their forms, founded on similar precautions. Knowing that this was the situation of our laws, I am not authorized to make the arrangement proposed.

However, I will do every thing which can be done with propriety; and that is contained in the letter of which I have the honor of sending you a copy.

Papers respecting the Favorite were received this morning from New York, and copies of them are now transmitted to you.

I have the honor, &c.

EDM. RANDOLPH.

No. 15.

CIRCULAR.

The Secretary of State to the Governors of the several States.

PHILADELPHIA, October 22, 1794.

SIR:

It gives me pain to inform your excellency that Mr. Fauchet, the minister plenipotentiary of the French republic, believes that he has reason to complain of the treatment which French prizes have too often received in our ports.

He represents that, by the machinations of the enemies of his country, the captors are harassed by seizures, arrests, and detentions, the most vexatious and cruel: that as soon as the claimants are foiled in one attempt, they betake themselves to another. On my part, as from the confidence which the President reposes in the executives of the States, they have been requested to fulfil the general rules laid down by him, I could only undertake to address your excellency upon the subject.

Mr. Fauchet is anxious that a bond should be given by the claimants before the executives shall interpose in any case of a prize. Doubting the legality and expediency of this suggestion, I have it not in my power to recommend it. But I have assured him that none of the chief magistrates of the States will ever interfere, without a strong presumption of title. A late circumstance has, however, brought to view the practicability of oppression, unless precautions be adopted by the executives. The claimants may often pursue a double chance, by first procuring a trial before the Governors, and, if defeated, by next resorting to the courts of law. It is desirable, therefore, that, when-

soever an application shall be made to your excellency, with respect to a prize, you should cause it to be examined well, whether the courts have jurisdiction to inquire into the affair. If they have, then it seems proper that your excellency should not interpose. If the courts have not jurisdiction, and you are convinced that there is good ground for detaining the prize, in order to comply with the rules established by the President last year, then, and then only, your excellency will so proceed. By these means, the vexation complained of will be avoided, as far as lies in the power of the Executive of the United or individual States: and the construction of the treaty will be left to the judiciary, who are more particularly the expositors of it. By these means, also, the article of that treaty will be best preserved from violation, and the honor of our nation sustained.

But nothing which I have now taken the liberty of offering to your excellency's consideration is intended to check the succor which, at any time, you may find it necessary to give to the officers charged with the execution of legal process.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 16.

UNITED STATES, ss.

In the Supreme Court of the United States.

Alexander S. Glass and others, Appellants,	} Appeal from the Circuit Court for the Maryland District.
ps. The sloop Betsey and cargo, &c. and Pierre	
Arcade Johannene, Appellee.	

At a Supreme Court of the United States, held at Philadelphia, the same being the present seat of the National Government, on Saturday, the eighth day of February, in the year of our Lord one thousand seven hundred and ninety-four, before the Honorable John Jay, Esq. Chief Justice, and the Honorable William Cushing, James Wilson, John Blair, and William Patterson, Esquires, Associate Justices of the said court, came the parties, as well appellants as appellee, in the above appeal, by their respective advocates, and after full hearing of all and singular the matters and things set forth and contained in the record and minutes of the proceedings in the said appeal, as well of the circuit court for the Maryland district as of the district court for the said district, and solemn argument being heard thereon by the said advocates; the said Supreme Court, sitting and adjourning from day to day, until the 13th day of February instant, took the same into consideration, and held the same under advisement until the 18th day of February aforesaid.

At which day the said Supreme Court of the United States being met, and the advocates aforesaid attending, the court proceeded to the publication of their final sentence or decree, which, being read and filed, is in the words following, to wit:

This court being decidedly of opinion that every district court in the United States possesses all the powers of a court of admiralty, whether considered as an instance or as a prize court, and that the plea of the aforesaid appellee, Pierre Arcade Johannene, to the jurisdiction of the district court of Maryland, is insufficient; therefore, it is considered by the Supreme Court aforesaid, and now finally decreed and adjudged, by the same, that the said plea be, and the same is hereby, overruled and dismissed, and that the decree of the said district court of Maryland, founded thereon, be, and the same is hereby, revoked, reversed, and annulled.

And the said Supreme Court being further clearly of opinion that the district court of Maryland has jurisdiction competent to inquire and to decide, whether, in the present case, restitution ought to be made to the claimants, or either of them, in whole, or in part, that is, whether such restitution can be made, consistently with the laws of nations, and the treaties and laws of the United States; therefore, it is ordered and adjudged that the said district court of Maryland do proceed to determine upon the libel of the said Alexander S. Glass, and others, agreeably to law and right, the said plea to the jurisdiction of the said court notwithstanding.

And the said Supreme Court being further of opinion that no foreign Power can, of right, institute or erect any court of judicature, of any kind, within the jurisdiction of the United States, but such only as may be warranted by, and be in pursuance of, treaties; it is, therefore, decreed and adjudged, that the admiralty jurisdiction, which has been exercised in the United States by the consuls of France, not being warranted, is not of right.

It is further ordered by the said Supreme Court, that this cause be, and it is hereby, remanded to the district court for the Maryland district, for a final decision, and that the several parties to the same do each pay their own costs.

A true copy.

JACOB WAGNER,
Clerk Supreme Court United States.

No. 17.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 27th Fructidor, 2d year of the French republic, one and indivisible, (13th Sept. 1794.)

SIR:

I am about to lay before you an affair, which I have often mentioned to you in conversation. I could have wished that it were possible to present you, at the same time, an account of the vexations of which I complained in my letter of the 9th Fructidor,* and of which Charleston has been the principal scene. It is painful to me to be obliged to recur so often to subjects of this nature; but I could delay no longer to communicate to you the affair which shall constitute the subject of this letter, and on which I think it my duty to claim the speedy justice and good offices of the Federal Government.

The French privateer *L'Ami de la Pointe à Petre*, Captain William Talbot, commissioned at Guadaloupe, seized, near the island of Cuba, a Dutch brigantine called *Vrouw Christiana Magdalena*. This vessel had been originally captured by a French armed vessel, called *L'Amour de la Liberté*, but having been met with, and visited by *L'Ami de la Pointe à Petre*, and the prize master, who had been put on board by the first captor, not being able to produce a commission, the latter manned her and brought her to Charleston. Having arrived at that port, Captain Talbot was arrested, at the suit of the Dutch captain, as a pirate, and security, to the amount of fourteen thousand dollars, was demanded from him for his liberty. Proceedings were immediately instituted against the captors in the court of admiralty, and, notwithstanding the representations of the French consul, notwithstanding the documents furnished in favor of Talbot, and which, as you will soon see, were not of a nature to be refused, the prize was adjudged illegal, and restored to the claimants. I could have wished, sir, to have it in my power to send you a formal copy of the decree pronounced by the court; but if the enclosed extract from the Gazette of Charleston may be deemed sufficient information, it appears that the sentence was grounded on the illegal equipment of the capturing vessels, on Captain Talbot's being a citizen of the United States, and his vessel armed at Charleston.

On the first point I will observe, that *L'Ami de la Pointe à Petre* should have been considered as the only legitimate captor, the schooner *L'Amour de la Liberté* not having any right, and her existence as a vessel armed for a cruise being absolutely out of my knowledge; that it was by address that the claimants instituted an action, on the ground of the illegality of this first captor; that intrigue suppressed the just representations which Talbot might have substantiated, and confounded him with the other. I will add, sir, that, as soon as I was informed of the manner in which *L'Amour de la Liberté* had been armed and commissioned, I sent pressing orders to Charleston to do justice on the occasion, desiring, thereby, to give your Government a new proof of the fidelity with which we keep our promises.

To illustrate the second point, I enclose, sir, a copy of the oath which citizen Talbot took to the French republic, before the municipality of Pointe à Petre, an oath which assures to him the rights of a French citizen, which, agreeably to the laws of your country, he had a right to take, and in virtue of which I find myself obliged to maintain him in the exercise of the privileges it acquires for him. I send you, at the same time, a copy of the commission which he obtained from citizen Collot, then Governor of Guadeloupe. You will thereby see that the vessel which he commands is French property, belonging to citizen Samuel Riddick, of Pointe à Petre. These documents, sir, which were officially communicated to me by the consul of Charleston, are the same which were produced in support of Talbot's claim, and I have reason to be very much surprised that their validity should appear to have been drawn in question by the judge of the court of admiralty. Acts passed by a French municipality, or delivered by French public officers, acknowledged as such, ought not to have been submitted to the control of the American courts, and it is, without doubt, in consequence of a mistake in the form of the proceedings, or of an inaccuracy in the printed account, that the affair presents such an aspect. The point to be decided appears to me to be, whether Talbot had, or had not, a right to become a Frenchman, on renouncing the protection of the United States. Whether his vessel had, or had not, been built in the United States, appears to me to be immaterial, since it is proved that the vessel was French property when she was commissioned. Besides, I do not believe that in last December there existed a law to prohibit an American from transporting his property, at his own risk, and disposing of it where, and to whom, he should think proper.

To return, sir, I have just explained to you the vexations to which citizen Talbot has been exposed, as well in his person as his property. I earnestly request you, and I expect it from the justice of the Federal Government, to cause them to cease as soon as possible. As far as the process commenced against him is concerned, I believe that he has appealed, in his own name, to the circuit court, from the sentence pronounced by the admiralty. I know that the Government cannot officially interfere in this business; but would it not be possible to engage the attorney of the district at Charleston to aid Captain Talbot with his good offices to recover, as speedily as possible, a prize which, according to the seventeenth article of our treaty, the *L'Ami de la Pointe à Petre*, acknowledged to be a French privateer, "has a right to conduct where it pleases, without the officers of the admiralty in the ports or harbors of the United States taking cognizance of the validity of the said prize?"

I cannot close this letter without mentioning to you a circumstance which took place in the suit in question, and which lies heavy at my heart. The chancellor of the consulate at Charleston was summoned to the bar of the court, to testify the authenticity of my proclamation. He appeared there without hesitation; but, on the next day, having been summoned anew to answer upon points which appeared to the consul foreign to the matter pending in the court, he received an order to testify upon this second demand, agreeably to a citation to the French consul and to his chancellor to appear before the judge of the admiralty, and an order to the marshal of the court to bring with him a copy of the documents demanded, or the documents themselves. I enclose a copy of the summons. Without speaking of the immunities of our chanceries, and of the application of this right to the present case, you will observe, sir, how inconsistent the terms of this paper are with the cordiality which ought to prevail between the public officers of our two nations, and with the reciprocal regard which they have a right to expect. I acknowledge that this incident very seriously affects me: for this kind of procedure, even supposing it to be founded in the law, cannot fail finally to interrupt the good understanding which so happily prevails between the two people, especially if it be compared with the attentive and very delicate manner with which the American tribunals have heretofore been accustomed to treat the agents of the French nation on similar occasions. I do not doubt, sir, that you will partake of my sensibility in this respect.

Accept, &c.

JH. FAUCHET.

No. 18.

CHARLESTON, Saturday, August 9, 1794.

Wednesday, in the court of admiralty for this district, the judge pronounced his decree in the long contested cause of the Dutch brigantine the *Vrouw Christiana Magdalena*, captured and brought into this port by the captains Ballard and Talbot.

The libel was on behalf of the captain and owners of the said brigantine, claiming restitution under the 15th and 19th articles of the treaty with the United Netherlands. A plea was entered to the jurisdiction of the court, under the 17th article of the treaty with France, and the 6th section of the act of Congress of the 5th of June last, entitled "An additional act to the act for the punishment of crimes and offences against the United States."

And a claim was interposed on the behalf of Captain William Talbot, as a French citizen, acting under a commission from the Governor of Guadeloupe, and as having taken this vessel out of the possession of Captain Ballard, the original captor, his prize-master producing no commission.

The judge, on considering the arguments in support of the plea to the jurisdiction, over-ruled the same as irrelevant—

1st. Because the 17th article of the treaty with France contemplates only French vessels of war, or privateers legally appointed.

2d. Because the 6th section of the act of Congress of the 5th of June last, does not lessen the jurisdiction of the district courts in any case of which they had previous cognizance; and the decree of the supreme court of the United States, in the case of *Glass and others*, against the sloop *Betsey*, &c. having declared that every district court of the United States possesses all the power of an admiralty court, whether considered as an instance or a prize court. This cause was therefore cognizable therein by the law of nations, and the constitution of the court.

The judge being of opinion that Captain Ballard had acted without any commission authorizing him to cruise or arm for war, and had not even the pretence of being a French citizen; that Captain Talbot having armed his vessel (then an American bottom) in an American port, proceeded thence to Guadeloupe for the express purpose, as appeared in evidence, of changing the property, applying for a French commission, obtaining the same within two days after the sale of the vessel, and under color of such commission, having captured the said brigantine *Vrouw Christiana Magdalena*; which acts were deemed contrary to the 19th article of the treaty with the United Netherlands, and in no way derogatory to the 17th article of the treaty with France, as not being within the purview or intention thereof; restitution of the vessel and cargo was therefore decreed.

No. 19.

UNITED STATES, South Carolina District.

The President of the United States of America to the marshal of the court of the United States having and holding admiralty jurisdiction.

You are hereby commanded, without delay, to cite and admonish Antoine Louis Fonspertuis, vice consul, and Rene Godard, chancellor of the consulate of the French republic at Charleston, immediately to be and appear before the Honorable Thomas Bee, Esq. judge of the said court of admiralty, at the usual place of judicature in Charleston, (at the court now sitting) at ten o'clock in the forenoon, then and there to testify the truth on behalf of the libellants, in a certain cause instituted in the said court, by Joost Janson, late master of the brigantine de *Vrouw Christiana Magdalena*, against the said brigantine and cargo, and against William Talbot. Herein you are not to fail, and to bring with you, or one of you, and produce and lodge in the said court, authenticated copies of certain commissions recorded in the public registers of the office of the consulate of the French republic in Charleston, heretofore issued in the city of Charleston, in South Carolina district, to the schooner *Citoyen Genet*, the schooner

Sans Culottes, and the schooner les Vainqueurs de la Bastille, or a copy of one of them, and this you may in no wise omit, and also a copy of the marine regulations of France, respecting privateers and prizes.

Witness, the Honorable Thomas Bee, Esq. judge of the said court of admiralty, at Charleston, the seventeenth day of July, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the sovereignty and independence of the United States of America.

JACOB READ, *Proctor*.

In the admiralty, Joost Janson, the brigantine de Vrouw Chris- }
tiana Magdalena, and her cargo, and William Talbot. } Co. Citation and decree final.

READ.

MONSIEUR FONSPERTUIS.

True copy.

JH. FAUCHET.

No. 20.

WINDWARD ISLANDS, }
Guadaloupe. } *Equality. Liberty.*

FRENCH REPUBLIC.—*In the name of the French people.*

George Henry Victor Collot, major general of the armies of the French republic, Governor of the islands and their dependencies.

In consequence of the declaration of war made against the King of England and the Stadtholder of Holland, agreeably to the proclamation of citizen Rochambeau, commandant general of the Windward Islands, and the hostilities committed in the latitudes of Guadaloupe, and its dependencies, by the ships of the enemy:

We, in virtue of the powers delegated to us, authorize citizen Samuel Riddick, resident at Pointe à Petre, to arm for war, under the command of citizen William Talbot, the schooner L'Ami de la Pointe à Petre, of the burthen of about sixty tons, to cruise against the enemies of the republic, of whatsoever nation they may be, and to sustain, with the courage and intrepidity of a true republican, the dignity and honor of the national flag.

We enjoin the owner and officers commanding the said schooner, not to permit any pillage of negroes, cattle, moveables, and utensils, of the inhabitants residing upon those enemy coasts; religiously to respect the fishermen, their canoes and nets, conformably to the decree of the National Convention, hereby disavowing all violences which may be exercised against the law of nations; and we formally declare that we will compel the restitution of all captures which shall be made contrary to the law of a liberal and generous warfare, which the French republic intends to wage with its enemies.

We equally desire that the prizes which may be made may be conducted, as far as it is practicable, into the ports of Guadaloupe; and, if this colony should be attacked, that the said vessel should come to its assistance and make a common cause with it, against the public enemies; and for the fulfilment of the above conditions, citizen Samuel Riddick has given good and sufficient security to the municipality of Pointe à Petre; and the present shall be enrolled in the tribunal of the district of the said town of Pointe à Petre.

Given at Basseterre, Guadaloupe, the 8th of January, 1794, in the third year of the French republic.

COLLOT.

Registered in the register of enrolments of the registry of the tribunal of the register, established at Pointe à Petre, this 9th of January, 1794, in the third year of the French republic.

CONARD.
GODARD.

I certify this copy to be just and true.

A true copy,
JH. FAUCHET.

No. 21.

MUNICIPALITY OF POINTE A PETRE, *Guadaloupe*.

Before us, Andrew Courtois, mayor, I. B. Parro, Francis Philip Gossee, and I. B. Dusseau, municipal officers, appeared citizen William Talbot, a native of North America, attended by citizen I. Caille, interpreter of the English language, who, being admitted to the rank of a French citizen, in virtue of the decree of the National Convention, desired to take the oath of allegiance to this nation, which we granted to him. In consequence of which citizen William Talbot lifted up his hand and swore to be for ever faithful to the French republic and to its laws, and to support the constitution with all his power: which act the citizen Caille and the register have signed with us.

Given in the town house of Pointe à Petre, Guadaloupe, 28th December, 1793, in the 2d year of the French Republic.

[Signed, Courtois, Mayor, Gossee, Municipal officer, Parrau, Municipal officer, Dano, Casson.]

A true copy. GODARD.

I certify this copy to be just and true. JH. FAUCHET.

No. 22.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 6th Brumaire, (27th October, 1794, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I take the liberty of reminding you of the letter which I had the honor to write to you on the 13th of last month (O. S.) on the subject of citizen Talbot. I have nothing to add to the facts which it contains, unless that it is much to be feared lest the circuit court, before whom the appeal was brought, may pass over, as superficially as the district court, the unquestionable documents which Talbot exhibits, and lest the matter may become otherwise very complicated, if with this unfavorable chance, the issue of which was foreseen, it should proceed without the interposition of the Government.

Your silence, sir, I must confess, excites my solicitude for the idea you may have formed of the consequences of this decision. They go far beyond the simple fact of prize; and fearing lest they may have escaped you, I must beg you to permit me to represent them here in a summary form.

The decision already made, and that which is foreseen, implicate at once *the treaties, the law of nations*, and the fundamental maxims of *municipal law*.

The validity of a prize is contested notwithstanding the legal commission of the captor; notwithstanding the 17th article of our treaty—an article solemnly guaranteed by the 22d of the treaty of Holland with you, of which I am astonished that Talbot's antagonists should be permitted to avail themselves.

The right, which every citizen of a free State possesses, of entering into the service of a foreign nation, and of procuring himself to be naturalized there, is drawn in question: the word *pirate* has received a definition of a terrible extent. If the decision of the first tribunal is founded in justice, your citizens are villains attached to the soil, your laws follow them to a foreign domain, even though they have renounced them. France, although she has naturalized

them, cannot take them into her service; and there is the same reason why an American, who has been promoted to a high station in our armies or marine, should be hung, when he should be made a prisoner by the Dutch, the Swedes, or the Prussians.

Finally, an act passed by a French municipality is about to be determined on by the circuit court, notwithstanding the maxim consecrated by universal jurisprudence, *that a court ought to acknowledge the acts of a foreign tribunal.*

I request, sir, all your attention to this recapitulation. We are agreed, that the Government must finally answer for the violations committed upon the political rights of another Government. I ought not to conceal from you, that the commission of Talbot and the validity of the prize would be sustained in France. In proportion as the republic is accommodating with regard to doubtful privileges, she is tenacious of her unquestionable rights, especially when the concession of them would be followed, as in the case in question, by such important consequences.

Accept, sir, my esteem.

JH. FAUCHET.

No. 23.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 28, 1794.

Sir:

Two reasons have prevented an earlier answer to your letter of the 13th ultimo, which was received on the 16th. The first was, that the insurrection at Pittsburg, and the subjects connected with it, incessantly absorbed our attention; and the second, that I was in hopes that a complete copy of the record, duly exemplified, would have been forwarded to you. We should then have been more fully qualified to examine this case, throughout its several stages. For, although what shall come from you will always be treated with the most respectful attention, yet, when the conduct of one of our courts is impeached, there may often be, in a formal statement of its proceedings, at full length, something which may vary the impression arising from a detached part of them. However, as in your letter of yesterday you urge an answer, I now do myself the honor of transmitting it.

1. The necessity of a complete record is demonstrated by your first remark, that the *Ami de la Pointe à Petre* ought to be considered as the sole lawful captor. This is entirely a matter of fact, and must have depended upon the evidence given.

After this fact was established so as to satisfy the judge, it would seem that he then inquired whether she was a legal privateer. Whether the equipment of the vessel here was with a view to convert her into a privateer at Guadalupe, it is impossible for us to judge, deprived of the testimony; or whether, if this was the case, she thereby became illicit, is a point of law which, at this stage of the business, the Executive cannot take up. For the principle will be admitted, that the Government to which an individual belongs cannot interpose, in his behalf, for a defect of justice, until the gradation of tribunals shall have been resorted to; and in this channel Captain Talbot seems to be now proceeding.

2. I cannot doubt that Captain Talbot has taken an oath to the French republic; and, at the same time, I acknowledge my belief that no law of any of the States prohibits expatriation. But it is obvious that, to prevent frauds, some rules and ceremonies are necessary for its government. It then becomes a question, which is also an affair of the judiciary, whether those rules and ceremonies have been complied with. Should he prove to be a French citizen, he ought and will be acquitted. Should he prove to be an American citizen, he will be amenable to the laws.

Under these circumstances, you will perceive that it is impracticable for the Executive of the United States to interpose, *as yet, at least*, so far as regards the foregoing case. For, to interpose would imply that the Executive is satisfied of his being in a situation which enables him to decide on the affair; which is not the case.

But, sir, the other point of your complaint against the summons to the consul to produce his papers of office, seems to call upon us to do something. Although any opinion which the Executive may entertain against the propriety of this proceeding cannot constitutionally influence it, yet it is its duty to have it revised by some superior tribunal. I will, therefore, write to the attorney of the district to this effect; and I will, moreover, instruct every attorney of every district to oppose all attempts which shall be made to counteract the consular convention, especially in the immunities of consuls touching their papers of office.

If the established laws of our land will not permit us, at all times, to go the full length of what the representative of the French republic wishes, he will not ascribe the omission to any want of cordiality or friendship to his nation, but to the sovereignty of the law. I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 24.

APRIL 16, 1794.

Gentlemen of the Senate:

The communications which I have made to you during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain. But, as peace ought to be pursued with unremitted zeal, before the last resource—which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States—is contemplated, I have thought proper to nominate, and do hereby nominate John Jay, as envoy extraordinary of the United States to His Britannic Majesty. My confidence in our minister plenipotentiary in London continues undiminished; but a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country; and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

G. WASHINGTON.

No. 25.

Declaration of Edmund Randolph.

JULY 8, 1795.

I never could, with truth, have informed the French minister that the mission, as set forth in the President's message to the Senate, contemplated only an *adjustment of our complaints*, if by this phrase it be intended to exclude commercial arrangements; I could have had no reason for saying so, since the French republic could have had nothing to do with our commercial arrangements, if they did not derogate from her rights—it could have answered no purpose, when so short a time would develop the contrary—I never did inform the French minister as is above stated.

The only official conversation which I recollect with Mr. Fauchet, upon this subject, was when I communicated to him, with the President's permission, that Mr. Jay was instructed not to weaken our engagements to France. Neither then, nor at any other time, in official or unofficial conversation, did I ever say to him that nothing of a commercial nature was contemplated; or that nothing but the controversies under the old treaty, and the spoliations, were contemplated.

Mr. Fauchet, some time ago, said to me, that he understood, from what I said, that Mr. Jay was not authorized to treat of commercial matters. I told him that he misunderstood me. No letter has ever passed upon this subject.

EDM. RANDOLPH.

No 26.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 12th Messidor, (June 30, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I have received the treaty of amity, commerce, and navigation, concluded between the United States and Great Britain, of which the President has been pleased that I should be possessed, in order to enable me to make such observations thereon as I might judge proper. This frank measure is to me a sure guarantee of the friendship of the American Government towards France, and of the fidelity with which it always marks its conduct towards a faithful ally. It is, therefore, with confidence that I am about to submit the reflections to which the reading of the treaty has given birth. They will not be founded, sir, upon general questions; they shall be confined merely to the stipulations of the treaty concluded with England, which, contrary to the interests of France, appear to me to destroy the effect of her treaty with the United States.

I shall not speak of the 12th article, since that is suspended. I shall not represent to you how injurious it may be to France and the United States. It necessarily paralyzes the commerce of the United States with the French colonies. In fact, would an American merchant be willing to treat with our colonies for the exportation of produce, which he cannot vend in Europe? Is not this an indirect means of preventing the colonies from participating in advantages which the English reserve to themselves? But, sir, this is not the only article upon which I can present observations to you.

The 17th, 18th, 24th, and 25th articles appear to merit great attention, when we compare them with the 23d, 24th, and 17th of our treaty. Indeed, sir, subsequent to the 17th, which states that the contracting parties agree that the respective vessels may be arrested and detained upon just suspicion that they are laden with merchandises belonging to an enemy, or that they are carrying to the enemy articles which are contraband of war, &c. is the 18th article, describing those articles, and which states: "It is agreed that, under the said denomination, shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, balls, pikes, swords, head pieces, cuirasses, halberts, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war, as also timber for ship building, tar or rosin, copper in sheets, sails, hemp, and cordage, and whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy." The 23d article of the treaty between France and the United States, which secures the liberty of commerce to the citizens of both countries, contains this stipulation: "It is stipulated by the present treaty, that free ships shall make free goods, and that every thing shall be judged free which may be found on board of the vessels belonging to the subjects of the contracting parties, if even the lading or a part thereof should belong to the enemies of one of them; it being nevertheless understood that contraband articles shall be always excepted." The 24th article explains the articles of contraband and prohibited merchandises in the following manner: "Under the name of contraband or prohibited merchandises are comprehended cannon, bombs with their fuses, and other things thereto belonging, bullets, gunpowder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenades, saltpetre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and any parts of anchors, also ships' masts, planks, boards, and beams, of what trees soever, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument or thing prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods, as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested."

The law of the 13th Nivose, in the 3d year, secures to the treaties a full execution, and the arrêt of the committee of public safety, dated the 27th of the same month, transmitted to you by Colonel Monroe, bears evidence of the entire execution of the article of our treaty which I have just cited to you. The United States, therefore, in virtue of these acts, may freely transport to England, hemp, flax, tar, peltry, cordage, cables, sails, sail cloth, &c. and every other thing proper for the construction or repair of vessels, without apprehending any hindrance on our part; while, by the articles of the treaty with England, the United States cannot carry to us any of the articles proper for the construction of vessels, since the English have the power of seizing them. The United States have therefore granted to England a right which we have not, and which, in the course of the present war, inclines the balance in favor of England.

The 23d article of the treaty between the United States and England states that English vessels and those of the United States shall be hospitably received in the respective ports of the two contracting nations; and article 24th states: "It shall not be lawful for any foreign privateers, (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions." And article 25th: "It shall be lawful for the ships of war and privateers belonging to the said parties, respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at, and enter in, the ports of the said parties, be detained or seized, neither shall the searchers or other officers of these places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes, but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but, if forced by stress of weather, or the danger of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that, while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article." But the 17th article of our treaty states that French ships of war, and those which France shall have armed for war, as also the vessels of the United States, or of their inhabitants, may conduct their prizes into the respective ports of the two nations; that neither asylum nor refuge shall be given in their ports or havens to those who shall have made prize on the respective inhabitants of the two countries, and, if they are forced to enter, by tempests or the dangers of the sea, they shall be

obliged to go out as soon as possible. If we compare this article with those of the treaty made with Great Britain, it will be easily seen that, during the present war, it is destroyed by the first. For, although the 25th article of the treaty with Great Britain states, "Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States," and we ought to infer therefrom that France, though not named, will always enjoy the advantages which article 17th of her treaty allows her, yet it is very clear that the English will have the right of claiming the execution of the 23d and 24th articles of their treaty with the United States; that they will have, during the present war, the privilege of conducting their prizes into the ports of the United States, and, consequently, the stipulations of the 17th article of our treaty are destroyed.

Moreover, this article contains this clause: "But the two parties agree that, while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding articles;" which seems to prevent the establishing of a new negotiation between the United States and France, since, in a new treaty, France could not renounce the advantages secured to her by article 17th of her former treaty, and it is possible that they would be refused to her in virtue of that article.

Such, sir, are the observations which I have thought it my duty to present. I shall wait for your answer, in order to transmit the treaty to the committee of public safety of the National Convention. It has never doubted the attachment of the American Government towards France, and I am convinced that the present circumstances will furnish a new proof of their good intentions.

Accept, sir, the assurance, &c.

P. A. ADET.

No. 27.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 6, 1795.

SIR:

I accept, as a pledge of that harmony which you are anxious to cultivate between our two nations, your letter of the 30th ult. received on the 1st instant, at night. Let it be our unvaried practice to suffer no suspicion to ripen into an unfriendly sentiment, until it shall have been imparted to each other; and let us repel with firmness the artifice by which ill affected persons, under the guise of attachment to the French republic, endeavor to embroil it with the United States.

When you expressed to me, on Monday last, some uneasiness which the report of the contents of the proposed treaty with Great Britain had excited in your breast, I the more readily informed you of my intention to ask the President's permission to furnish you with a copy, as I was convinced that an entire view of it would not only enable you to state all the parts objectionable to our ally, but would also remove the prejudices which detached representations might occasion. Having delivered to you a copy, I am now to examine the provisions which seem to you irreconcilable with our engagements to France.

Upon this head, it has been often declared by the President of the United States, and is now repeated, that those engagements shall not, with his consent, be infringed. As far, therefore, as he is concerned, you need only prove, at any time, that a given measure will infringe it, and he will not countenance that measure. The same, I am persuaded, may be affirmed of the other branches of our Government. But, after a close scrutiny of the points which alone you have selected for animadversion, it is not discerned that the rights of France are, in any degree, impaired.

In saying this, I must call to your recollection the manner in which the making of treaties is arranged by our constitution. The Senate advise and consent to their being made; the President ratifies them; and the courts are afterwards at liberty to construe them as particular cases arise requiring their decision. The opinions, therefore, of the President are not obligatory on the courts. He judges for himself; they judge for themselves; and if, in the interpretation of the one or the other, the rights of the French republic are assailed, the accustomed modes of remonstrance and negotiation will still be open, and the principles upon which national redress is demanded will still have their force.

After this explanation, I proceed to state to you the result of the President's reflections on your exceptions to the proposed treaty.

These exceptions are, 1st, that the 23d and 24th articles of our commercial treaty with France are violated by the 17th and 18th of the proposed treaty; 2dly, that the 17th article of the former is destroyed by the 23d, 24th, and 25th articles of the latter; and 3dly, that the last sentence in the first paragraph of the 25th article of the proposed treaty "appears to prevent a new negotiation between the United States and France."

First, the essence of your first objection, as drawn from the reasoning in your letter, is reducible to this statement: By the treaty with France, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and parts of anchors, masts, planks, boards, and beams, of what trees soever, and all other things proper for building or repairing ships, shall not be reputed contraband of war, but shall be reckoned among free goods, and may be transported in the freest manner by the contracting parties, even to places belonging to an enemy; such only excepted as are actually besieged, blocked up, or invested. But the proposed treaty designates as contraband, timber for ship building, tar or rosin, copper in sheets, sails, hemp, and cordage, and whatever may serve directly to the equipment of vessels, (unwrought iron and fir planks only excepted) and they are declared to be just objects of confiscation whenever they shall be attempted to be carried to an enemy. From hence you conclude that the United States may freely carry into England all things proper for the building or repairing of vessels, without fearing any obstacle on the part of France, while they can carry none of them to France; and that they have *thus* granted to England a right which France enjoys not, and which, in the course of the existing war, inclines the balance in favor of England.

The United States have certainly opposed the extension of contraband, whenever the British Government has sought to swell the catalogue. But it never could be denied, under the law of nations, and independently of a treaty, that materials for the building and repairing of vessels are contraband. The proposed treaty then does not *grant*, but *recognizes* only a right to Great Britain, which, even without that recognition, she would have possessed and exercised.

This recognition might have been omitted or inserted without changing the nature of the subject; though it was more natural, in commercial arrangements, to particularise the articles of contraband.

It was, indeed, anxiously desired to diminish the list as much as possible. But if no reciprocity could accomplish this end; if no equivalent could be offered by us to Great Britain powerful enough to induce her to renounce her rights under the law of nations, what was to be done? Many reasons will occur, sir, why it was not to be extorted by force. To become a party in the war, was neither our policy nor the wish of your republic. To become a party in the war for a cause which the armed neutrality itself never would have asserted, would have been supported by no civilized nation.

The United States have, therefore, wilfully surrendered no right relative to contraband.

Nor is the treaty with France contravened by this acknowledgment of contraband. It stipulates that, if France be at war, and the vessels of the United States carry naval stores to her enemy, French cruisers shall not capture them. The proposed treaty admits the right of Great Britain to seize such vessels going to her enemy. The inference is, that France has relaxed her strict rights, in consideration that the United States have relaxed theirs in this respect, but that Great Britain will not relax hers. The treaty with France, therefore, remains uninfluenced by the proposed compact with Great Britain.

The true light in which the subject is to be viewed, is that which you have caught, when you allude to the effect which the right of Great Britain to seize naval stores going from the United States to France may have upon her interest, while she continues bound not to seize like stores going from the United States to England.

Our treaty with France was entered into with a perfect knowledge, on both sides, that they were striking out from the class of contraband articles which the law of nations denominated such. They were both apprized that,

if the United States should be at war with Great Britain, the shipping of France, carrying naval stores to Great Britain, could not be seized by American cruisers; while the same shipping bringing naval stores to the United States might be seized by British cruisers. They saw, therefore, the reciprocity of the prohibition. Why then was not the case which has now happened, being foreseen, guarded against? Perhaps on account of this very reciprocity. Perhaps from a belief that it was not over important. Perhaps, on the part of the United States, from a confidence that their internal supplies would be ample; and on that of France, that their home resources, their own shipping and convoys, would accommodate them with those stores. Or, more probably, neither of the contracting Powers was disposed to cramp the commerce of the other but upon the most demonstrable necessity. Howsoever this may be, the proposed treaty does not vary the situation of France, nor better the rights of Great Britain, in one iota of contraband.

There was a time, indeed, when France felt herself absolved from the stipulation that free ships make free goods, because Great Britain, by capturing hostile property in American bottoms, rendered disadvantageous to France to spare British property in those bottoms. But the law of the 13th Nivose, in the 3d year, to which you refer, has banished that mode of reasoning, and has created a precedent for our mode.

Hitherto, however, I have spoken upon principles of *right*. Upon any other principles, and more especially upon those of hardship and injury to a friend, it shall be a topic of the negotiation now opening between us. With the temper which will pervade the whole of it, I cannot doubt that some modification may be devised; and it may be separated from the general treaty, so as not to be delayed by it.

Second. In my judgment you misconceive the proposed treaty when you imagine that the English will have a right to claim the execution of the 23d and 24th articles of it, in derogation of the 17th article of our treaty with France; that is to say, that, in the course of the present war, they may conduct their prizes, made from the French, into the ports of the United States. They will not possess such a privilege during the present, or any other war with France. For "nothing in the proposed treaty contained shall be construed or operate contrary to former and existing public treaties with other sovereigns or States." The British plenipotentiary was here admonished of our prior engagements, and of our determination to postpone to them any new contract with Great Britain. Our treaties with France are saved by the general description, which was the most eligible form of expression, because it was shorter, and equally well adapted to comprehend *all* our treaties. It is the same form of expression with that which was adopted in the year 1786, in the treaty between France and Great Britain.

The 40th article of the last mentioned treaty, and the 25th of the proposed treaty, are, in substance, alike; and yet it was clearly and properly understood, when the French and English treaty was made, that our commercial treaty with France was not in this respect shaken. We have, at least, never complained of any infraction of ours from this cause, and, therefore, are sincere in believing that France can be as little affected by our treaty with Great Britain, as the United States were by hers with Great Britain.

In your quotation of the 23d article of the treaty with Great Britain, you observe, that *the vessels* of the English are to be received with hospitality in the ports of the United States. They are the "*ships of war*," the public navy, not the *privateers*, which are to be so received. Now the British ships of war are not prohibited by our treaty with France from visiting our ports, unless under certain exceptional circumstances. From these they are not released by the proposed treaty; because our treaty with France, which is a supreme law of the land, is decisively contrary.

The 24th article of the proposed treaty is, with a very small and unessential difference, the same with the 16th article of the French treaty with Great Britain. And here this remark occurs; that the proposed treaty saves *every* right of France arising from our treaty of commerce; but the treaty between France and Great Britain does not, by any general or particular expression, save the rights of the United States, which might stand in opposition to that sixteenth article. We have never remonstrated, because we always thought ourselves secure under the faith of France and the law of nations.

Third. Upon the third and last head of objection, which you urge against the proposed treaty, little need be said. You shall continue to enjoy your rights under the seventeenth article of our treaty with France. We will not ask you to renounce the advantages which that article assures to you. The prohibition, on which you lay so much stress, is not against *past* but *future* treaties. If a new treaty of commerce with France, including the same matter with the old one, would be prevented by the twenty-fifth article, the consequence may be easily avoided, by declaring that so much of the old one as is connected with any particular, for which it may be desirable to retain a priority, shall remain in force. This is a remedy so obvious that I flatter myself it will remove any difficulty in the way of a new negotiation.

Should an embarrassment still hang upon these points, I must entreat you to afford me an opportunity of meeting them before your communications are despatched to the committee of public safety.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 28.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. James Monroe, Minister Plenipotentiary at Paris.

DEPARTMENT OF STATE, September 12, 1795.

SIR:

The office of Secretary of State being at present vacant by the resignation of Mr. Randolph, I have it in command from the President to acknowledge your letters, dated November 7th, 1794, January 13, February 12, 18, March 6, 7, 12, 13, May 7, 17, June 14 and 26, and to communicate such information as the present state of things appears to require.

You have already been furnished with a copy of the treaty lately negotiated between the United States and Great Britain; but, lest that should have miscarried, you will find another enclosed. This treaty has, after the most mature deliberation, been ratified by the President, on the condition proposed by the Senate, and has been transmitted to London. On the presumption that it will receive an equivalent ratification on the part of Great Britain, and thus become a compact between the two nations, it is proper that you should be possessed of the opinions of the Government, especially as it appears probable, from your letters, and from the movements of disaffected persons here, that unfavorable impressions upon the Government and people of France may be apprehended. As we have ever been most sincerely desirous of cultivating friendship with that nation, the most prompt and candid measures were taken in every stage of the negotiation to produce tranquillity and satisfaction, which the rules prescribed by custom in such cases would justify or permit. The result, now made public, will evince that the rights of France, whether founded on the laws of nations, or their treaties with us, remain unviolated and unimpaired.

It is already known to you that Mr. Jay was specially instructed by the President to stipulate nothing with Great Britain contrary to the engagements of the United States to France. This part of the President's instructions was officially communicated to Mr. Fauchet, the minister of the republic, and independently of the obligation impressed upon our envoy, the honor of the Government became pledged to refuse the ratification of any article derogatory from our engagements to France, which might be inadvertently admitted by our negotiator.

Accordingly, soon after the decision of the Senate had been given, and previous to the ratification by the President, Mr. Adet, the present minister, was furnished with a copy of the treaty, and requested to communicate his observations thereon. A copy of his letter, and of the reply of the Secretary of State, are enclosed, by which you will perceive the nature of the objections which were urged, and that such explanations were immediately given, and such constructions adopted, as must have been satisfactory. We infer this no less from the explanations themselves than from the subsequent silence of the minister.

The late conduct of Great Britain, in detaining the vessels of the United States laden with provisions, and bound to France is, however, calculated to create inquietude; it is therefore proper to explain the 18th article more

particularly than Mr. Randolph has done, especially as this part of the treaty has been misrepresented in this country as being unfriendly to France.

It cannot be doubted that the United States have a powerful interest in diminishing, by treaty, the catalogue of contraband articles as much as possible; to this they are invited no less by their pacific policy, which inclines them to cultivate and extend neutral rights, than by the operation of the law of nations upon several valuable articles of export, the produce of our own country. No nation can be suspected of insincerity in the pursuit of objects connected with its immediate interest; accordingly, the most zealous exertions have been uniformly made by the United States to establish principles favorable to free commerce. A time of war was, however, most unfavorable for this purpose, especially when the object, as in the present case, was to induce a powerful maritime nation to make concessions in favor of a neutral and defenceless commerce.

The result of the negotiation with Great Britain has therefore shown that she will not relax, in our favor, from the strict maxims of the law of nations defining contraband, the principles of which are adopted in the treaty. Thus, though the first clause of the 18th article embraces several kinds of merchandise, which the policy of modern times has, by special treaties, admitted to be articles of free commerce, yet it is believed that not a single one is included as contraband which has not been ranked as such by approved writers on the law of nations. It is not, therefore, correctly said that we have *relinquished* any neutral rights, the exercise of which would have been beneficial to France; and yet this is the strongest charge which has been adduced against the treaty with the shadow of reason. The treaty has barely recited in the list of contraband what was before so, under a law which we could not mitigate; and, though we were desirous of relaxing the rigor of this law, yet a recital of it, in the present treaty, was the best which could be done, and was necessary, in order to admonish our maritime and commercial citizens of a risk which really existed.

The second clause of the 18th article clearly refers to the doctrine asserted by Great Britain, that provisions may become contraband when destined to places not invested or blockaded. To this pretension, which is contrary to our interests, and, as we are inclined to believe, unwarranted by the law of nations, especially in the extent asserted by Great Britain, we could not accede. The opinions of our Government, on this subject, formerly expressed, are well known to you, being amply detailed in the correspondence of Mr. Jefferson and Mr. Pinckney, in the year 1793. Though we have not been able to induce Great Britain to relinquish her construction, we have not abandoned ours; and the result has been a stipulation that, whenever provisions, and other articles not generally contraband, shall become such, and, for that reason, be seized, they shall not be confiscated, but paid for, with a reasonable mercantile profit, including freight and the expenses incident to the detention.

It is obvious that, if the British construction of the law of nations were admitted to be just, the stipulation in the treaty would be favorable to neutral commerce; we do not, however, admit their construction; the contrary appears from the treaty. We have only guarded, by such means as were in our power, against the full effects of a doctrine which has been, and which will be, strenuously opposed by all reasonable means which may offer.

Whether this pretension, on the part of Great Britain, was of such a nature as ought to have been resisted by force, is a question which it pertains to the proper authorities of the United States to decide. They are the exclusive judges and competent guardians of whatever concerns our interests, policy, and honor; and, on these subjects, they will never ask the advice, nor be governed by the counsels of any foreign nation whatever. We acknowledge ourselves bound to stipulate nothing which may derogate from our prior engagements. This we have not done by the present treaty, and this we will never do. Even in cases where we are not bound by treaty, we will not stipulate to surrender our rights, as a neutral nation, to the injury of our friends; but we must be left to determine in what manner we can most beneficially obviate an evil, and when it is proper for us to repel an injury. The present situation of Europe admonishes us to avoid the calamities of war. Having attained the possession of a free and happy Government, and having nothing left to hope or desire beyond our present internal enjoyments, our solicitudes are principally attracted to the vexations and depredations committed upon our commerce. These are, indeed, great, and are inflicted upon us by all the parties to the war, notwithstanding which our commerce has continued to be lucrative and extensive, though, unfortunately for us, as we have no means of protecting it against injustice, it is vulnerable in the same proportion that it is extensive.

The degree of security which we enjoy is well known to depend more upon the common wants of the nations at war, than upon any exertions which we can immediately make of an offensive nature. Indeed nothing of this kind could be attempted by us without a total sacrifice of our commerce. How preposterous is that policy which requires us to abandon and destroy the very object, for the preservation of which we are invited to commence hostilities.

It may not be amiss to dilate on the consequences of our engaging in the war with Great Britain.

First. Seeing she has the command of the sea, (and appearances strongly indicate that she will maintain that command) our commerce might, in one year, be annihilated, and thousands of our seamen be shut up, or dying in gaols and prison ships. In addition to her fleets and cruisers, now in commission, privateers would swarm, as soon as an object so alluring and so assailable as the American commerce should present. If we look back to the two last years of our Revolution war, a judgment may be formed on this point. A striking defect in her naval arrangements, in preceding years, left our ports open for the entry of commerce; for the equipping of privateers; and the introduction of prizes. A different arrangement in the latter period of that war totally changed the scene. The small privateers were hauled up, as no longer able to cope even with their armed merchantmen, and the larger privateers were taken. Our mercantile shipping fell, at the same time, a sacrifice to the vigilant operations of the British navy. At the present moment her naval power is extended beyond all former examples, while that of her enemies is, at least, not increased.

Second. Our landed, as well as commercial interests would suffer beyond all calculation. Agriculture, above the supply of our own wants, would be suspended, or its produce perish on our hands. The value of our lands and every species of domestic property would sink.

Third. The sources of revenue failing, public credit would be destroyed, and multitudes of our citizens, now depending on its preservation, be involved in ruin. The people at large, from the summit of prosperity, would be plunged into an abyss of misery too sudden and too severe patiently to be borne. To increase their calamities, or make them felt more sensibly, direct taxes must be levied to support the war, and it would be happy for us if we could contemplate only a foreign war, in which all hearts and hands might be united.

Fourth. Under the circumstances mentioned, a war with Great Britain would be essentially injurious to France. With our own principal ports blocked up, and her sea coast lined (as at present) with British cruisers, there would be an end to our intercourse with France; and it is by our commerce only that we can give her any valuable aid. Men she wants not; and if she did want, we could not transport them. But while we continue our neutrality, the benefits we may render to France, and her colonies, are immense. And although the renewal of the order for capturing neutral vessels laden with provisions, while extremely vexatious to us, adds to their distresses; yet the tenor of the 18th article of our late treaty with Great Britain, though with some a subject of clamor, will remedy, in a degree, the mischievous tendency of that order: for the article, far from giving a right to Great Britain to capture our provision vessels, only prescribes the course to be taken when, by the law of nations, provisions become contraband. They are not to be confiscated, but paid for, with a reasonable mercantile profit. What will be the operation of this provision? Will it check or encourage adventures to France? We think the latter. For if our vessels reach the French ports, all the expected profits of the voyage will be gained. If they are taken by the British, although there may be less profit, there can be no loss. Consequently, instead of discouraging, this article will rather promote the exportation of provisions for France: for, in the event of *arrival* or *capture*, the American merchant is certain of making a *profitable voyage*.

That this article in the treaty, respecting provisions, has had no influence in the measures of the British cabinet, is clear to a demonstration: for the order, so far as we are informed, extends to other neutral nations with whom there is no similar stipulation. And before the article existed, we too well know the conduct of that court was the same. And claiming, as an independent nation, the right of judging in such a case, it was evidently expedient for the United

States to obtain from her some stipulation, which, without admitting her claim, would not leave our commerce to future spoiliations without any definite means of liquidation or redress.

Some men, forgetting their own professed principles, when they advert only to our relation to Great Britain, forgetting that they are the citizens of an independent State, have said that, while France, with whom we have a treaty of amity and commerce, was at war, we ought not to form with her enemy a similar treaty, by which our situation would be changed. But where is the principle, to support this rule? and where will it find any limits? We have treaties with many other Powers, one or the other of whom may be always at war: are we never then to make another treaty?

Others have said, France will be *displeased*. This we should regret, for two reasons: one, because we really wish to please our old and friendly allies; the other, because we desire to see, and doubt not we shall see, her deportment towards us correspond with her own fundamental principle, that every independent nation has an exclusive right to manage its own affairs. All our external duties centre here—that in our new engagements we violate no prior obligation.

That France should manifest a watchful jealousy of any connexions we might form with her ancient and inveterate enemy, is perfectly natural. It is the same spirit which prompted her to afford us that efficient aid, which was so important to the achieving of our independence. By breaking off so large a portion of the British empire, the power of a formidable rival was essentially diminished. No wonder she should now be alive to the remotest prospect of re-union—not of government, but of interests and good will. But, to the following positions you may give all the solemnity of truths:

First. *That the late negotiation has not proceeded from any predilection in our Government towards Great Britain.* We abide by our original declaration respecting the British: “we hold them, as we hold the rest of mankind, enemies in war, in peace friends.”

Second. *That, from the remembrance of a long, bloody, and distressing war, from which we were just beginning to recover, and to taste the blessings of peace, whatever even seemed to tend to a renewal of it, was seriously deprecated.*

Third. *That there were many causes of difference between us and Great Britain, the adjustment of which admitted of no longer delay.* One was the detention of the western posts, under a real or affected belief that the United States were the first to infringe the peace of 1783. From this detention resulted a bloody and expensive Indian war; a loss of revenue by a suspension of the sale of lands; and a deprivation of the fur trade. To these were added fresh excitements to a more extended Indian war, and the vexations and ruinous spoiliations of our commerce. Our differences on these and other grounds had risen to a height that required an immediate remedy. War or negotiation were the alternatives. We chose the latter. Had this failed, war seemed scarcely avoidable. But in that case, these good effects were counted upon. The consciousness of using the proper means of averting so great a calamity; union among ourselves, when war should have appeared inevitable; and division among our enemies who should have refused an amicable settlement of our just demands; besides which we gained time for preparation.

Fourth. *That the commercial part of the treaty, though not unimportant, was but a subordinate object, and at the same time not a new measure.* This is well known to every well informed citizen of the United States. It is a fact that a commercial treaty has been sought after ever since the peace; under the old Government, and since the establishment of the new one. It is a fact that, upon the arrival of Mr. Hammond, the British minister, and an intimation that he was empowered to enter into commercial arrangements, he was met with avidity by Mr. Jefferson, the Secretary of State; and when it was discovered that his powers extended only to an inconclusive discussion of this subject, disappointment and chagrin were the result. It may be added that measures have been proposed and powerfully supported in the Legislature, the sole object of which was, to force Great Britain into a commercial treaty.

Fifth. *That the Government of the United States is sincerely friendly to the French nation.* The latter doubtless believe that the body of American citizens are well affected towards them. The belief is well founded. But it is equally applicable to those in the administration of the government. If any thing could weaken this general attachment, it would be a recurrence to such disorganizing projects and outrages on the sovereignty and dignity of the United States as marked and disgraced the ministry of Genet. The precipitate, and, in the main, ill-founded resolutions of a few small popular meetings, are not to be taken as true indications of the American sentiment: very different is the opinion of the great body of the people. These are beyond example prosperous, contented, and happy. Where any symptoms of another nature have appeared, they are to be traced to ignorant or perverse misrepresentations of the treaty. This, as it becomes better understood, is more and more approved.

That the treaty would settle every point in dispute entirely to our satisfaction, and secure to us all the commercial advantages we could wish for, no reasonable man could expect. Our antagonists, too, had claims, opinions, and wishes. And where there are opposing interests, nations, as well as individuals, are likely to make erroneous estimates of their respective rights. When, therefore, every argument was exhausted, and found unavailing, to settle the disputed points more to our advantage, the terms as we see them were adopted. The Senate, after a very deliberate discussion and consideration of the treaty, in all its relations, advised its ratification, on the condition stated in their resolution; and on that condition it has received the President's sanction. It now rests with the King of Great Britain to give or withhold his assent. We are disposed to think that his assent will be given: for it is the interest of Great Britain not to increase the number of her enemies, or to deprive herself of the benefits of a commercial intercourse with the United States. It is not less our interest to remain at peace. And the President, as the first minister of good to the people, is bound to take all reasonable and prudent means to preserve it. Peace is the ordinary and eligible state of our nation; and your duties, as its agent abroad, result from this condition of our country. And as nothing has yet happened which renders it in any degree probable that the United States will become a party in the existing war, every intimation which may invite the expectations and enterprises of the French Government, calculating on such an event, is therefore carefully to be avoided.

With great respect, I am, sir, &c.

TIMOTHY PICKERING.

No. 29.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

NEW YORK, the 2d Vendemiaire, (Sept. 23, 1794, O. S.)

2d year of the French republic, one and indivisible.

SIR:

A recent violation both of the sovereignty of the French republic, and of the treaties you have contracted with her, has just taken place at New York. Some men, in the employment of the custom house I suppose, went on board the *Favorite*, a French ship of war, and carried off effects belonging to the republic: one of the persons who executed this order, insulting to the nation I represent, dared to threaten the officer instructed to hoist our flag, for the *fete* of the 21st September with a stroke of his sword. His threats terminated by hoisting the flag of the customs. This was respected by the French; but ours was insulted in an outrageous manner. I request justice against the authors of this infraction of the law of nations. It is to a free Government I address myself, and I shall obtain it.

It is pretended, sir, at least from every thing I can learn, that a privateer, fitted for a cruise, had deposited arms on board, and that this pretext was used for visiting and pillaging the *Favorite*, a vessel answering as a store ship for the republic, until she should have been repaired. Were this the fact, they ought to have applied to me. The conduct I have frequently discovered in similar cases, the promises I have made to prosecute those who should violate the neutrality of the United States, the punctuality with which these promises have been fulfilled, should have induced those officers to inform the functionaries of the French republic, even if it had not been their duty to do so.

Nothing can justify this outrage. If an unfaithful or weak keeper had committed a fault, it were sufficient to inform me of it; I should have delivered him to his proper judges, and the Americans would not have overleaped their rights, and offended an ally attached to them by so many ties.

Accept my esteem.

JH. FAUCHET.

No. 30.

Mr. Randolph, Secretary of State of the United States, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, September 25, 1794.

SIR:

I regret extremely that any citizen of the United States, and, more especially, if he be in authority, should offer either outrage or insult to a vessel of the French republic. I have accordingly written to the attorney of the district of New York, to inquire into and report the facts, as you will perceive from the enclosed copy. The course might have been shortened by directing him to proceed in the case as the law directs. But this has not been adopted, because we wish to reserve to ourselves the decision in this particular, as it is suggested that a public officer is concerned, and we take an interest in causing justice to be done to the French republic, as far as possible, under our own eye.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 31.

Mr. Randolph, Secretary of State, to Mr. Harrison, District Attorney of New York.

PHILADELPHIA, September 25, 1794.

SIR:

I have the honor of enclosing to you the translation of a letter from the minister of the French republic, complaining of an outrage on a French vessel of war. Resolved, as we are, to act with good faith and friendship towards our ally, I must request you to inquire into the facts, and transmit what shall be found to be an accurate state of them, in order that Government may proceed to do what is proper and honorable on the occasion.

I am, &c.

EDM. RANDOLPH.

No. 32.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, November 17, 1794.

SIR:

The Executive of the United States being obliged to collect information of facts at a distance through the public officers, and having a confidence in them, it was conceived sufficient, in the first instance, merely to transmit to you the evidence which had been obtained respecting the Favorite. Hence, in the letter which I had the honor of writing to you on the 23d ultimo, I did no more than note the enclosures, reserving any reflections until I should be ascertained on your part, whether the allegations were true.

The opinion which the President has formed relieves both you and myself of no small difficulty in comparing and weighing the testimony.

He has thought proper to instruct me to inform you that, on the faith which he always reposes in your assertions, he takes these points for granted: that the Favorite is a public vessel of war, bearing the commission of the French republic; and that no contravention of the act prohibiting the exportation of military stores was meditated in the application of those which were found on board.

The President highly disapproves that a public vessel of war, belonging to a foreign nation, should be searched by officers of the customs, upon a suspicion of illicit commerce. The propriety of representing such a suspicion to the consul of that nation, or the commander of the vessel, will not be controverted, this being a course respectful and customary. A general instruction will, therefore, be given to pursue this course, with the view, that, if it should be ineffectual, the Government of the United States may adopt those measures which the necessity of the case and their rights may require.

A particular instruction, founded on the same principles, will be also forwarded to the collector of New York; with this addition, to discontinue the prosecution against the property, and restore what may be within his power or command. At the same time I must repeat the assurance which we entertain, that you will prevent the stores from being used in any manner contrary to the act before referred to.

I flatter myself, sir, that this reparation of what is past, and the precaution against the future, will manifest such a disposition in our Government as will induce you to approve the decision which a sense of justice imposes upon the President to waive any further measures: for the appearance and circumstances of the Favorite might have misled the best intentioned man into a misapprehension of her real character. And, in truth, something is due to the consideration that, in our new situation, it cannot be expected that all our officers should meet every occurrence with a correct knowledge of the usages of nations.

An insult to the French flag will not be tolerated by the President, whensoever he can prevent or punish it. But the depositions do not place this subject in so clear a light as to prove its existence, or to designate the culpable person. It is the President's purpose, therefore, to cause the officers of the customs to be admonished to respect your flag; and if this be not satisfactory, and you are still persuaded that an insult has been committed, I shall be ready to concur in any arrangement which may be convenient, for the full examination of such other witnesses as may be produced.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 33.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 7, 1795.

SIR:

This moment I have received the enclosed copy of a letter from the collector of New York to the Secretary of the Treasury. Although the subject of the Favorite has been long ago adjusted, I think it proper to hand to you any explanation, which may come to my hands.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 34.

Mr. Lamb, Collector of New York, to the Secretary of the Treasury.

NEW YORK, November 29, 1794.

SIR:

I acknowledge the receipt of your favor of the 22d instant, respecting the articles seized on board the French ship the Favorite, and agreeably to your directions have ordered them to be restored.

At the time the seizure was made, the Favorite having been totally dismantled, her crew sent on board other ships of war, and her sails, rigging, and other materials, having been sold at public auction, she was considered as a hulk; otherwise, the event would not have taken place.

With respect to the charge, that the officers of the customs had pulled down the national flag on board of the above mentioned vessel, and hoisted another in its place, it is groundless, as will appear by the papers transmitted to the Secretary of State, by Mr. Harrison, the district attorney.

I am, with great respect, sir, &c.

JOHN LAMB.

No. 35.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, August 14, 1794.

SIR:

Information has been given to the President of the United States that the privateer, called la Carmagnole, which has always been considered as one of those fitted out in opposition to the sense of our Government, is now in the river Delaware. This vessel is represented to retain still her warlike apparatus. It is probable that you have not been informed that she was ordered to quit our ports, or to be dismantled. But, notwithstanding this injunction, her military qualities are not yet laid aside, and she continues to go out and come into our ports. I am confident, sir, that you will disapprove of this proceeding, and that you will render it unnecessary for the President to execute the determination which he finds himself compelled to make, under the circumstances of the case, that la Carmagnole be dismantled. The readiness with which you complied with the wish of the Government on a similar occasion induces me to hope that you will issue orders for dismantling her; and prevent the President from taking on this subject, those measures which he wishes to avoid.

The expedition with which this privateer moves will naturally suggest to you the propriety of my requesting that your interference should be as prompt as possible.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 36.

Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 29th Thermidor,
2d year of the French republic, (16th August, 1794, O. S.)

SIR:

I inform you that the uneasiness testified by the Government of the United States, relative to the Columbia, which was supposed to be in the Delaware, is groundless. This vessel received an order from me on the 4th instant to put to sea immediately. If she has not executed it, she must have been prevented by the English forces or by the necessity of making some indispensable repairs, before the voyage she is about to undertake.

Accept my respect.

JH. FAUCHET.

No. 37.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, August 20, 1794.

SIR:

I should have done myself the honor before this day of transmitting to you a copy of certain rules, instituted by the President of the United States in relation to the belligerent Powers, if I had not taken it for granted that your intercourse with your predecessor had rendered it unnecessary. But I take the liberty of now enclosing them, as having a direct connexion with my letter to you of the 14th instant, and with your reply on the 16th.

The correspondence from the Department of State with Mr. Genet will inform you of the motives upon which these rules are founded. They have created a system of obligation on our part towards those Powers, and therefore require our attention.

But the Carmagnole (or Columbia) has been the subject of particular letters from Governor Clinton to Mr. Genet, and the French consul at New York; and the result has been an assurance that she should no longer offend those rules. This assurance has produced a great degree of anxiety that she should not now enter our ports, under the circumstances which were first offensive to the Government, and contrary to its sense, as has been often expressed concerning her. It is very far from the wish of the President that your despatches should be at any time interrupted. The step of dismantling which is desired is merely to fulfil an engagement which has been frequently made.

Whether the Carmagnole be at present in the Delaware, we cannot at this place ascertain. If she has sailed, I have only to communicate to you the hope and expectation of the President that you will, by your orders, prevent her from returning to our ports in her military equipment. If she has not sailed, we must repeat our confidence that you will cause her to be dismantled. The rules above referred to will not permit an illicit privateer, as she has been deemed to be, to make any reparations within the United States.

Permit me to request an early answer to this letter, and to learn that you will direct the necessary measures to be immediately adopted, and cut off the painful necessity of measures, adequate to the end being pursued by the Government.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 38.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 4th Fructidor, (21st August, 1794, O. S.)
2d year of the French republic, one and indivisible.

SIR:

I told you verbally, and repeat it in writing, that the Cornelia and the Columbia had sailed for France. Then my intention was, that they should not return armed into the ports of the United States. But they were compelled to take shelter by the pursuit of the English vessels of war, which at this time block up all your ports. It would be

as unjust as unreasonable to impute to them as a crime this return, which was rendered necessary by so unhappy a circumstance; unless it be wished that these two vessels should become the prey of the English; and I avow it with profound sorrow, that I have been tempted to entertain this opinion, when I learnt that, at New York, orders had been given to the *Cornelia* immediately to quit that port, although it was known that two English frigates were to have seized her on her departure. But, sir, it is too painful for me to harbor a doubt injurious to the public officers of a free nation, to give myself up to this impression; and, at the same time, it is too grateful to me to prove with what strictness we fulfil our treaties and our engagements, to omit giving to you the following details.

The first of these two vessels, the *Cornelia*, which is at New York, is about to go to Boston, to be there completely dismantled. The second, the *Columbia*, which was in the Delaware, departed thence on the 11th of this month. I am surprised, sir, that you were not informed of her departure, with as much care as you were of her arrival. Perhaps it was not the duty of the same person to give the two advices, which might have prevented your complaints. But, sir, when the Federal Government fulfil with so much exactness the new obligations which it has imposed upon itself, in relation to England, is it not just to require from it the same scrupulous observance of sacred treaties, which it has long since contracted with France? Why, then, is an asylum refused to an unfortunate barque, which in her flight had thrown into the sea some of her cannon and of her water, when it is given, though against the tenor of these very treaties, to the vessels of war which have taken prizes from the citizens of the republic? Without doubt, sir, this violation, which is so fatal to us, takes place through forgetfulness only. It would be horrible to me to attribute it to any other motive: therefore, I content myself with subjoining here an extract of the 17th article, in order to recall it to your remembrance.

"ART. 17th. And on the contrary, no asylum or retreat shall be given in their ports or harbors to those who shall have taken prizes from the subjects of His Majesty or the said States; and if they are compelled to enter them by tempest or the danger of the seas, they shall be obliged to depart as soon as possible."

Neither tempest nor the danger of the seas have compelled the English vessels of war to enter your ports; notwithstanding, they have been there supplied; notwithstanding, they remain there to interrupt your commerce and our supplies; and notwithstanding, we are your nearest allies.

Accept, sir, &c.

JH. FAUCHET.

No. 39.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, September 7, 1794.

SIR:

Feeling, and at all times acknowledging, as the President of the United States does, the obligations of our treaties with your nation; and banishing every consideration which comes into competition with them, he read, not without regret, the following passage in your letter of the 21st ultimo:

"Why, then, was an asylum refused to an unhappy barque, which in its flight had thrown into the sea a part of its cannon and of its water, while it was granted, contrary to the tenor of these very treaties, to vessels of war, which had made prizes from the citizens of the republic? Without doubt, sir, this violation, which is so fatal to us, has arisen from forgetfulness only. It would be horrible to me to attribute it to any other motive. I therefore content myself with subjoining hereto an extract from the 17th article, to recall it to your remembrance," &c.

There was, sir, during the existence of your predecessor's functions, a period at which we were obliged to summon all the strength and fervor of our friendship for the French republic, to combat the various forms of aggression which he offered to our Government. But let these be now buried in eternal oblivion, sealed, as it has been, by the justice rendered to our wishes, in the removal of him, and in the department of his successor. This period is therefore revived for a moment, merely for the purpose of referring you to those of our remonstrances which are to be found among your papers of office, and which speak the sensibility of the United States at the equipment of privateers within their limits. And it is recollected, even now, not from the most distant apprehension that the measure will be repeated under your countenance, but to point to the reasons which produced our solicitude on the occasion.

Except vessels of this description, all belonging to the French republic or French citizens, have been admitted into our ports with cordiality. Where an asylum in general has been refused to any, it was a consequence of an infraction of our sovereignty. If, in the particular instance to which you allude, the denial of asylum has been aggravated by circumstances of improper severity, it is more than we knew, until your communication: it is what the President would absolutely disapprove.

If your interpretation of the treaty of commerce be accurate, that is, if no ship of war, which had made prize of French vessels, could be received into our ports, still no complaint of this kind has yet reached the Executive of the United States from any functionary of France, or any other authentic source. But it would be uncandid to conceal from you the construction which we have hitherto deemed the true one. The first part of the 17th article relates to French ships of war and privateers, entering our ports *with their prizes*: the second contrasts the situation of the enemies of France by forbidding such as shall have made prize of the French; intimating from this connexion of the two clauses, that the vessels forbidden are those which bring their prizes with them. It has been considered that this section of the treaty was principally destined to the withholding of protection or succor to the prizes themselves. Had it been otherwise, it would have been superfluous to have prohibited in the 22d article foreign privateers from selling what they have taken in the ports of the United States.

Be assured, sir, of this truth: that it would be a painful reflection to the President of the United States if our treaties with the French nation had ever been infringed with his assent; and further, that, if they ever shall be, he will be ready, as he always has been, to hear and inquire, and to cause offences against them to be punished, errors to be rectified, and injuries to be duly compensated.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 40.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 2d of the *Sans Culotides*, (18th September, 1794, O. S.)

2d year of the French republic, one und indivisible.

SIR:

In assuring me of the true sentiments of the President you do no more than confirm the opinion I have entertained of his virtues, and especially of his sincerity and attachment to the sublime cause of liberty, for which he has fought, as the French republicans are now fighting. It is very agreeable to me to partake of this opinion with all those who abhor despots and love men. But how, sir, must I have excited his regret by laying before him the attacks which I believe to have been made upon treaties which unite our two nations? He has not done the injury, and he can apply the remedy. It was not then reproaches I made to him, but an opportunity I afforded him of exercising his natural inclination to do what is just and becoming the nation he represents, and by whom he is justly venerated.

In speaking of his regret, you excite my own, when duty imperiously requires me to resume a discussion rendered necessary by your answer, and the reflections it contains; redere necessary still more by the recent persecutions which the French are made to suffer by the servile submission of the subaltern agents of the Executive of the United States to the requisitions of those of George III. Unfortunately I cannot but be embarrassed in the choice of facts which occur to support this last assertion. Before I cite them, it is necessary for me to correct an important error

which has slipped into your despatch. You tell me, "if your construction of the treaty of commerce be accurate," &c. This expression, sir, implies two facts, which I equally oppose. The first is, that the article which I have cited may be susceptible of several constructions; the second is, that I have given an arbitrary meaning to this article. You forsake these two suppositions to construe, in a manner favorable to our enemies, a part of the treaty which it is necessary totally to retrench, if your interpretation is adopted.

The example of candor you have given induces me to avow, that I observe with pain the efforts you have made to demonstrate to me that the import literally expressed is not the true import, and to substitute an ambiguity for a very clear and positive stipulation.

I recur to your reasoning.

"The first part of the 17th article relates to French ships of war and privateers, entering our ports with their prizes; the second presents a precise contrast. The connexion of the contrast which exists between these two clauses, therefore, intimates that the vessels forbidden are those which bring their prizes with them."

The best answer I can give to this paragraph is to request you to read the same 17th article over again. You will thereby see at once, that the said vessels (capturing) or their prizes, (which proves that both have an equal right to this privilege) cannot be arrested or seized, whether, &c. and, in the second part of the article you will find, "That, on the contrary, no shelter, &c. shall be given, to such as shall have made prize," (not to such alone as shall bring in their prizes, as you seem to think, *but to such as capture.*) It may be well to observe to you, sir, that, by capturing vessels, is always understood the whole fleet, and not the particular vessels of that fleet which may have manned the prizes. The matter then is not alone, as you seem desirous of understanding it, to refuse all succor to prizes, but also to such as shall have made them. If you pursue the reading you will see, "That, if they should come in, being forced by stress of weather, or the danger of the sea, all proper means shall be used that they go out and retire from thence as soon as possible." Hence the want of repairs after a battle, of which a prize might be supposed to be the consequence, a desire to take in provisions, in order to prolong a cruise without returning to the ports of their own nation, are not, as you esteem them, sufficient titles for our enemies to obtain an entry into your ports. Hence, the principal advantage which the allied nations wished mutually to assure to each other by this article, was not so much to make the difficulty of disembarassing themselves of, or selling their prizes, felt by their enemies, as of taking from them the facility of putting speedily to sea after an engagement, and obliging them to return to their own country to victual and supply themselves with provisions and water. This consequence naturally follows from the foregoing propositions, which would otherwise be without meaning; and, therefore, would discover nothing but folly in the framers of the treaty, which is not supposable. If their object was only to prohibit vessels of war of the enemy to enter a port with their prizes, and if the intention of the contracting parties could have been what you suppose, they would have formally expressed it; they would not have said, "Such as shall have made prize," but the vessels with their prizes. For my part, I cannot see in a treaty what it does not contain, and I cannot help seeing in it what it clearly expresses. I closely adhere to the letter, when it has an obvious and determinate meaning. I understand that the captors of French property should be driven from your ports. Now English ships have made prizes: I thence conclude, that English ships should not find shelter in your ports: I thence conclude, that the asylum granted to them is a violation of our treaties. If it be true, as you wrote me, that the French functionaries and my predecessors never complained of this violation, it was because, far from hunting for causes of complaint, when we had reason, we have always respected the situation of the American Government; it was because the audacity and vexations, practised by the English against your commerce and the law of nations, increase in proportion as they give you assurances of peace. It is far from my thoughts to censure the long patience with which your Government supports the perfidies of England. I respect both its motives and its secrecy, and the means, in fine, which its prudence suggests to obtain justice; but I am grieved to see the commercial connexions of the French republic and the United States entirely dissolved by so many harassings. I am grieved to see the seizures which the British ships, at this time, make of American vessels sailing for France, or even returning thence, or which are supposed to be bound for a French port. I am grieved to see the United States suffer in silence the insolence of English proclamations, which are executed even upon their coasts. I am grieved that, even at this moment, an alliance between a free people and a Machiavelian Government is talked of. In supposing this rumor to be true, however monstrous such an alliance may be, I rely so much on the sincerity with which the Executive of the United States keeps its engagements, as still to demand, with confidence, their execution.

An occasion now presents itself. Even adopting your construction of the treaty, it has just been violated at Norfolk. The English frigate *Terpsichore* anchored there with a French privateer, called *La Montagne*, which she had taken. The consul of the republic complained, in writing to the Governor of Virginia, against this infraction, and a length of time elapsed without the Governor's deigning to give him an answer. I expect one from you, whose principles I know, more speedy, no doubt, and conformable with justice. This delay gives rise to a very painful reflection; it is, that there is the greatest fervor to satisfy the unjust demands of our enemies, and the greatest coldness to satisfy our lawful demands. Norfolk will furnish the two proofs of what I advance; the execution of our treaties was claimed; but no answer was given. A vessel whose mast was broken in her passage to Guadeloupe, where she was carrying provisions, was obliged to return to Norfolk. It was immediately wished to arrest her on the assertion of some Englishmen, and the proceedings which were to be employed were so odious, so insulting to the public officers of the republic, that I am obliged to enter into some details relative to this affair.

A Frenchman learned at Charleston the recapture of Guadeloupe; his first feelings excited him to go to the assistance of his newly arrived brethren; he purchased a schooner, which he loaded with provisions, intending to avail himself of the American papers belonging to the vessel he had bought; it was justly observed to him, that, agreeably to the laws of the United States, the transfer of a vessel to a foreigner made it necessary to give up the papers; he was then obliged, agreeably to the laws of France, to take out from the consulate a certificate of the purchase, to serve him until his arrival at the first French port. For the defence of his property he put on board thirteen cannon, which he possessed before the purchase of the vessel. He notified the Governor of South Carolina of it, who, finding him armed simply for his own defence, and not for a cruise, made no objection. He sailed; an accident obliged him to go to Norfolk. He had hardly arrived, when it was wished to arrest him. I leave you to judge of the indignation of a man, who, impatient at the space which separated him from his fellow-citizens, dying with hunger, found himself treated as a criminal amongst an allied nation. He esteemed every moment of delay which he experienced, as so many assassinations of the Frenchmen who were threatened with approaching famine. To put the finishing stroke to this inhospitable conduct, the consul of the republic was solicited to arrest the captain, without giving the grounds of the suit instituted against him, as if it was desired to make the consul act the part of a constable. I send you the documents which establish this fact. I know, sir, that you will answer me, that a superior court will determine upon the legality of these persecutions, and that justice will finally be done. But, in an unjust prosecution, which they may have raised, I have already remarked to you, it is of little consequence to the English agents how the suit shall be determined; if they have contravened an operation which was to save a French colony, they have attained the object they proposed; and if, in the present case, for example, they should be obliged to pay heavy damages, heavier even than the value of the vessel, they will pay them with pleasure. If they shall have prevented the supplies of one of our colonies, it must be to them as grateful, as it is grievous to us, to render those the instruments of the ruin of one of our possessions in the islands, who have guaranteed their safe possession by their treaties with us.

However disagreeable it may be to me to fatigue the Federal Government with my complaints, I must again recur to the capture of the English brigantine *Perseverance*. I shall content myself with submitting the facts, and shall leave to you the reflections to which they may give rise.

The English brigantine *Perseverance*, captured by the privateer *le Sans Pareil*, commissioned at Cape François, in the Island of St. Domingo, arrived at New York* the 13th of last August. The English vice consul immediately suggested that the *Sans Pareil* had been commissioned at Charleston. The collector of the customs at once caused the prize to be seized, the captors to be expelled, possession to be taken, and all her papers to be carried away.

The French prize master wished to object to two English sailors, who, being improperly influenced, declared, under oath, that this officer had killed a man at Charleston; and he was finally imprisoned.

Happily, the consul of the republic at Boston being informed of this strange persecution, sent his chancellor to Newport.

The chancellor found that, from just suspicions conceived against the two English sailors, and the impossibility of their giving security to appear at the criminal suit commenced against the prize master, they had been themselves committed to prison; that seeing themselves abandoned, uneasy about the consequences, perhaps repentant, they had confessed that their deposition was false; that, finally, they had retracted judicially, by confessing that they had been actuated only by malice, and had been set at liberty; that, in the mean time, nobody was prosecuted but the two perjurers; and that the final enlargement of the prize master was delayed.

The chancellor, on his arrival, requested from the collector a communication of the papers of the prize; he requested him to send her to Providence, for the sake of greater security; because an attempt had been made the night before, by the owner and the English sailors, to carry her off. He obtained neither, was obliged to protest, and went to Newport to claim justice from the Governor.

The Governor heard the cause on the 25th of August. The English vice consul obtained its adjournment to a distant day, and appeared desirous of gaining time. Finally, the prize was restored to the captors; but, in the interval, she became injured, the costs of suit consumed a part of her value, and the privateersmen became discouraged.

I spare you, sir, an infinity of daily complaints, all of which equally disclose an extreme facility in a great number of the civil officers of the United States, of condescension to the first requisitions of the English agents, and who thereby second, no doubt involuntarily, the intrigues of our perfidious enemies. It would be very pleasing to me no more to be obliged to trouble you with the recital of the injustice and malevolence of which those men are the victims; who, after having braved death, are compelled to submit to all the disgusts of the most cunning chicanery, before they can enjoy the price of their blood; those men, finally, who are afraid of losing, in fulfilling the office of the lawyer, about which they know but little, that time which they might have better employed in purging your coasts of the pirates who devour your commerce.

Pardon, sir, the length of this despatch; the importance of the matter which I have treated would not admit of more brevity. If any of the expressions which it contains should wound the Executive of the United States, it will be entirely against the wish of my heart; and I must pray you not to attribute them to any design of offending it, but to a sentiment of grief which I feel in writing it. You have been long persuaded of the profound esteem I profess for him who is its head, and whom I every day learn more to venerate.

Accept, sir, &c.

JH. FAUCHET.

No. 41.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 10th Vendemiaire, (Oct. 1, 1794, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I send you the answer given by Mr. Lee, Governor of Virginia, to the vice consul of Norfolk, who claimed the execution of the seventeenth article of the treaty of commerce between France and the United States. I shall be obliged by your informing me what the instructions are, which this Governor could have received from the President, or, at least, what is the issue of my complaints against the manifest violation of the article I have just cited. I beg leave to observe to you that the brevity of the letter of Mr. Lee affords no satisfaction, and that, if he delays any length of time in obtaining information, the justice I demand will be too tardy, and will afford the English frigates time to be supplied, and, finally, to brave the authority of your Government.

Accept my esteem.

JH. FAUCHET.

P. S. You will remark, sir, that the letter of the vice consul of Norfolk remained twelve days without an answer; and that, when complaints are made against prizes taken by our cruisers, two hours are enough for even unjust seizures to take place.

No. 42.

RICHMOND, September 12, 1794.

SIR:

I had the honor to find here your letter of the 31st of August; and with very great pleasure will make necessary inquiries, and then pursue the conduct which the President's instructions enjoin.

I have the honor to be, &c.

HENRY LEE.

A copy conformable to that which was sent to me by the vice consul of the republic at Norfolk.

JH. FAUCHET.

No. 43.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

SIR:

PHILADELPHIA, October 2, 1794.

I have had the honor of receiving your letter of the 1st instant, in which you are pleased to repeat the complaint contained in your letter of the 18th ultimo, against the English frigate *Terpsichore*, carrying into Norfolk, in Virginia, as a prize, the French privateer *La Montagne*. You remonstrate also upon the delay which the Governor of Virginia has shown in granting the relief required by the consul of the French republic, and desire to be informed of the instructions which have been given in this affair by the Executive of the United States, or at least of the issue of your application.

It was my intention to have replied to the case of the *Terpsichore*, in the answer which I propose to make to your letter of the 18th ult. But I have no hesitation in delivering it to you, as my opinion, that her coming into our ports with a prize is inadmissible by our treaty with France. It is more. It is contrary to the rules which have been long ago prescribed by the President of the United States to the Governors of the individual States, and which Governor Lee, in his letter of the 12th ult. to consul Oster, undertakes to execute.

From the circumstances, however, of Governor Lee being possessed of standing instructions and powers, adequate to the exigency, and Mr. Oster having laid the matter before him, it could not be presumed that he had affected an unnecessary procrastination. Nor did you specify in your letter of the 18th ultimo, the interval between Mr. Oster's application and the retardation of Governor Lee's answer. Hence, as it was known to me that it would require some time for a letter to pass from Norfolk to Richmond, the seat of government, for an answer to be returned from Richmond to Norfolk, and for the usual allowance for the possibility of the Governor's absence, (which now seems probable from an expression in his letter of the 12th ult. to Mr. Oster) I did not hold myself justified in expressing to him a suspicion of neglect. Without such a suspicion it would have been absolutely useless to address him, as he could have been merely instructed to make the necessary inquiries, and to fulfil the sense of the President; both which things he ought to accomplish, of course, upon being notified of the occasion.

As Governor Lee, in that letter of the 12th ultimo, promises to discharge the duties which are expected from him, I cannot doubt that he, or the Lieutenant Governor in his absence, has, before this day, completed the business, according to national faith.

But that there may not be any impediment to the gratification of your wishes, I have the pleasure of enclosing to you the copy of a letter, which will be despatched by the mail of to-morrow to the Executive of Virginia.

I have the honor to be, &c.

EDM. RANDOLPH.

P. S. October 3. This letter was sent this morning.

No. 44.

The Secretary of State to the Lieutenant Governor of Virginia.

PHILADELPHIA, October 3, 1794.

SIR:

It is with great mortification that intelligence has been received at the Department of State, from the minister of the French republic, that the British frigate *Terpsichore* has carried, as prize, into Norfolk, or some of our ports in its neighborhood, the French privateer *La Montagne*. Our treaty with France positively forbids the admission of a foreign ship of war under such circumstances. The rules which have been adopted by the President are pointed on this particular subject. What is due to all nations, we ought faithfully to render to the British; what is beyond the rights of the law of nations, we are under no obligation to perform, especially towards the British shipping, which is hourly destroying our trade; and more especially in defiance of a treaty which ought to be held sacred,

It appears, sir, by a letter from Governor Lee to the French consul at Norfolk, on the 12th of September last, that he had undertaken to make the necessary inquiries into the fact, and to do what the nature of the case demanded. The minister of the French republic is uneasy at the delay of the Governor's answer, and is led to apprehend, from thence, a more injurious delay in the effecting of the business. I have given him my ideas of the course of this affair, trusting and believing that the patriotism of the Executive of Virginia will not suffer this gross insult to our treaty.

Let me entreat you, sir, to exert the attachment, which I know your whole body to possess, to national faith, and to cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that the facts, as stated, shall be found to be accurate. I have the honor to be, &c.

EDM. RANDOLPH.

No. 45.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 15th Vendemiaire, (6th October, 1794, O. S.)

3d year of the French republic, one and indivisible.

SIR:

In proportion to the pain of complaining of the negligence and tardiness which are shown in many parts of the United States in the execution of the treaties which equally bind our two nations, is the pleasure of acknowledging the receipt of the despatch in which I find expressed, with the energy of a friend, the intention of the Federal Government to maintain the engagements which it has contracted with the French republic. I observe to you, however, that this intention will produce no effect, if you are obliged to notify it to the Governors every time that hostile vessels, with their prizes, shall enter the ports from their cruise: for these vessels would then have time to take in provisions for themselves and their prizes before the order of departure (which ought to be given to them immediately, for fulfilling the object of the contracting parties) can be notified to them. It does not require a long time to make the researches necessary for determining whether a vessel puts into a harbor only *by force of the dangers of the sea*. This is a case in which a few hours suffice for obtaining information; and it appears to me that there is already a fault on the part of the Governors, or of those who are appointed to maintain the laws, that a demand must be made upon them for the execution of the instructions which they have received from their Government. They have failed in their duty, which prescribes a continual vigilance and attention to prevent any thing being done contrary to the laws or treaties of their country.

You will pardon, sir, these reflections, when you shall learn that an English frigate has just anchored in Hampton roads, with two French privateers, as prizes. If, on the very day of her arrival, she has not been directed to depart immediately; if there must have been long inquiries beforehand, and the consul must have written in the first instance, the English will have had time to revictual, and supply all their wants; and the article of our treaty, which, at first sight, seems necessarily to be so disadvantageous to them, will in no respect control their piracies. To crown the system of robbery which they have invented, nothing more will be wanting than to carry into your own ports the vessels which they shall have taken from yourselves; since they already conduct thither, in spite of your laws, those which they have taken from your allies. Accept, sir, my esteem.

JH. FAUCHET.

No. 46.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 10, 1794.

SIR:

Believing that effect cannot be given to the intimation expressed in your letter of the 6th more decisively than by an instruction to the Governors, I have the honor of enclosing to you a copy of my circular letter to them, And of being, with great respect, &c.

EDM. RANDOLPH.

No. 47.

CIRCULAR:

The Secretary of State to the Governors of the several States.

PHILADELPHIA, October 10, 1794.

SIR:

Although I cannot doubt that the treaties of the United States with France will be respected by your excellency, according to the obligations of good faith and sincere friendship, yet I must take the liberty of recommending to your particular attention the 17th article of the treaty of commerce. Mr. Fauchet, the minister of the French republic near the United States, apprehends, from circumstances which have been experienced, that, unless prompt and decisive measures are adopted, in the several ports, in regard to vessels hostile to the French nation, and bringing in French prizes, this branch of that treaty will become null. It cannot require much time to go through the

necessary examinations; and, therefore, I must entreat your excellency to enter into such arrangements for the execution of this member of the treaty, and the correspondent rules of the President of the United States, as will effectually prevent, under those circumstances, hostile vessels from receiving comfort and succor, contrary to solemn stipulations. It will not escape your observation that, if adequate measures should be delayed, in the ports distant from your excellency, until you can be notified, and forward special instructions adapted to each case, the opportunity of enforcing the treaty will be lost. I have the honor to be, &c.

EDM. RANDOLPH.

No. 48.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 19, 1794.

SIR: I do myself the honor of transmitting to you the copy of a letter from the Lieutenant Governor of Virginia, in answer to mine of the 3d instant, upon the subject of the British frigate *Terpsichore*.
I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 49.

Lieutenant Governor Wood to the Secretary of State.

RICHMOND, October 10, 1794.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant. I am not enabled, at present, to give you the information I could wish with respect to the British frigate the *Terpsichore*. Before the Governor left this place, he received the information which you mention, from the vice consul at Norfolk; and, in his character of commander in chief of the militia, assured Mr. Oster, in a letter of the 12th ultimo, that "he will make the necessary inquiries, and then pursue the conduct which the President's instructions enjoin." My not receiving any communications respecting the Governor's inquiries, I naturally concluded the frigate had been ordered to depart, and had complied with the injunction. I have now given the most pointed instructions to the commandant of the militia at Norfolk, to make immediate inquiry into the facts, and report the same to the Executive; and that he, in the mean time, cause to be rendered to the republic of France that justice to which it is entitled. I have written to the vice consul on the subject, and have requested him to make me acquainted with all cases of a similar nature which may hereafter occur. I have the honor, &c.

JAMES WOOD.

No. 50.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph.

PHILADELPHIA, the 12th *Phrivoise*, (January 31, 1795, O. S.)
3d year of the French republic, one and indivisible.

SIR: It is now the third time that English vessels, notwithstanding my representations, have anchored, with their prizes, in the Chesapeake. I am assured that the French corvette *l'Esperance* has been conducted into Lynhaven Bay by the *Argonaut*. The fact is, that the latter vessel sailed from the Chesapeake in order to capture the corvette belonging to the republic, returned after that expedition, and is even at this moment sheltered there.

You assured me, sir, that the most positive orders had been given, to prevent future violations of the treaties; notwithstanding that assurance, the outrage is again renewed, and, what is more, the English vessels, which should remain in your ports only to receive succor strictly necessary to enable them to gain the nearest national port, have remained stationary in them. At their return from a cruise on your coasts, where they capture your own vessels, they procure their provisions, their supplies, in the United States: and may, also, as has just happened, even when driven in by stress of weather, and when asylum is given to them, obstruct your and our commerce. In a word, they appear to be ramparts established to cut off all communication between your country and mine. This contravention of the contract which binds our two nations can no longer be tolerated. I expect, sir, your answer, that I may communicate to the French republic the motives for a conduct which will afflict it so much the more, as hers is all friendship, all justice, towards the United States.

Accept my respect.

JH. FAUCHET.

No. 51.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 1, 1795.

SIR: Permit me to refer to the enclosed copy of my letter to the Governor of Virginia for an answer to your favor of the 31st ultimo. Indeed, sir, if I could more strongly express to you the mortification which I have experienced from these events, I would do so: for I contemplate such a violation of our treaty with abhorrence.

I have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 52.

The Secretary of State to the Governor of Virginia.

DEPARTMENT OF STATE February 1, 1795.

SIR: It is with the greatest regret that I am constrained to transmit to your excellency the enclosed copy of a letter from the minister plenipotentiary of the French republic. You will find, sir, that it contains most heavy complaints against the indulgence understood to have been shown, in the ports of Virginia, to British vessels of war, which have made prize of French ships. The files of the council of state will support me in representing to the minister, that I had taken the liberty of urging the Executive of Virginia, on the 3d and 10th of October last, to wipe away a similar imputation on our national faith. Not having been enabled to communicate to him any result, in consequence of those letters, I have felt great embarrassment how to answer him on the present occasion. But, sir, confiding in the patriotism of the Executive of Virginia, and being persuaded that it must be painful to them to tolerate the violation of our treaty with France, in so delicate a part, I shall assure him that the most speedy and effectual measures are recommended to your excellency.

Of those measures you are the best judge, being upon the spot, and within the reach of the most accurate information. But I cannot forbear to add, that, as delay must be destructive of the object, it will probably be advisable for your excellency to send down some confidential officer, who may act with promptness and decision, without encountering the inconvenience of being obliged to send and receive expresses to and from Richmond.

I beg the favor of your excellency's immediate reply,

And have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 53.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 24, 1795.

SIR:

I have the pleasure of transmitting to you copies of the despatches which I received by the last mail from the Governor of Virginia, relative to the complaint which I some time ago forwarded to him from you.

I have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 54.

The Governor of Virginia to the Secretary of State.

RICHMOND, February 12, 1795.

SIR:

I am extremely concerned that any seeming inattention to the treaty of the United States with France should be attributed to the Executive of Virginia: I, however, flatter myself that an investigation of that subject will totally exculpate them from having, in any instance, authorized an imputation on our national faith.

Although divested of effectual means to prevent, in all our ports, the acts of the citizens or subjects of the belligerent nations, which may contravene an article of the treaty, I trust the enclosed transcripts of the several and repeated letters and instructions on the subject will satisfy the minister plenipotentiary of the French republic, as well as yourself, that the Executive have made every effort to render such instances as few as possible, and on every occasion to remedy them where they have occurred.

Of the act now particularly complained of by Mr. Fauchet, your letter of the 1st instant, with its enclosure, communicated to us the first information; nor will this be a matter of surprise, when the relative situation of Lynhaven Bay is considered.

The information has now been submitted to the consideration of the council of State, and that no delay may prevent the application of such remedy as is attainable, and the circumstances of the case may, on further investigation indicate, they have advised that I shall become personally the agent in the business: in consequence of which, I intend to set out to-morrow for Norfolk, and, on my return, or, as soon as the object of my journey is at all effected, you may expect a further communication respecting it.

In the mean time, I must request you will be so obliging as to make Mr. Fauchet acquainted with the step determined on, as well as the contents of the enclosed, and assure him that, independent of their sense of national dignity, and the obligation arising from particular stipulations, the Executive of Virginia will never want inclination to render to the French republic every act of friendship as well as justice, which is compatible with their political situation.

I have the honor to be, &c.

RT. BROOKE.

No. 55.

CIRCULAR.

To the Commandants of Counties in which are Ports of Navigation.

RICHMOND, June 8, 1793.

SIR:

The President of the United States having called on me, in my character of commander-in-chief of the militia of this State, to be ready to suppress any attempt or attempts which may be made, within the limits thereof, to violate the neutrality he has declared in behalf of the people of the United States towards the belligerent Powers, I consider it my duty to communicate the same to the commandants of the militia of those counties whose local situation may require it; together with the sentiments expressed by the President on this occasion.

He has declared that the treaty existing between the United States and France, and the treaty existing between the United States and Holland, do not authorize those Powers to arm vessels within our ports; therefore, any attempt on the part of the belligerent Powers, or their subjects, so to do, will be a violation of the neutrality.

In all such cases, you will, therefore, be pleased to interpose with your militia, seizing and detaining any vessel which you may find, within the limits of your county, commissioned, equipped, and manned as a privateer, on behalf of any of the belligerent Powers, or of their subjects; and you will also interpose in all acts of hostility which may happen between the belligerent Powers, detaining the party first aggressing.

In any event of this sort, you will be so good, without loss of time, to communicate the case to me, with all the evidence legally taken in writing, appertaining thereunto, that I may transmit the same to the President of the United States, whose decision, when known to me, will be forwarded to you.

I have the honor to be, sir, &c.

HENRY LEE.

No. 56.

CIRCULAR.

To the Commandants of Counties in which are Ports of Navigation.

RICHMOND, August 22, 1793.

SIR:

It having been decided by the President of the United States that no armed vessel, which has been, or shall be, originally fitted out, in any port of the United States, as a cruiser or privateer, by either of the parties at war, is to have asylum in any of the ports of the United States, in case any vessel within the foregoing description should arrive in any port or harbor within the limits of your county, you are to cause her to be ordered to depart immediately, and in case of her refusal, you are to take effectual measures to oblige her to depart. Force is not to be resorted to, until every proper effort has been previously made to procure the early departure without it. If any such vessel or vessels shall have sent or brought, subsequent to the 5th instant, or should hereafter send or bring, any

prize or prizes into any port or harbor within your county, you will cause such prize or prizes to be immediately secured by your militia, for the purpose of being restored to the former owners. The following are the names of the privateers comprehended within the meaning of this letter, that have hitherto come to the knowledge of the Government of the United States:

Citizen Genet,	}	Fitted out at Charleston, S. C.
Sans Culotte,		
Vainqueur de Bastille,		
Petit Democrat, fitted out at Philadelphia.		
Carmagnole, fitted out at Delaware.		

You will be pleased to transmit in writing to the Governor, all the cases, with the evidences thereon, which may occur in pursuance of this communication.

I have the honor to be, &c.

JAMES WOOD.

No. 57.

The Lieutenant Governor of Virginia to the Vice Consul of the French republic at Norfolk.

RICHMOND, October 9, 1794.

SIR:

The communications made by you to the Governor, respecting the British frigate the *Terpsichore*, he took up as commander-in-chief of the militia, before he left this place; and, I presume, instituted the inquiries which he promised to make in his letter to you of the 12th ult. As the result of those inquiries were not communicated to me, I concluded the British frigate had been ordered to depart, and had done so. I have just now received a letter from the Secretary of State, on the subject of the *Terpsichore*, and have now given the most pointed instructions to the commandant of the Norfolk militia, on the subject of it, and which I have requested him to communicate to you.

I entreat, sir, that you will be so obliging as to make me acquainted, without loss of time, of all cases of a similar nature which may hereafter occur, and hope that you will be persuaded I shall always feel a particular gratification, on all occasions, to render to the French republic that justice to which it is entitled.

I have the honor to be, &c.

JAMES WOOD.

No. 58.

The Lieutenant Governor of Virginia to Thomas Newton, Esq. commandant of the militia of Norfolk.

IN COUNCIL, 9th of October, 1794.

SIR:

I have received a letter from the Secretary of State, dated the 3d instant, stating that he had been informed, by the minister of the French republic, that the British frigate the *Terpsichore* had carried as prize into Norfolk, or some of our ports, the French privateer la *Montagne*. Our treaty with France positively forbids the admission of a foreign ship of war, under such circumstances. The rules which have been adopted by the President are pointed on this particular subject. Those rules have been communicated to you by the Governor's circular letter of the 5th of December last, to which I beg leave to refer. What is beyond the rights of the law of nations, we are under no obligation to perform, especially towards the British shipping, which is hourly destroying our trade; and more especially, in defiance of a treaty which ought to be held sacred.

I beg, sir, that you will, as commandant of the Norfolk militia, be pleased to inquire into this case, as well as all others of a similar nature, and report the same to the Executive, with all possible despatch; and that you will, in the mean time, cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that the facts, as stated, shall be found to be accurate. This case was taken up by the Governor, in his character of commander-in-chief of the militia, before he left this place, upon the representation of the vice consul of Norfolk. I find by the Governor's letters to Mr. Oster of the 12th ult. that he assures him, "he will make the necessary inquiries, and then pursue the conduct which the President's instructions enjoin." Not having received any communications respecting the inquiries made by the Governor, I naturally concluded the frigate had been ordered to depart, and had done so.

May I beg the favor of you to communicate the contents of this letter to Mr. Oster, and to Mr. William Lindsay, the collector of the port of Norfolk.

I have the honor to be, &c.

JAMES WOOD.

No. 59.

The Lieutenant Governor of Virginia to the Commandants of the militia of the borough of Norfolk, and of the counties of Norfolk and Elizabeth City.

IN COUNCIL, 25th October, 1794.

SIR:

The minister of the republic of France is apprehensive, from circumstances which have been experienced, that, unless decisive measures are adopted with respect to vessels hostile to the French nation, bringing into our ports, French prizes, the 17th article of the treaty of commerce will become null.

I beg, sir, to call your particular attention to that branch of the treaty, as well as to the correspondent rules of the President of the United States, communicated to you in the Governor's letter of the 5th of December last; trusting that you will pursue measures which will effectually prevent, under those circumstances, hostile vessels from receiving comfort or succor, contrary to solemn stipulations.

I have the honor to be, &c.

JAMES WOOD.

No. 60.

Lieut. Colonel Willis Wilson to the Governor of Virginia.

PORTSMOUTH, January 3, 1795.

SIR:

I beg leave to enclose your excellency a copy of a note from the British consul to the collector of the customs of this port. The collector, it seems, thought himself unwarranted to do any thing in the business. I was applied to by an officer of the customs respecting the consul's request, or demand, and conceived it my duty to give orders to the commandant of the forts not to suffer the frigates to pass until your excellency's orders were had thereon. It is also my duty, for the sake of tranquillity, peace, and order, to make known, that the commanders of his Britannic Majesty's ships have rendered themselves very obnoxious to the citizens of these two towns, as well as others, by lawless depredations on their property, and tyrannical impressments of native seamen; that there now lie at our wharves three French ships of war, with crews to amount of six or seven hundred men; the British ships in question, if allowed to come up, must also lay at the wharves, to go through their repairs; consequently the necessary subordina-

tion cannot be had, by the officers of either party, over their seamen; I am, therefore, very apprehensive, in such case, of dangerous consequences. In short, I think it very imprudent in the British to throw themselves in a port where there will be so great a majority of people with whom they are at war: for it is not in the power of all neutral ports to keep order, or protect their neutrality; I am sure it is not the case with this. If, therefore, they are entitled to repairs in our ports, I humbly conceive Yorktown, or any other port where there may not be so large a concourse of French citizens, a much more eligible place for them.

I will be very thankful to your excellency for advice, whether the brigadiers have an existing command over the respective counties, or whether that command is vested in the lieutenant colonels, and the brigadier generals confined to the brigades?

I have the honor to be, &c.

WILLIS WILSON, *Lieut. Colonel.*

No. 61.

Mr. Hamilton, British Consul at Norfolk, to Mr. Lindsay, Collector of the Customs.

BRITISH CONSUL'S OFFICE, NORFOLK, *January 2, 1795.*

SIR:

His Majesty's ships *Thetis* and *Cleopatra* having received some damage, it will be necessary for them to have repairs before they can again proceed to sea. I have to inform you that both ships are expected here the first fair wind for that purpose, and I presume they will be permitted to pass the forts into this harbor.

I am, with respect, sir, &c.

JOHN HAMILTON.

WM. LINDSAY, Esq.

No. 62.

The Lieutenant Governor of Virginia to Lieutenant Colonel Willis Wilson, Commandant of the Militia of Norfolk county.

IN COUNCIL, *January 7, 1795.*

SIR:

The letter which you addressed to the Governor, the 3d instant, has been received by me, and submitted to the consideration of the council of State. The board conceived that ships of war, circumstanced as those mentioned by the British consul, may be permitted to enter our ports, and to make the necessary repairs to fit them for sea; provided they have not made prizes of the subjects, people, or property, of France, and coming with their prizes into the ports of the United States. If any circumstances should occur, which may be subversive of the tranquillity of the place, the law gives you ample powers to call forth the militia for the suppression of it.

I have the honor to be, &c.

JAMES WOOD.

No. 63.

CIRCULAR.

The Secretary of State to the Governors of the several States.

DEPARTMENT OF STATE, *April 16, 1795.*

SIR:

As it is contrary to the law of nations that any of the belligerent Powers should commit hostility on the waters which are subject to the exclusive jurisdiction of the United States, so ought not the ships of war, belonging to any belligerent Power, to take a station in those waters in order to carry on hostile expeditions from thence. I do myself the honor, therefore, of requesting of your excellency, in the name of the President of the United States, that, as often as a fleet, squadron, or ship, of any belligerent nation, shall clearly and unequivocally use the rivers, or other waters of ———, as a station, in order to carry on hostile expeditions from thence, you will cause to be notified to the commander thereof that the President deems such conduct to be contrary to the rights of our neutrality; and that a demand of retribution will be urged upon their Government for prizes which may be made in consequence thereof. A standing order to this effect may probably be advantageously placed in the hands of some confidential officer of the militia; and I must entreat you to instruct him to write by the mail to this Department, immediately upon the happening of any case of the kind.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 64.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 13th Floreal, (May 2, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

On the 24th of February last I received the copy of the despatch which the Governor of Virginia transmitted to you. Doubtless your object, as well as his, was to prove the exertions made use of to satisfy the reclamations which I have raised against the violation of our treaties, three times repeated in the Chesapeake. I was not a little astonished to see, among the documents you sent me as a proof of those exertions, the proscription pronounced in 1793 against French vessels armed in the ports of the United States. I do not require this order of the Government to be persued of the promptitude with which justice is done to the complaints of English agents.

Since my arrival here, a single allegation from them, whether founded or not, has been sufficient for causing the prizes of our privateers to be arrested, which our treaties sheltered from every kind of prosecution; and, far from using the same coercive means towards the English, when they sent prizes made upon us into your ports, even the severity which your treaties with us impose, has not been exercised towards them. In a word, the militia have, as yet, been assembled only to support the detention of French vessels or of their prizes; so that, on a single suspicion, the requisitions of the English have been obeyed, and we, with positive facts, have not been able to obtain justice. I waited the effect of the promises made to you by Mr. Brooke, in his letter of the 13th of February last. After an anxiety of two months, far from receiving the satisfaction which I had a right to expect, I am informed that a French privateer and two of her prizes have just been carried into Hampton. I hesitated, sir, to testify to you my indignation against this new audacity on the part of the English, at the very moment when their Government is boasting of having become the friend of your country, and that hesitation arose from the little success produced by my reiterated complaints. I once more recall them to you here, sir, and may this be the last time that I shall fulfil that painful duty.

I claimed the execution of our treaties, violated by the putting into Norfolk of ships which captured American and French vessels, laden with provisions, and bound to France, under convoy of the Concord. Far from acceding to my demand, you took the trouble to interpret the treaty in favor of our enemies, and that favorable interpreta-

tion could not defend a single vessel of the capturing division, since, even in your construction, it had contravened the 17th article of your treaty with France, by taking into Hampton the privateer *la Montagne*, &c. Governor Lee did not, till after some time, answer the claim of the consul of the republic in Virginia, and contented himself with making some vague promises, of which you yourself, sir, have never yet discovered the effect. Mr. Lee, doubtless, supposed that his promise alone should content and satisfy the just claims of the agents of the French republic, since he has not thought proper to inform his own Government of the measures he was to take for accomplishing his promise given to fulfil the instructions of the President.

Soon after, I had a new opportunity of reiterating to the Executive of the United States my hitherto fruitless complaints against the violation of our treaties: an English vessel, which had put into Hampton, quitted that port on the information of a pilot, in order to go and capture *L'Esperance*, a corvette of the republic, and an American vessel which appeared in the opening of the bay; she again entered the bay with the corvette; re-armed her there; and sent her out on a cruise. I protested against this audacious infraction, and was still answered by promises; and these promises are not yet fulfilled. The Argonaut is also permitted with impunity to defy your magistrates, who doubtless required her to go out, that being their duty. Further: the *Thetis*, on returning from her piracies against your own vessels, is permitted to repair completely in your ports the considerable damages which she received in the ardor of her pursuit, whilst the 17th article of our treaty is formally opposed to it, as well as to the asylum which you allowed, in general, to Admiral Murray's division: for, in a word, sir, all the vessels composing this division have taken French and American vessels, under the single pretext that they were laden with French property. Whether the allegation, as to the latter, be true or false, the captors should be driven from your ports. If they have robbed you, one does not receive brigands in the house they have pillaged. If they have seized our property, our treaty is pointed in that respect.

After so many useless efforts, sir, you must be sensible of the pain I experience in tracing to you a picture, so different from that offered by the French republic, whenever justice towards you is in question, even though her interests are compromised. It was when a terrible war was incessantly devouring her that she rigorously fulfilled her treaties with you; in this instance she demands but justice, and cannot obtain it. On the contrary, she sees her enemies admitted to an intimacy with you at the moment in which your commerce and your sovereignty are alike insulted by them; at the moment when, adding derision to injustice, they despoil you anew upon the seas; when they promise to indemnify you for former acts. This reflection, sir, becomes much more grievous when we see posted up under your eyes the official legalization of a proclamation, which prohibits your commerce with our colonies, and suspends to you alone the law of nations. I know, sir, what respect imposes on me as to what immediately interests your affairs and your relations as a people; but I cannot entirely pass in silence transactions, to which the republic is no stranger, because they are directed against her; and that, to subscribe by an excess of courtesy to such orders, were to quit the neutral position which the Americans profess. Examine, I pray you, sir, whether this neutrality can be said to exist, when, on the one hand, you can no longer maintain your treaties; and, on the other, you are obliged to abandon your relations exclusively to the discretion of England, who doubtless will soon declare all the universe blockaded, except her possessions. What account do you conceive I can render to the French Government of the means you take for rendering your neutrality respectable? Yet, on that, my instructions insist, and it is on that, more especially, that France is uneasy. I shall not remind you of the conversations which I have had the honor of having with you on this subject; still less should I call to your recollection the verbal promises which you have repeatedly made, especially at a certain period of a more honorable state of things. You know what, on the faith of the Government, we are to expect from a negotiation which creates much noise. All America now knows the result of this measure. The same acts which produced it still exist, since it has taken a form which at first was not announced, but from which, moreover, more had been expected.

I hasten, sir, to quit a subject which I began but with pain, and with respect to which I know my obligations. I return to what occupies me more immediately.

I hope, therefore, sir, that the Executive of the United States will not be satisfied under its treaty concluded with England, since every thing proves that that mean is insufficient. I likewise hope that your ports will henceforward be shut against vessels which enter them in contravention of the treaties uniting our two nations. I also hope, that the President, who has so often promised me through you that he would support the treaties at all events, will give orders that his intentions, upon which I have not the shadow of a doubt, be finally fulfilled; in a word, I hope that my claims, so often and so many times repeated, will be attended to, so much the more as they are just, and as for several months I have not ceased to present them to the cold impartiality of your Government.

Accept, sir, &c.

JH. FAUCHET.

No. 65.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 4th Prairial, (May 23, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

It is now twenty-one days since I had the honor of writing to you, and eight since you promised an answer to my letter. It gives me pain to be obliged to remind you of this promise. An event announced in the gazettes proves how much the complaints I have made required an immediate attention. If, against the tenor of the treaties which I have hitherto invoked in vain, an English fleet, employed upwards of ten months at the entrance of your ports, intercepting French property, real or supposed, and even frequently conducting prizes into your bays, had not received a constant asylum in the United States, with the liberty of supplying themselves with provisions and of repairing their vessels, they could not have again taken French vessels in the Chesapeake.

I experience unpleasant sensations, sir, when I observe that such accidents are repeated on your coasts only as the sequel to the violation of our treaties, notwithstanding my reiterated representations; and notwithstanding the religious punctuality with which the French republic keeps her engagements with a nation to whom she has not ceased to testify her attachment.

Accept, sir, my esteem,

JH. FAUCHET.

No. 66.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, May 29, 1795.

SIR:

As soon as I had submitted to the President of the United States your letter of the 2d instant, with which I was honored on the 4th, he instructed me to search the files of my office, in order that he might do, on this occasion, what he has done on every other of a similar nature. This has been to weigh the complaints of foreign ministers with temper and impartiality; to explain misconceptions with frankness; to rectify real errors; to compensate where compensation was due, but to stand firm to the imperious dictates of national honor.

I have obeyed his command, with an anxiety to convince the French republic that we have kept pace with our obligations, but with a resolution to rest my reply upon facts, simple and unrestrained, and upon reasoning, seeking no lustre from a fervency of style. This, sir, is the result.

First. The order of 1793, prohibiting "the original arming and equipping of vessels in the ports of the United States by any of the belligerent parties, for military service, offensive or defensive," was transmitted to you, as a part of the suite of papers, intended by the Governor of Virginia for your information, of his conduct. Nothing was more remote from my imagination, than that this order could awaken the discontent which generated the early discussions with your predecessor. It was announced to Mr. Genet in May of that year; and its principle has never been since assailed, as far as I recollect, under the authority of your Government, except from his pen; notwithstanding Mr. Jefferson's letter to our minister in Paris on the 16th of August, 1793, which was communicated to the French Executive, assigns to this subject a prominent rank for consideration. Permit me, therefore, to refer you to a letter from this Department to Mr. Genet, on the 5th of June, 1793, wherein you will find the decided sense of the President to be, that "the arming and equipping of vessels in the ports of the United States, to cruise against nations with whom they are at peace, is incompatible with the territorial sovereignty of the United States; that it makes them instrumental to the annoyance of those nations; and thereby tends to compromise their peace. Permit me also to refer you to an act of Congress on the 5th of June, 1794, rendering it penal, within the waters of the United States, to fit out and arm, or procure to be fitted out and armed, or knowingly to be concerned in the furnishing, fitting out, or arming, of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens, or properties, of another foreign Prince or State, with whom the United States are at peace. Both of those letters express the grounds of this provision.

To open afresh the disagreeable scenes of that day, is a task which we did not expect, after the disapprobation manifested by your republic towards the chief actor; and more especially after the *forbearance* of the President, who, having no personal impulse to indulge, discovered, as is known, sir, to you, no desire to embrace the opportunity presented by your first official application. But without for a moment admitting, as you seem to apprehend, that the order ought to become exceptionable to one nation, because, by its operation, "*right*" is done to another, we still hold it to be reconcilable with unsullied faith and essential to an honest neutrality.

If French armaments in our ports have principally experienced the penalties of the order; if the execution of it has been prompt; it is because, in the one instance, an expeditious remedy was practicable; and in the other, scarcely any but French cruisers were attempted to be there equipped; although examples are not wanting of British cruisers being in like manner disarmed. Every contrast, therefore, is unfounded between our presumed rapidity of motion against France, and a reluctant tardiness towards other Powers.

Second. But, sir, you have drawn a conclusion, inadmissible by us, under any aspect. You have ventured to intimate a *predilection* in our Government for Great Britain; and to fortify the insinuation by these suggestions: 1st. That, "ever since you have been here, a single allegation on the part of the English agents, founded or not, has been sufficient to cause to be arrested the prizes made by your privateers, although our treaties should shelter them from every pursuit." 2d. That, "far from using the same means of coercion towards the English, when they send into our ports the prizes made from the French, the rigor which our treaties demand has not been exercised." 3d. That "the militia have as yet been assembled only to support the arrest of French vessels, or of their prizes." 4th. That, "under our eyes is fixed the official legalization of a proclamation, which interdicts to us a commerce with your colonies, and suspends as to us alone the law of nations." 5th. And "that the United States quit the neutrality which they profess, by subscribing, through an excess of circumspection, (ménagement) to a mandate like this; and by being unable, on the one side, to maintain their treaties, and by being obliged, on the other, to abandon their relations exclusively to the discretion of England." You lastly allude to our treaty with Great Britain, as if it riveted the suspicions, so profusely strewn in every page of your letter.

First. If the names of the French prizes, which have been arrested by virtue of instructions from our Government, the time and place of the arrest, and the issue of the examination, were now within my reach, each of them should be brought to the test. But, not being individually remembered, they shall be classed under three heads: 1st. Those made by illegal privateers: 2d. Those made by lawful cruisers, but within the protecting line of our coast: and 3d. Those made by lawful cruisers on the high seas.

1st. The seizure of prizes, made by illegal privateers, was the effect of necessity; having been postponed until the injunctions against those corsairs had been often and flagrantly contemned. No precaution was spared to prevent an unjust detention. The Executive of the United States, the Governors, or some officer acting under the one or the other, passed their judgment upon the probability and adequacy of the cause of arrest, in the first stage of the business, and the final decision was always dispassionate and deliberate: what better security, situated as our country is, could have been devised, to avoid oppression on one hand, and to discharge our neutral functions on the other?

Although little would be hazarded by asserting that few, if any, of those seizures were exempt from the animadversion of the Executive rules, in 1793, and it would be a laborious undertaking to discuss them in all their minutiae, yet will not that undertaking be declined, whensoever it shall be desired, and a list shall be produced. We are aware of the usual remark, that the enthusiasm of privateers may be damped by interruptions in their career; and can affirm, with truth, that it was *duty*, not the prospect of this consequence, which governed the conduct of the Executive. If foreigners, or our own citizens, will endanger our neutrality, by the illicit arming of vessels in our territory, the practice must be suppressed to the utmost of our ability. In acquitting ourselves of this high duty, we are solicitous to obviate every collateral injury to others. But the consequence is imputable to the wrong doers only; and he who is disposed to engage in naval warfare, may protect the fruits of his enterprise by being previously sure that the vessel on which he embarks is not disqualified for reception and countenance in a neutral port. In vain would neutral nations represent to the warring Powers, that commerce was discouraged by the scrutiny or boarding of merchant ships on the ocean. It would be replied, that such a discouragement is distant from their wishes; but that the greater consideration, of distressing the trade of their enemy, overwhelms the consequential embarrassment to that of others.

2d. Small is the number of captures within the jurisdiction of the United States. The Grange, which was restored, for this cause, to her former British owners, has long ceased to be a topic of controversy; and if any other example of restitution shall be adduced, I pledge myself to prove its propriety. The William, of Glasgow, was, indeed, after much research, determined to be wrongfully arrested; but the evidence against her was violently presumptive, and it was difficult to fix the preponderance of either scale. By imposing on the claimant, according to strict law, the burthen of maintaining his own pretensions, and by repudiating testimony which was exceptionable, not from a defect of character in the witness, but from a critical application of judicial maxims, the captors regained their prize. Nor did we stop here; the damages incurred by the William are ready to be paid when the amount shall be liquidated.

3d. As to prizes, made by legal cruisers on the high seas, it never was the intention of the President to interpose, he having abstained (as the seventeenth article of our treaty of commerce imports) from examining into their lawfulness. If to his instructions may be ascribed any vexation of genuine prizes, they may, perhaps, have been mistaken for prizes of the two foregoing obnoxious kinds. But even for these mistakes we ought not to be questioned, until they shall have been notified to us, and satisfaction has been refused.

That the admiralty tribunals may have awarded process for bringing prizes before them, is not denied. But the cases have been stated to be generally of this description: the captured property has been supposed to belong to our own citizens, or neutral nations. The proprietors could not be silent spectators of their ruin, but addressed our courts. The captors were summoned; and insisted that, by the treaty of commerce, what they should call a prize, was exalted beyond the judicial sphere. Some judges yielded to this argument; others repelled it. But it has been since maturely settled by the supreme court of the United States, that relief ought to be administered, where it is bona fide prayed. If it were otherwise, the substance of our citizens would be the sport and plunder of every sea rover who carried a French commission in his pocket. The treaty shields prizes from an enemy, not rapine from our own citizens, or from other neutral people. Further than to rescue captures of this denomination, it is not contended that our courts are competent.

There was, indeed, once, room to fear that claimants sometimes embraced the double chance of executive and judicial redress. But the promptitude with which this manœuvre was counteracted is evinced by my letter to you, and to the Governors, on the 22d of October, 1794.

Second. Your next imputation is, that, "far from using the same means of coercion towards the English, when they send into our ports prizes made from the French, the rigor which our treaties demand has not been exercised." For the elucidation of this charge, let us resort to your own citations. They consist, first, in the British vessels which had captured American and French bottoms, laden with provision for France, under the convoy of the Concord; and in the squadron of Admiral Murray putting into the harbor of Norfolk, and enjoying an asylum therein: 2d. In the British frigate *Terpsichore* coming into Hampton with the French privateer *La Montagne*: 3d. In another British ship, the *Argonaut*, having anchored at Hampton, quitting that port, upon the advice of a pilot, to go and attack *L'Esperance*, a corvette of the French republic, and an American vessel, both of which were discovered at the opening of the bay; returning with the corvette into the Chesapeake; re-arming her; sending her out to cruise; and being permitted to defy our magistracy: and, 4th. In suffering the British frigate *Thetis*, on her return from her piracies on our own vessels, to repair completely, in our ports, the heavy damage she had sustained in the ardor of pursuit.

1st. Unless our treaty with France opposes the granting of access to the public armed vessels of the nations with whom we are at peace, custom has established that they may enter our ports, impelled by necessity, or induced by comfort or convenience. This was announced by the Executive on the 9th of September, 1793.

Notwithstanding that treaty, it has not yet been disputed that the same allowance may be extended to the enemies of France, provided they have not captured French property or people. But, on the 3d of August, 1793, the President declared his construction of that treaty to be, that no public armed vessels were thereby forbidden from our waters, except those which should have made prize of the people or property of France, *coming with their prizes*, although, when you allude to my letter of the 7th of September, 1794, which was occasioned by yours of the 21st of August, 1794, and drew forth a reply on the 18th of September, 1794, you insinuate that "pains have been taken by me to interpret the treaty in favor of your enemies;" yet, was it an interpretation advised by all the heads of departments, and the attorney general, with whom the President was in the habit of consulting? You differ from us in the construction. What is to follow? Nothing, I trust and believe, between our two Governments, which is not customary and cordial between friends. "In a case like the present, where the missionary of one Government construes differently from that to which he is sent, the treaties, which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules, and reason and usage have established, in such cases, a convenient and well understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions; to support them with reasons which may convince, and in terms of decency and respect, which may reconcile the Government of the country to a concurrence. It is the duty of that Government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows, of necessity, that, exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions, as to whatever is to be done within their limits. The minister then refers the case to his own Government; asks new instructions, and, in the mean time, acquiesces in the authority of the country. His Government examines his constructions; abandons them, if wrong, insists on them, if right; and the case then becomes a matter of negotiation between the two nations." This quotation is from the letter which conveyed to the French republic the sensations of our Government towards Mr. Genet. To its terms we shall be always willing to conform, and if, contrary to our present impressions, the treaty with France, which we deem sacred, shall appear to your republic to require the expulsion of every British ship of war, which may have taken a French prize in any part of the world, let us be convinced, and we will renounce the ancient opinion, and fulfil whatsoever else may be right.

Thus thinking, we could not banish that part of Admiral Murray's squadron, which had not come in with French prizes. But if they have used the waters of the United States as a station, from whence to carry on hostile expeditions, they will fall within the animadversions of the President's order on the 16th ultimo; and when the facts shall be ascertained, he will not be backward in supporting his declarations.

Second. The British frigate *Terpsichore* is considered by you as offending our own interpretation of the treaty, and being nevertheless tolerated in our ports. We will, therefore, trace the transactions concerning her to their origin.

On the 18th of September, 1794, you represented to me, in a letter received on the 20th, that "she had cast anchor at Norfolk with the French privateer *La Montagne*, which she had taken; that the consul of the French republic had written to the Governor of Virginia to complain of this infraction, and a long time had elapsed without the Governor condescending to return an answer." On the 1st of October, you sent to me the answer of the Governor, dated on the 12th of September, to the letter of the French consul, saying that "he would with very great pleasure make the necessary inquiries, and then pursue the conduct which the President's instructions enjoin." At the same time you request to know the instructions of the President to the Governor, or at least the issue of your reclamations against what you denominate manifest violations of the 17th article of the treaty. It being always better to rely on writings of the moment, as expositors of the sentiments then prevailing, I hope to be excused for transcribing here portions of my answer to you on the 2d of October, and my letter on the next day to the Governor of Virginia. "It was my intention to have replied to the case of the *Terpsichore*, in the answer which I purpose to make to your letter of the 18th ultimo. But I have no hesitation in delivering it to you, as my opinion, that her coming into our ports with a prize, is inadmissible by our treaty with France. It is more. It is contrary to the rules which have been long ago prescribed by the President of the United States, to the Governors of the individual States, and which Governor Lee, in his letter of the 12th ultimo, to consul Oster, undertakes to execute.

"From the circumstances, however, of Governor Lee being possessed of standing instructions and powers, adequate to the exigency, and of Mr. Oster having laid the matter before him, it could not be presumed that he had affected an unnecessary procrastination. Nor did you specify in your letter of the 18th ultimo the interval between Mr. Oster's application and the retardation of Governor Lee's answer. Hence, as it was known to me that it would require some time for a letter to pass from Norfolk to Richmond, the seat of government, for an answer to be returned from Richmond to Norfolk, and for the usual allowance for the possibility of the Governor's absence, (which now seems probable, from an expression in his letter of the 12th ultimo to Mr. Oster) I did not hold myself justified in expressing to him a suspicion of neglect. Without such a suspicion, it would have been absolutely useless to address him, as he could have been merely instructed to make the necessary inquiries, and to fulfil the sense of the President, both which things he ought to accomplish of course, upon being notified of the occasion.

"As Governor Lee, in that letter of the 12th ultimo, promises to discharge the duties which are expected from him, I cannot doubt that he, or the Lieutenant Governor, in his absence, has before this day completed the business, according to national faith. But, that there may not be any impediment to the gratification of your wishes, I have the pleasure of enclosing to you the copy of a letter, which will be despatched by the mail of to-morrow to the Executive of Virginia."

That letter runs thus: "October 3d, 1794. It is with great mortification that intelligence has been received at the Department of State from the minister of the French republic, that the British frigate *Terpsichore* has carried as a prize into Norfolk, or some of our ports in its neighborhood, the French privateer *La Montagne*. Our treaty with France positively forbids the admission of a foreign ship of war under such circumstances. The rules which have been adopted by the President are pointed on this particular subject. What is due to all nations, we ought faithfully to render to the British. What is beyond the rights of the law of nations, we are under no obligation to perform, especially towards the British shipping, which is hourly destroying our trade, and more especially in defiance of a treaty which ought to be held sacred.

"It appears, sir, by a letter from Governor Lee to the French consul at Norfolk, on the 12th of September last, that he had undertaken to make the necessary inquiries into the fact, and to do what the nature of the case demand-

ed. The minister of the French republic is uneasy at the delay of the Governor's answer, and is led to apprehend from thence a more injurious delay in the effecting of the business. I have given him my ideas of the course of this affair, trusting and believing that the patriotism of the Executive of Virginia will not suffer this gross insult to our treaty. Let me entreat you, sir, to exert the attachment, which I know your whole body to possess, to national faith, and to cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that the facts, as stated, shall be found to be accurate."

Upon these letters you were pleased, on the 6th of October, 1794, to make the following comments: "In proportion to the pain of complaining of the negligence and tardiness which are shown in many parts of the United States in the execution of the treaties, which equally bind our two nations, is the pleasure of acknowledging the receipt of the despatch, in which I find expressed, with the energy of a friend, the intention of the Federal Government to maintain the engagements which it has contracted with the French republic. I observe to you, however, that this intention will produce no effect, if you are obliged to notify it to the Governors every time that hostile vessels *with their prizes* shall enter the ports from their cruise (arrondissement.) For these vessels would then have time to take in provisions for themselves and their prizes before the order of departure, which ought to be given to them immediately, for fulfilling the object of the contracting parties, can be notified to them. It does not require a long time to make the researches necessary for determining whether a vessel puts into a harbor only by force of the dangers of the sea. This is a case in which a few hours suffice for obtaining information, and it appears to me that there is already a fault on the part of the Governors, or of those who are appointed to maintain the laws, that a demand must be made upon them for the execution of the instructions which they have received from their Government. They have failed in their duty, which prescribes a continual vigilance and attention, to prevent any thing being done, contrary to the laws or treaties of their country. You will pardon, sir, these reflections, when you shall learn that an English frigate has just anchored in Hampton Roads with two French privateers, as prizes. If, on the very day of her arrival, she has not been directed to depart immediately; if there must have been long inquiries beforehand, and the consul must have written in the first instance, the English will have had time to revictual, and supply all their wants; and the article of our treaty, which at first sight seems necessarily to be so disadvantageous to them, will in no respect control their piracies. To crown the system of robbery which they have invented, nothing more will be wanting than to carry into your own ports, the vessels which they shall have taken from yourselves; since they already conduct thither, in spite of your laws, those which they have taken from your allies."

That your suggestion was not forgotten is demonstrated by my circular letter to the Governors on the 10th of October, 1794, a copy of which I had the honor of enclosing to you on the same day, in these words: "Although I cannot doubt that the treaties of the United States with France will be respected by your excellency, according to the obligations of good faith and sincere friendship, yet I must take the liberty of recommending to your particular attention the 17th article of the treaty of commerce. Mr. Fauchet, the minister of the French republic near the United States, apprehends, from circumstances which have been experienced, that, unless prompt and decisive measures are adopted in the several ports, in regard to vessels hostile to the French nation, and bringing in French prizes, this branch of that treaty will become null. It cannot require much time to go through the necessary examination; and, therefore, I must entreat your excellency to enter into such arrangements for the execution of this member of the treaty, and the correspondent rules of the President of the United States, as will effectually prevent, under those circumstances, hostile vessels from receiving comfort and succor, contrary to solemn stipulations. It will not escape your observation, that, if adequate measures should be delayed, in the ports distant from your excellency, until you can be notified, and forward special instructions adapted to each case, the opportunity of enforcing the treaty will be lost."

On the 10th of October, the Lieutenant Governor of Virginia acknowledges the receipt of mine of the 3d, and proceeds: "That he was not able at present to give me the information he could wish, with respect to the British frigate *Tersichore*; that, before the Governor left Richmond, he received the information which I mentioned, from the vice consul at Norfolk, and, in his character of commander-in-chief of the militia, assured Mr. Oster, in a letter of the 19th ultimo, that he would make the necessary inquiries, and then pursue the conduct which the President's instructions enjoined; that, not receiving any communications respecting the Governor's inquiries, he naturally concluded that the frigate had been ordered to depart, and had complied with the injunction; that he had now given the most pointed instructions to the commandant of the militia at Norfolk to make immediate inquiry into the facts, and report the same to the Executive; and, in the mean time, to cause to be rendered to the republic of France that justice to which it was entitled; that he had written to the vice consul on the subject, and had requested him to make the Lieutenant Governor acquainted with all cases of a similar nature, which might thereafter occur." A copy of this letter I had the honor of transmitting to you on the 19th of October, 1794.

The Lieutenant Governor had given, on the 9th of October, 1794, positive instructions to the purport promised, as is manifest from his letter of that date, to Thomas Newton, commandant of the militia at Norfolk; and on the 25th of the same month, he directed the commandants of the militia of the borough of Norfolk, and the counties of Norfolk and Elizabeth City, effectually to execute my letter of the 10th of October, 1794, by preventing vessels in the predicament described from receiving comfort or succor.

What became of the *Tersichore*, you will ask? Lieutenant Governor Wood truly conjectured that she had departed. For she sailed, *certainly*, before the 28th of September, 1794, and, very *probably*, about the 30th, and it is not understood that she has returned.

Where, I beseech you, in this assemblage of facts, will you find a vestige of British prepossession? Is it in the interpretation which we have given to the 17th article of the treaty? We are still persuaded of its soundness. Until we be convinced of an error, bound, as we are, by the law of nations, to sit as an independent umpire between the pretensions of the belligerent parties, relative to ourselves, we are bound by conscience to obey our own understanding. Is it in the Federal Executive not having employed the most effectual means in his power? He was assisted by the Governors, the district attorneys, the collectors of the customs, and he appointed the militia for important exigencies. Is it because our nation, as yet far below the zenith of its future force, cannot summon into action a navy wherewith to repel intrusions? This would be extravagance. Is it because we do not learn, *in an instant*, that we have been injured by the coming of prizes, made from the French? Intelligence cannot travel so quickly. Judge for yourself, sir, of the sensibility which influenced this passage of a letter to the minister plenipotentiary of His Britannic Majesty: "It will not be deemed by the President a sufficient expiation for British ships of war, which have made prizes of French vessels, and come into our ports in derogation of our treaty with France, merely to depart when individually directed; but such conduct will be considered as entitling the United States to adopt any proceedings which the repetition of the aggression shall demand." To the inquiry of Mr. Hammond as to the "*proceedings*" contemplated, it was answered that, "being free to choose the means for executing the branch of the treaty in question, we shall adopt those which are expedient and commensurate with the violations of it; and the nature and degree of them will depend upon the nature and degree of each exigency." When, therefore, we shall have wilfully failed in these purposes, your remonstrances will not be misplaced.

Third. I am not yet in the capacity of pronouncing whether the capture of the French corvette *l'Esperance*, by the British ship *Argonaut*, ought to form an article in any remonstrance whatsoever.

Your letter of the 31st of January, 1795, was the earliest notice of the event to the President of the United States. Mine, of the 1st of February, transmitting yours, was the earliest notice to the Executive of Virginia. This being a principal object of the Governor's visit to Norfolk, he sought information from a source of accuracy, as he conceived, when he resorted to the vice consul of the French republic, residing there. But, says the Governor, on the 1st of April, 1795, "With respect to the capture of the corvette, I received no information from him which appeared to justify the uneasiness occasioned by that event; *he charging no circumstance as improper in the captors*; but rather seemed to consider the introduction of the prisoners, made on that occasion, so soon, into the place where the exchange would be effected, as an alleviation of the misfortune of losing the vessel, which he attributed to some misinformation received by the captain from two American vessels, with the names of which, or of their masters, he was unacquainted."

Here, without censure, might the Governor have abandoned his investigation; but being no lukewarm pursuer of truth, he proceeded further. "Being informed that a pilot from Norfolk (a man of respectable character) was well acquainted with the circumstances of the capture, and his absence preventing the Governor from then availing himself of his information, he directed his deposition to be taken, as well as that of the captain who had commanded the corvette at the time of her capture, and transmitted to him; an expectation of which documents prevented him from recurring to the subject sooner."

Mr. Daniel Bedinger, who seems to have been charged with the obtaining of testimony, wrote to the Governor on the 25th of March, 1795, thus: "In compliance with your request, when I last had the pleasure of seeing you, Mr. Cowper and myself called upon the captain of the French corvette taken off the capes last January, and requested from him a statement of the circumstances relative to his being captured. He at first appeared willing to comply with our wishes, and promised to meet us the next day for that purpose, but did not, however, appear. He was afterwards again applied to, severally, by Mr. Cowper and myself, when he discovered a degree of unwillingness, for which we could not readily account, observing, at the same time, that he had, immediately on his arrival at this place, (Norfolk) rendered to the French consul a full and circumstantial account of that transaction."

If, from two French citizens, one of them the commander of the vessel, the other a vice consul of France, not a word could be extracted, which did not extenuate the capture, where were the agents of Government next to look for evidence? The last hope was in a pilot named Butler; the material part of whose affidavit has been forwarded to you. He deposes "that, on his arrival in Lynhaven Bay, as before related, (about the beginning of January last) he found there, properly moored, the French sloop of war *l'Esperance*, a prize, also, to the *Argonaut*; that he understood from the officers and people on board the *Resolution*, that the said sloop of war had been taken some days before, brought to where she then lay, and there valued or appraised; that the admiral took her to himself at the said valuation or appraisement; that the said prize sloop of war *l'Esperance* was then and there manned and fitted for a cruise; that officers were made to him, the deponent, by the admiral himself, to engage as a pilot for said sloop of war during her intended cruise on the coast, which offers he, this deponent, rejected; and that, when he was at length permitted to leave the *Resolution*, in order to return home, the prize sloop of war *l'Esperance* was still moored in Lynhaven Bay."

The language of the French vice consul, after a full conference with the captain of the corvette, the captain's procrastination, promise, and breach of promise, as to testimony, and some other circumstances, had admonished us not to be precipitate. A letter was therefore written to Mr. Hammond, adapted to the information in our possession, and too plainly develops the sincerity of our Government, to be omitted, were it not that its length, and that of the letters associated with it, recommend that the copies of them be detached from the body of this.

On the 5th instant, Mr. Hammond transmitted to me a counter declaration of Butler, to the following purport: "That he had never any knowledge of the appraisement or equipment of *l'Esperance*: that no offer to go on board her as a pilot for the coast was made to him by Admiral Murray: that he never deposed to many of the articles said to have been sworn to by him: that he can neither read nor write, but, from what he has heard, he presumes Mr. Bedinger has perverted his deposition, as he saw fit: that the *Harmony* was in possession of the British, when he boarded her; whether it was on the day of her detention or a day afterwards, he cannot determine;" and "that Mr. Bedinger waited on him, and told him it was the Governor's desire he should depose to what he knew relative to the ship *Harmony*."

This counter declaration is not offered as a paper to which much confidence is due: but, suspicious as it is, it advised us to pause, before the Government was compromised upon Butler's single affidavit. I have therefore entreated the Executive of Virginia to remove all ambiguity. Mr. Bedinger has been aware of Butler's recantation: but as he had not seen it, the certificates which were forwarded from him by the Governor of that State, have, perhaps, been less conclusive in relation to the corvette than they will be some short time hence.

This is the sum of every syllable which we know concerning *l'Esperance*. The train in which the subject now rests, is, in the opinion of the President, the most eligible one. The facts will be explored with all the expedition in our power. When they are fixed, we shall not be in the rear of our obligations.

Fourth. You will correct me, sir, if I err when I suppose that you build your complaint of the repairs of the *Thetis* upon the despatches from the Governor of Virginia, which I had the honor of enclosing to you on the 24th of February last. Being unapprized of any other statement, I shall direct my reply to that which is disclosed by those papers. The British Consul Hamilton, informed the collector at Norfolk, on the 2d of January, 1795, that the "*Thetis* and *Cleopatra* having received some damage, it would be necessary for them to have repairs, before they could again proceed to sea: that they were both expected there the first fair wind, for that purpose, and, he presumed, would be permitted to pass the forts into that harbor." "The collector thinking himself unwarranted to do any thing in the business," the lieutenant colonel of the militia of Norfolk was applied to, and "he conceived it his duty to give orders to the commandant of the forts, not to suffer the frigates to pass, until the Governor's orders should be had thereon." The Executive of Virginia resolved that "ships of war, circumstanced as those mentioned by the British consul, may be permitted to enter our ports to fit them for sea; provided, they have not made prizes of the people or property of France, and come in with their prizes into the ports of the United States." Not being prohibited, by the laws of neutrality or the treaty, from permitting in our ports to any of the belligerent parties naval equipments, of a nature not warlike, the rules of August 3d, 1793, declare that "equipments in the ports of the United States, of vessels of war, in the immediate service of the Government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of the treaty of amity and commerce with France."

To the kind of repairs done to the *Thetis*, I am, as yet, an absolute stranger. That they were not warlike, is rather probable from the expressions of the Virginia Executive. That they were not warlike, is more probable still, from their acquiescence. Every report accords with these conjectures. But, notwithstanding this strong appearance that the rules have not been violated, an inquiry has been instituted.

Third. The third symptom of a British predilection is conceived to be, "That the militia have, as yet, been assembled only, to support the arrest of French vessels and their prizes." This, sir, can have but one of two significations: either that they have not been designated by the standing instructions to the officers in the States, as proper to be employed in favor of the French on those conjunctures in which the militia would be the appropriate instruments, or that there has been a positive failure so to employ them.

Our constitution, laws, and distribution into several independent States, naturally marked out the Governors, as the coadjutors of the Federal Government in maintaining our neutrality. Their quality of commanders-in-chief of the militia was particularly selected, when they were desired to co-operate, and the militia was pointed out as the resource upon an extremity.

If it has happened that, from negligence or design, France has been disappointed in succor from the militia when it ought to have been displayed, specify the instances, sir, they shall be immediately analyzed. In the mean time, permit me to observe, that it would have been not a little extraordinary to refuse the aid of the militia to one belligerent nation, how justly soever demanding it, merely because the same or a like case had not occurred, and might not occur, in regard to another.

Fourth. The predicament of a neutral nation is always peculiar and delicate; and eminently so, while it defends itself against charges of partiality from one of the warring Powers, lest it should seem to palliate the misdoings of another. But you are not to infer from my justification of the Executive, that the validity of the proclamation of blockade is assented to. We did read, on the 10th of April, 1795, a publication from His Britannic Majesty's consul general for the Middle and Southern States of America, giving public notice that he had received official communications that the islands of Guadeloupe, Marigalante, and Desirade, were, by proclamation, issued by His Britannic Majesty's general and vice admiral, commanding in the West Indies, declared to be in an actual state of blockade, and that neutral vessels were, by that proclamation, prohibited from attempting to enter any of the ports

or places of the said islands, with provisions or supplies of any nature or kind whatsoever, under the penalty of being "dealt with conformably to existing treaties, and as warranted by the established laws of nations." So highly valued has the West India commerce always been, that this exclusion was often revolved in the mind of the Executive. It was acknowledged that neutrals are interdicted by the law of nations from a blockaded port. From some quarter or other, the blockade must be notified, or else neutrals would be a constant, unsuspecting prey, not being in a condition to collect this information for themselves. Who, then, are to notify the military investment of a place? Surely not the besieged, but the besiegers, whether we consult principle or practice. The check which neutrals have upon a wanton and false parade of a siege, is the same with the check upon any other groundless pretence. We might, indeed, have remonstrated; but with what color, may well be imagined, when this Department was unprovided with any document upon which the rescinding of that edict could have been urged. If rumor were a fit guide, who can pronounce on which side rumor preponderated, when stripped of the exaggerations which a host of passions had gathered together? We had, it may be said, one effort remaining, which was to promulge to the citizens of the United States, that the proclamation was null and void *as to them*. If, after this defiance of that act, any American vessel had risked, and incurred confiscation, the Government would have been importuned for something more than the *general protection*, which is the birthright of all our citizens. The clamor would have been for a *special indemnity*; and under such a cloak, frauds innumerable might have been covered.

If by the forfeitures, incident to a blockade, our own citizens have suffered, we are as much at liberty to controvert the existence of the blockade, as we were when it was ushered into the world through the newspaper. If inconveniences have arisen to the French republic by an interruption of our commerce with those islands, let them be ascribed to the actual position of our affairs. It may, however, be remarked, that the Executive have not been unmindful of arrangements which might soften the severity of the laws of blockade.

Fifth. The first part of your fifth allegation, which implies "that the United States quit the neutrality which they profess, by subscribing, through an excess of circumspection, (*ménagement*) to an order like the proclamation," has been just anticipated. To the second part, which asserts that we also quit the neutrality which we profess, by being *unable* to maintain our treaties, we answer that, although, to the best of our ability and understanding, we *have* maintained our treaties, yet, if any *occasional or real inability* has been shown, this cannot be transformed into a renunciation of neutrality. Prove to us that this supposed inability has sprung from an unfriendly motive; that it has not been inseparable from the infancy and situation of our Government; that it could have been remedied by any expedient at our command, except *war, reprisal, or the forerunners* of both; then, and not till then, will it be incumbent upon us so to account for it further. "That we have been obliged to abandon our relations exclusively to England," (as in the third place you have affirmed) is a question of fact between us. We deny it. The American navy cannot yet dispute the ocean; but American rights have not been relinquished. Of the time, mode, and style, of enforcing them, the *United States are the sole judge*.

Sixth. Throughout your letter, you have dispersed allusions to the late treaty of the United States with Great Britain. To this, as to a centre, the whole series of your observations has tended, and we are taught, from one passage at least, to view it as a prelude to representations which you meditate to the French republic.

That treaty has been communicated from the Department of State only to the chief magistrate of the Union. But it will not be conceived that reasons peculiar to the case caused this reserve. We were acquainted with no duty towards foreign nations which should lead us to infringe the usage of suspending the publication of treaties, until the ratifications have been exchanged, or to impart to them more than has been already imparted to the committee of public safety in France, by our envoy in London, through our minister in Paris. Yes, sir, you say that you demand justice only: justice you shall have; and I repeat, in the name of the President, the promises which I admit myself to have often made to you, that our treaties with France shall be sacred. No nation upon earth can control our will, unless preceding engagements be violated. To save the rights of the French republic was an ultimatum in the instructions to our envoy: the President and Senate are the final arbiters whether the treaty shall exist. It is with them to pronounce with whom treaties shall be made, and upon what terms; they will doubtless move under the awful responsibility attached to the guardianship of national honor, faith, and independence.

The President is willing to superadd any orders which can, with propriety, be expected from him, for the execution of our treaties with France, if any such can be suggested beyond those already given. Every charge which can be brought against the Government, we shall meet at the proper season, and in the armor of political integrity. We confide that the wisdom and magnanimity of the French republic, which resisted past machinations to disturb our harmony, will receive, with caution, suspicions which may be hereafter thrown on our fidelity. For her happiness we pray, and may our connexion be perpetual.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 67.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 20th Prairial, (June 8, 1795.)

3d year of the French republic, one and indivisible.

Sir:

Your letter of the 29th of May was received by me on the 2d instant. The different subjects therein discussed meriting the most serious consideration, I have taken some time to prepare an answer, which I shall now give with all the candor the subject requires.

In the first place, I shall observe, sir, that, in writing my letter of the 2d of May, in consequence of a crowd of complaints which were brought to me, I had not proposed to myself a plan so extensive as that you have pursued in your despatch. It is observed that, in order to give a motive for the conduct of the Executive in every circumstance that might infringe the interest of France, you have united, under a single view, my former and my present representations. I shall now communicate to you, freely, what the whole of your letter appears to me to enforce, and the reflections its object has otherwise suggested.

What, sir, is in question between us, and upon what can we rest our discussions? Upon the prescriptions of positive contracts, or the general laws of nations. France, being in a state of war, considers America as a neutral and an allied Power. In the first situation, she has rights common to all the belligerent Powers; in the second, she has particular rights which she is entitled to by treaties, and which America can allow her, without ceasing to be neutral. If, therefore, on the one hand, positive engagements, giving us a right to certain privileges, have been neglected or executed with indifference; if, on the other, certain rights, common to all, are become doubtful as to us, by too much moderation in regard to the acts of other Powers; I would say, if your neutrality has been restrained by their arbitrary decisions, my complaints have been founded: for it is that to which they are reduced; they rest upon fact alone; and still do I require it to be observed that I have hitherto avoided touching the latter point, and that latterly I have spoken on it with all the circumspection and regard that could be desired, although my instructions oblige me constantly to ask what measures the United States take for the efficacious support of the neutrality of their flag.

The first object, then, is that upon which a great part of my correspondence has treated since my arrival here—a correspondence which, on both sides, could not but be painful. I wrote to you, in the first instance, on the useless vexations which the prizes of our privateers, sent into your ports, were permitted to suffer. These vexations have hitherto been continued under different pretexts. The admiralty courts have always ceded to the entreaties of our enemies for their intervention in prize causes, in truth frequently, and almost constantly, by using the double plea, of which you spoke to me; that is to say, by arguing either of seizure within the jurisdictional line of the United States, or of armament, or of augmentation of armament, of the capturing vessels, in their ports. On this subject, sir, you request me to specify to you a circumstance in which a prize was arrested, which did not come under that

denomination, and you take the trouble to establish that they have a right to intervene in every case that can be brought under those heads. In the first place, sir, I never have, at least to my recollection, contested the right of your courts or of the Government to interfere in matters of the nature of those you mention. But I have complained of the facility with which prizes have been thrown into those two classes which do not belong to them. I might, therefore, in answer to your request, cite to you a great number of affairs, of the kind to which I allude, and it will be easy more at leisure to support them from the different consulates. I could, for example, bring on the tapis the affair of citizen Talbot, which is not yet determined, and in which your courts contest a prize, upon the validity of a commission delivered by a governor of Guadeloupe. This case, as you will see, does not come within the two you mention. They support themselves in this circumstance with the treaty which the United States have with Holland, when that very treaty gives to us the privileges of the 17th article of ours; and I could cite, in proof of the facility with which they bring under the two classes in question prizes which do not belong to them, the affair of *le Citoyen de Marseille*. This privateer, armed and commissioned at the Cape, arrived here armed and commissioned, and, having sailed from thence, had just sent prizes into New York and Charleston. In the former port her prizes have been sold without opposition, and in the latter they have been seized and judged illegal. With these I conclude. As it is not intended here to give a list of the cases, I confine myself to assuring you that almost all these prizes have been subjected to those vexations, and that one of the most unpleasant parts of my functions has been to answer the just claims of my injured countrymen. I could have wished that the Government had taken decisive measures, as well to prevent unjust chicaneries, as to maintain its regulations on the armaments, or augmentation of armaments, in the ports of the United States. In 1793, something similar was done. In the first instance, the local, and, in the last, the General Government, had the power of deciding cases of capture within the limits of the United States, and, in the interim, the contested prizes remained in the hands of the consul. These regulations appear to have been communicated by the correspondence of your Department with my predecessor on the 25th June, 1793. Measures for terminating the examinations in a summary manner, by voluntary arbitrations between the parties, were afterwards instituted, or by the cross-examination of contradictory witnesses, upon which the Government of the United States were to judge. These were communicated in November, 1793. It were to be wished that these proceedings had been extended to the cases of prizes legally made by vessels duly commissioned, and contested at all hazards by our enemies before your tribunals. I have since proposed to you as an additional measure for expediting these affairs to subject the prosecutors to furnish security for the damages occasioned by their suits. My proposition was not accepted. The former rules fell into disuse: our enemies having the choice of conforming to them, or of recurring to the courts, prefer the latter, in which they have the advantage of local circumstances; and by that means they have succeeded in creating prosecutions which, at all events, deceive us often even by obtaining decisions which enroach upon our treaties, since, according to your theories, your courts are uncontrollable in such matters. My desire had been to prevent their being put into their hands by the previous intervention of the Executive upon the simple question—is there ground for prosecution or not? And this method, in cases where there was absolutely ground for intervention on the part of the United States, would have been at once more natural and more conformable to the treaty, which, by name, interdicts the *admiralty courts the right of taking cognizance*, &c. You say that it is impossible that your courts should not grant protection to your injured fellow-citizens who claim it, unless, you add, it is wished that the lives and property of our citizens should become the sport and prey of the *first sea rover*. There is no doubt on this head. But, if any fortuitous events of this nature have taken place, I should be the first to take notice of them. I do not defend pirates, and I see with regret that all the armed vessels of my nation which bring prizes into the United States suffer under such a bitter, and, I also add, such an ill-founded reflection. If *sea rovers* exist, who systematically attack the property of your fellow citizens, it is not certainly among the French mariners. I doubt whether you can reproach us of another case, similar to that in which the *Concorde's* tender seized, in Boston Bay, an *English advice boat* bound to Halifax. You will doubtless recollect that my dissatisfaction was not evinced in an equivocal manner; and I believe that, in many stronger cases than that, the United States have been far from obtaining from any other quarter so decisive and so sincere an act of justice. On touching upon the article of recrimination, which I conceive it my duty so make to some parts of your letter, I, in two words, return to its commencement. You remind me of scenes long passed, the energetic measures they gave rise to, and the patience and generosity of the Government under those circumstances. I cannot believe that you wish to establish similitudes between the present and the past. Were I, for a moment, to admit it, I should remind you of the proclamation which I published on my arrival; and I should then content myself with requesting you to cite the cases in which I have authorized, in which I have permitted, contraventions of the laws of the United States, and of the regulations of the President, in the first instance, and afterwards of my engagements.

Were the history of the prizes brought into the United States by our privateers, since the present hostilities, brought into view, you would see the various cases in which, sometimes the Governors, sometimes the courts of justice, sometimes both, have taken cognizance. You would doubtless be puzzled, amidst all these, to find the part of the 17th article of our treaty which specifies that we may bring our prizes into the ports of the United States, without the officers of the *admiralty* taking cognizance of them.

Besides, sir, you have not observed that my complaints have been very importunate on that part of the treaty. If you give yourself the trouble to examine the time at which my correspondence began to be more pressing and more animated, you will see that it was not on the affair of the prizes which I troubled you most. But I allow that I have become more pressing, since it appeared to me that the English vessels were admitted into your ports, in contravention of our treaties, and in contempt of all neutrality, after having made French prizes, and pillaged your vessels under the single pretext of trading with France.

The 17th article of our treaty, in my opinion, leaves no doubt that *all asylum should be refused* (except in cases of distress or of tempest) to the *English vessels who shall have made prize of French vessels, or of French property*. Under this persuasion it was that I early complained against the admission of every English vessel of that denomination; it was this persuasion which induced me to write my letter of the 18th September, in answer to yours of the 7th of the same month, in which I found a construction of the treaty which to me appeared new. I admit, however, that you had notified to me, in your letter of 20th August, preceding, the regulations of the President of the United States establishing it; but I was so far from suspecting this article, that I did not, in reading it, observe it. These regulations are not among the papers of the office of legation, which leads me to believe that they never were notified to it before the 20th August last. If no complaint has ever been made on the subject, the reason most undoubtedly is, that the English had not then a maritime force upon the coast, and that they had not dreamed (as we never thought ourselves that they had the right) of making use of your ports as a station, after having committed the acts for which the treaty pronounces against them a positive exclusion. Therefore, sir, the silence of the envoys of France with the United States cannot be argued on this subject.

On analysing all my complaints upon this part of the treaty, they are reduced to the entry of English vessels which had captured French vessels or French property; to the admission of these vessels with their prizes, or to the admission of their prizes alone. There never has been any hesitation on the last point. Upon the rest, the greatest part of what I have written is built, I avow, according to your construction, upon a false basis. But, even admitting that construction, the *Terpsichore* should not have been admitted at Norfolk, with the privateer *la Montagne*, which she had captured; and the English ship *Argonaut* should not have entered with the corvette *l'Esperance*, nor have equipped the latter in your waters. On the first point, you remind me of all the Federal Executive has done, and of my own letters, in which I have expressed my satisfaction. But, sir, if I could not but be satisfied, at that time, with the performance of the promises of the Government, reflect, I pray you, whether I have equally had reason to be so with what has passed at Norfolk, and at a distance from it; and my complaints, in general, have been grounded upon what happened far from its immediate inspection. A short statement of the facts, which appear not to be entirely known to you, will enable you to judge whether my suspicions on the slackness of the local Governors, or those under them, are groundless.

The French consul at Norfolk, on the 31st August, wrote to request the expulsion of the frigate *Terpsichore*, and of her prize the privateer *la Montagne*. Governor Lee, after a lapse of twelve days, answered him. He an-

swered, on the 12th of September, *that he was going to make inquiry*. It appears that the inquiry was not made; for, on the 25th of September, two other English frigates entered Hampton Roads, with two prizes made upon us, and the same day the vice consul sent a new complaint to the Executive of Virginia. The inquiries of Governor Lee could not have been very extensive, nor have been made in much haste, for it would seem, that if, on replying on the 12th of September, to the vice consul, he had written to the officers whom it concerned, and given them orders, we should not, at this moment, see the evil renewed, thirteen days after that reply. The vice consul received from the Lieutenant Governor an answer, dated the 9th of October. In this answer, the Lieutenant Governor pretends not to have read the second letter from the consul, of the 25th of September, and does not reply to it: he speaks of the affair of the *Terpsichore*, of which the vice consul did not mention a word in that second letter, she having sailed at that time, as you justly observe, that is to say, twenty-five days after her entering into your ports with a French prize.

You here ask me, sir, where I find reasons to support a predilection for England. I shall answer you with the same freedom you interrogate me. I observe that our consuls are amused by specious correspondences, merely to cover inactivity; that our enemies are permitted to do what they please, from the want of precise instructions to the commandants of ports, which should authorize them to act immediately on such contraventions of the treaty taking place. Certainly, sir, it is not requiring that the correspondence *should travel* with extraordinary swiftness, to complain that, at one hundred miles distance from the seat of the Government of Virginia, two successive infractions of the treaty were committed in the course of one month. But how is it wished that things should be rigorously executed, when, on the 9th October, that is to say, thirty-nine days after the first complaint of the consul, the Lieutenant Governor wrote to the militia officers, without mentioning the second infraction communicated to him, relative to the *Terpsichore* alone, and gave them, what instruction? Not that of causing this frigate to depart, if she was still in the river, *but to make inquiry into the situation of the Terpsichore, and of every other vessel in like circumstances, and inform of the result*. Certainly, sir, it appears that the correspondence travelled with much greater swiftness formerly, if we may judge from the letter of the Governor of 23d August, 1793, addressed to the custom house and militia officers, which was among the enclosures of your letter of 24th February. He says, in speaking of the prizes suspected of having been made by vessels armed and equipped in the ports of the United States, *which can scarcely be applied but to French vessels*. "If those prizes come into the ports of your district, you will immediately have them seized by your militia." On the 5th of December following, he gave additional orders for having seized, in like manner, the prizes *alleged* to have been made within the jurisdictional line of the waters of the United States, and then to inform him of such seizure. Those orders are still pursued, and as there are few prizes, as I have already said, which will not be *alleged* to have been made in the waters of the United States, or by vessels which have augmented their armaments in them, we still see prizes *arrested in the first place*, and examined afterwards. Why did not Mr. Lee authorize the commandant at Norfolk to cause previously to depart every vessel arriving with a prize? It was on again finding *those ancient orders* presented by him as a proof of his activity in doing justice to my complaints, that I could not avoid saying I had no need of them to convince me that the most prompt severity has never been omitted to be employed towards us. If I were disposed to cite new examples, I could mention the affair of the *Favorite*, on board of which vessel armed men were sent to search, in the port of New York, without saying a word to the consul residing there, and without observing the most common respect due to a public vessel by the law of nations, and stipulated for ours by treaty. I might cite the vigor with which a vessel going to Guadaloupe, and suspected, indeed, of an infraction of the rules of your neutrality, had been arrested at Norfolk. I leave it to impartial men to compare this energetic conduct with the orders lately given against the English vessels which refused to respect your neutrality, and the alteration of those public orders almost immediately after they were issued.

As to the affair of the corvette *l'Esperance*, it was in vain to support the conduct, in that respect, with what the consul of the republic said on the subject. The *Argonaut*, which took her, should not have been permitted to enter more readily than herself; and she, having been partially equipped in your waters, should have been proscribed. I shall not take the trouble to examine the deposition of Butler, the pilot, and his retraction. To judge of the merit of the whole of this *little action*, I do not know the interval which passed between the *pro* and the *con*, and in which officious persons may have informed Butler that he had been imposed on, or mistaken.

After having reviewed the different particular cases upon which I have complained, permit me to give an opinion which has weight with me, which is, that it is impossible for me, among the constructions given to that part of the treaty, to discover the intention of the two contracting parties. By the treaty of alliance, France relinquished her former neighboring possessions to the northward of the United States, in which she had ports of great convenience during her wars. By the treaty of amity and commerce, signed the same day, she conceived that she assured to herself some advantages, as an indemnification, in the ports of the United States themselves, of which she had, in part, deprived her enemies. This latter treaty has never said that there should be given an *asylum to capturing vessels coming with their prizes*; it says, that asylum shall not be given to *any vessel having made prizes*. Permit me, sir, to say, that this is not a *construction*, but an *addition*, which you give to the treaty, which are different things. According to this addition, it were sufficient, when I complained of the repairs made to the *Thetis*, to reply that she had a right to them.

From these forced constructions it results that the belligerent Powers raise pretensions which were not looked for, and acknowledge themselves that the meaning of our treaties appears to them obscure. The correspondence which took place on this subject between you and the minister of Great Britain is very important to consult on this point. Have not you yourself been struck with this avowal of Mr. Hammond, that the treaty specifies only the conduct to be observed towards the *capturing vessels*, and *says nothing of the prizes*? What trouble had you in urging your construction when you answered him, "I hope, sir, that you will not interpret the article so literally as to pretend that it refuses an asylum to capturing vessels only: for it excludes every vessel which shall have made prizes on the French?" Without doubt, sir, that is the true construction; every thing becomes clear when that is maintained: the capturing vessel as well as her prize are not admitted into your ports.

As to the rest, sir, as you have observed, a difference of opinion between the agent of a Power and the government to which he is sent is not by any means conclusive. I adhere, with all my heart, with you, to the principles contained in the part of Mr. Jefferson's letter which you cite; but I observe that there is no reason to make me the reproach you seem to insinuate. I ought to insist on my manner of construction, and present it to you, under all its forms, as long as you do not inform me that the President cannot admit my observations. Now, you have done so, I should content myself with referring them to the French Government.

I have gone over in detail the different points stated in our correspondence: let us return to that part of your letter which considers the neutrality of the United States.

I conceived, sir, that the respect and circumspection with which I had touched on this question would have spared me the bitter reflections which your letter appears to contain on that matter. However great may be my desire to enter into details for my own defence, yet I shall waive them, from the same motives which dictated my first letter. But, sir, if these sentiments had not been with me so weighty, I could, at least, take off the veil which you seem willing to leave over the measures of the English, and refute the application of the principle upon which you ground the silence of the Government of the United States on the subject of these measures. I might make it doubtful whether the arbitrary proclamations of the English Government and generals were but the *ordinary obstructions with which neutral commerce is assailed in all wars*. I might, in like manner, hesitate to admit that the Federal Government had not sufficient grounds to demand their revocation. But that would lead, against my inclination, into an examination of the cases in which a neutral Power should actually acknowledge the legality of an interruption of its commerce, such as those of a place *blockaded* and contraband. I should also be obliged to examine whether the principles with which the English Government endeavor to support itself are consecrated by the law of nations, or whether they are not rather established to serve on the present occasion; whether, in changing the language, the cabinet of London has changed its measures; whether the successive orders of the 8th June and 6th November, 1793, and of the 8th January, 1794, are not variations of the same system, to which the depredations

still exercised on your commerce are the sequel; whether, in a word, it is true that the United States are suffering with all neutral nations under the same insults, or particularly sacrificed to exclusive vexations. In enumerating these things, I only remind you of what has already come to your knowledge, and trace facts against which I know you are not less indignant than France, against whom they are specially directed. The history of your neutrality would, perhaps, prove my assertion, that it has been a prey to the arbitrary conduct of Great Britain, and would have served as a justification of what I might and should represent on the subject.

In fact, from the evidently precarious situation of the neutrality of America, and from the vexations to which she is subjected, could I not show that this neutrality is in a violent situation, to which the United States cannot consent? From this violent situation would I not have reason to infer the necessity of an energetic and vigorous reaction, and of a solemn reparation, which, by giving to America what her honor requires, would have manifested towards the French republic the inclination and intentions of your Government? I would have remarked that these reparations had been announced at a certain period, but that, if public report were believed, they appeared as far off as ever. From this contradiction between the promises and the performance of them, this consequence seems to arise—that the United States had not yet established their neutrality upon as respectable a footing as France desired, and had instructed me to demand. I was going to conclude that your Government had not done, in this respect, every thing in its power, and I feared lest this backwardness should arise from a lukewarmness towards its ancient ally, who has not ceased, on the contrary, to testify to it how much she desired to see the bands which connect the two countries, brought closer together. This idea suggests to me a reflection that the friendship professed by the United States towards our republic, and of which they have, on several occasions, repeated assurances, does not permit them to alter their situation towards our most mortal enemies, to our disadvantage, and amidst hostilities, the origin of which undoubtedly take date from the independence of America.

These remarks, which I have long revolved in my mind, led me, sir, accidentally, to speak to you of the treaty, in my letter of the 2d of May, but, feeling all the circumspection which the silence observed on that act prescribed, I only presented doubts to you, and did not even imagine that the manner in which I wrote to you would have given rise to a controversy between us. Besides, sir, it would be superfluous for me at present to commence such a subject with you. I therefore close by appealing specially to the attention of the Federal Government upon points which truly interest the French republic, to wit: *the energetic and liberal execution of her treaty with the United States, and the support of their neutrality upon a respectable footing towards and against all.* I conceive it my duty to point out a thing as infinitely desirable, which is, that nothing definitively be concluded as to the treaty submitted for the ratification of the Senate, until my successor, who is momentarily expected, shall have communicated to you the instructions which, without doubt, he has received upon that important subject. I conjure you, sir, to submit this reflection immediately to the President.

I have but one word more to say, sir, on the close of your letter, in which you recur to contrasts between the present and the past. I cannot believe that the President *had me in view* when you insinuate, on his part, that endeavors are still making to injure the harmony existing between the two nations. I do not think that any one has ever given greater evidence than myself of a sincere desire of cultivating it. Still less can I admit, notwithstanding some of your expressions, that your object was to inspire me with fear as to the manner in which I have conducted. You know very well, sir, that a public man who, from any personal considerations whatsoever, should compound with his duty, would be unworthy the confidence of his country.

Accept, sir, &c.

JH. FAUCHET.

No. 68.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.*

DEPARTMENT OF STATE, June 13, 1795.

SIR:

I have not been able to acknowledge sooner your letter of the 8th instant, which I had the honor of receiving on the same day.

If the plan pursued in mine of the 29th ultimo be more extensive than the one proposed in yours of the 2d, you will ascribe the enlargement of it to my solicitude to remove every dissatisfaction felt by the minister of our ally. A part, however, of that plan being, to collect, with fidelity, the facts applicable to your various charges, and to comment upon them with candor, I shall not relinquish it, in now replying to the old or new matter of your last letter. But I must be pardoned, if I pass over, without much stress, any general declarations, which are not susceptible of a precise argument: for, how shall I defend our Government against undetailed insinuations like these? "That positive engagements, which give France a right to certain privileges, have been neglected, or executed with indifference; that other rights, common to all, have become doubtful, for you, by too much submission to the acts of other Powers; that you could cite a great number of examples; that it will be easy, more at leisure, to have a collection made of them in the different consulates; that almost all the prizes have been subject to artifices; that one of the most disagreeable parts of your functions has been to reply to the just complaints of your injured fellow-citizens," &c.

Let me, therefore, recur to your *instances* of our delinquency. These are: 1st. That the courts of admiralty have always yielded to the importunity of your enemies, for an interference with your prizes. 2d. That, in the affair of citizen Talbot, which is not yet terminated, our tribunals have contested a French prize, upon a question of the validity of a commission, delivered by a governor of Guadaloupe, which falls within neither of my two principles. 3d. That the privateer *le Citoyen de Marseille*, armed and commissioned at the Cape, having arrived in the United States, armed and commissioned, and having again gone out from hence, sent prizes into New York and Charleston, the former of which were sold without opposition, and the latter have been seized, and adjudged illegal. 4th. That Government did not adopt as decisive measures for preventing the unjust chicaneries practised upon French prizes, as for maintaining its own rules respecting armaments, and the augmentation of force within the United States. 5th. That there was a tardiness as to the *Terpsichore*, and she ought not to have been admitted into our ports, with her prize, the *Montagne*, nor the *Argonaut*, with her prize, *l'Esperance*, which was equipped there. 6th. That armed men were sent on board of the French ship *Favorite*, at New York, to search her, (*faire la fouille*) without saying a word to the consul, who resides there, and without observing the most common respect due to a public vessel by the law of nations, and stipulated for French vessels by our treaties. 7th, and lastly. That the violence under which our neutrality labors required an energetic, vigorous re-action, and a solemn reparation, which, by giving to the United States all that their honor demanded, would have manifested to the French republic the good will and intentions of our Government; that the omission has proceeded from a lukewarmth towards our ancient ally; and that our situation ought not to be changed towards your mortal enemies to your disadvantage, and in the midst of hostilities, the origin of which is, undoubtedly, in the independence of America.

First. You have cast the imputation on our courts of admiralty into an ambiguous shape. For the first strong assertion of their having always yielded to the importunity of your enemies, is afterwards diminished into "*a facility*" with which they deem your prizes untenable. Is the denunciation aimed at their head or their heart? You admit the "right of our tribunals, or of our Government, to interpose" in captures within our jurisdictional line, or by cruisers originally armed, or increased in their armaments, in our ports. Their judgment must be exercised, and they may have erred; but this no man can pronounce positively, until every circumstance shall be laid before him; and I again pledge myself to discuss the cases, when you shall enable me, by naming them, to institute the proper

*It appears that, after this letter had been draughted, and while it was transcribing, Mr. Adet was received as the minister plenipotentiary of the French republic, to whom, in consequence, it was sent.

inquiries. What, if they have *erred*? When a party thinks himself aggrieved by the sentence of an inferior court, he may appeal to the superior courts of review. If no appeal be offered, it is an acknowledgment of the justice of the sentence by the parties themselves, and conclusive. If an appeal be admitted, and the judges, in the last resort, give sentence according to their conscience, though it should be erroneous, yet, as, "in doubtful questions, different men think and judge differently, all that a friend can desire, is, that justice should be as impartially administered to him, as it is to the people of our own country."

A defect of integrity in our judges will not be vindicated, when it shall be once ascertained; and if such a blot defiles the records of the American forum, by detecting it, you will deserve the tribute of being instrumental to the saving of our national honor. It is with an elevated pride, however, that we challenge the very possibility of this disgrace, and disbelieve that political predilections have ever transpired in any of their decrees.

Second. The district court of South Carolina, and the circuit court held for the United States in that State, have both condemned Talbot's prize. But she was condemned, not because the commission, delivered by the Governor of Gaudaloupe was invalid, in itself, but because he, "*having armed his vessel, being an American bottom, in an American port*, proceeded thence to Gaudaloupe for the express purpose of changing the property, and applying for a commission, obtained the commission within two days after the sale of the vessel, and under color of that commission made the prize." The authority of the Governor to grant commissions, was not denied; the effect of it upon an American vessel, armed in an American port, for the express purpose of cruising under it, was only repelled. It is true that a final decision has not yet taken place; the reason of which is, that the captors, having already been defeated in two courts, are resolved to try the chance of the supreme court of the United States. Not having access to the proceedings in this case, I cannot undertake for any facts which they may contain; but I have been informed from a respectable quarter, that, notwithstanding the *apparent* sale of the vessel, the prizes which should be made by her were, principally, if not altogether, to be the property of the American citizens who were her owners when she sailed for Gaudaloupe.

Third. That a difference of opinion has prevailed at New York and Charleston, as to the prizes of *le Citoyen de Marseilles*, is at least an evidence that the interruption of their sale was not the consequence of a governmental commission. It may be easily accounted for by supposing, as the truth is, that the culpability of that privateer was unknown at New York, and has been proved at Charleston.

Mr. Dallas, the Secretary of Pennsylvania, wrote on the 24th January, 1794, in the name of the Governor of that State, to the Secretary of War, requesting to be informed whether the opening of *five* port holes on each side of that vessel, for the mounting of guns, could be deemed an augmentation of "her military equipments." The next day the Secretary of War transmitted to the Governor the decision of the President, as follows: "I have received a letter from the Secretary of the Commonwealth of Pennsylvania, dated the 24th instant, in which it is stated that an application has been made to you to open five port holes on each side of the French vessel called the *Citizen of Marseilles*, and requesting the opinion of the Executive of the United States whether, under the circumstances of the case, the proposed alteration could be deemed an augmentation of her military equipments.

"This letter, sir, has been submitted to the President of the United States, who has directed me to inform you that the said port holes having been closed previously to the arrival of the said vessel in this port, that the opening of them, in order to mount cannon therein, would, in his judgment, be as much an *augmentation of the force* of the said vessel, as if the port holes were now to be cut for the first time, and that the measure, therefore, is to be prevented.

"It is to be remembered, that the same principle operated in the decision of the President, in July last, relatively to the British letter of marque ship *Jane*, whose force was reduced to the same situation it was at the time of her arrival, by closing her new port holes, dismounting the additional cannon, and destroying, or relanding, her new gun carriages, before she was permitted to leave the port."

Notwithstanding this prohibition, she was represented, in October, 1794, as having increased her armament; but the officers of the customs, uninfluenced by the rage which has been ascribed to them against French cruisers, reported in her favor. How greatly, therefore, it must astonish you to learn, as has been represented to me, that, after these visits, she took in *several guns in the river Delaware*; that this has appeared to the satisfaction of a district court; and that a writ of error is now depending upon this point before the circuit court? The arrest, therefore, of her prizes, comes within your own acknowledgment, that the tribunals of the United States "have a right to interfere," in cases of an augmentation of the armament of capturing vessels in our ports.

Fourth. The measures, chosen at first by the Government for enforcing its rules, were, through the agency of its own executive officers, and those of the States. Their impartiality will be seen in the suppression of British as well as French armaments in our ports; and in your wish that they had continued to be used, as they were in the year 1793, in relation to the prizes which were questioned:

But it will strike you, sir, upon reflection, that, although the Executive was at first competent in *authority* to retain under his special direction prizes, made by vessels which had been equipped in derogation of our sovereignty, it would have been more expedient to refer them to the courts. Until the law of fifth June, 1794, their jurisdiction could not have been said to be established. Being conferred by law, the President could not withdraw it. Or, if he could have withdrawn it, there was no reason to do so. For who are our judges? Men nominated by himself, from a confidence in their virtue, wisdom, firmness, and disinterestedness; men, approved by the Senate from the same confidence; men, whose forms and habits peculiarly qualify them for nice examinations of evidence and law: men who judge not, in your phrase, according to "*localities*," but universal law. Undoubtedly, as our citizens may be harassed by legal process, so may foreigners; but, as the protection to our citizens is in the damages which the courts may award, so will it be extended to foreigners.

That any of the contested prizes remained in the hands of the consuls was originally an act of respectful civility to the French; but no Executive instruction could perpetuate it against the will of the Judiciary. This is expressed in a letter from my Department to your predecessor, on the 9th of September, 1793, thus: "The intention of the letter of June 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard, (which, in the case of the ship *William*, appeared to have been disagreeable to you) the indulgence was, of course, to be understood as going only to cases where the Executive might take or keep possession with a military guard, and not to interfere with the authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29th, accordingly, in the same case of the ship *William*, informed you, that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the Executive to interfere in it. Consequently, this alone put it in their power to leave the vessel in the hands of the consul. The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and liable neither to control nor opposition from any other branch of the Government." Hence this temporary and gratuitous permission is not to be considered as an "ancient regulation fallen into disuse."

As to the bond which you requested, my letter of the 22d of October, 1794, has told you that the Executive could not dictate it to the judiciary. Nor was it necessary, since the damages, which might be adjudged to the captors, are always sufficiently secure under the usages of the courts. The instruction, however, to the Governors, also on the 22d of October, 1794, render a double recourse both to the Executive and Judiciary not easily practicable.

The previous inquiry by the Executive, which you have suggested, could only contribute to delay. For, if the President were even to decide that a prize ought not to be prosecuted in our courts, the decision would be treated as an intrusion by those courts, and the judicial proceedings would go on notwithstanding. So speak the constitution and the law.

I have never entertained any other "theory" of our admiralty courts being uncontrollable, than this: that they are entirely independent of Executive mandates; that their decrees are not to be questioned by foreign nations, within the principles which I have quoted under the first division of this letter; and that the treaty with France checks them in regard to prizes, only after it has been established that what is claimed as a prize *is* a prize, and not plunder from our own citizens, or other neutrals. Permit me here to observe, that you have misconceived me,

when you suppose that "all the armed vessels of your nation, which have brought prizes into the United States," are viewed by me as pirates; very far was this aspersion from my intention. Be pleased to revise my expression. If you shall be satisfied that, from haste or other cause, you have misunderstood me, you will cancel the impression which you have received. If you should not be satisfied of your mistake, I will not dispute about words, but will cut short the debate by disavowing any such sentiment. I meant to stigmatize those French cruisers only who captured the property of ourselves, or of other people not associated in the war.

Fifth. Although it may be seriously apprehended that a diplomatic intercourse, which shall be occupied in calculating fractions of time, and canvassing single words, may dwindle below its proper standard, yet will I once more run over the minutiae of the *Terpsichore*, and of her prize *la Montagne* and of *l'Esperance*.

The first circumstance of official sloth, which has been attributed to the Governor of Virginia, is his omission to answer the vice consul's letter of the 31st August, 1794, until the 12th of September following. When the vice consul's letter was despatched, when it arrived at the seat of government, how it was addressed, so as to be opened by any other person, in case of the Governor's absence, appears no where. Nor is it material: for, by accident, not by design, the Governor was not on the spot when it reached Richmond.

The second testimony of reluctance in that Governor is, that, on the 25th of September, two other English frigates entered Hampton with two French prizes; and the same day the vice consul sent a new complaint to the Executive of Virginia. You have yourself furnished good grounds to suspect that this letter never attained its destination. However, sir, if you hold this to be important, I request you to specify the names of those frigates, and every other circumstance belonging to their stay in our waters, that I may investigate the cases.

Thirdly. You insist that the Governor ought, on the 12th of September, to have given orders to the officers whom it concerned. It is not improbable that the very apology which you offer, for the silence of the agents of France, on a part of the executive rules of 1793, may have prevented the subject from coming fully into the Governor's mind at that instant, "that the English had not before had a maritime force upon our coast." Perhaps it might have been considered, as requiring no small share of circumspection to drive from our rivers the public ships of a foreign nation. Had the Governor of Virginia been situated as some other Governors are, he might have issued an order for the departure of the capturing vessel immediately on her arrival. As it was, he might well have been backward until he should have been driven by necessity to depute others upon such an occasion. But be this as it may, the circular letter from this Department, on the 10th of October, 1794, is demonstrative of the sincerity of the Federal Executive, in providing for the emergency, as it arises. Where, then, I again demand, do you find traces of British predilection in these measures? Not, sir, in trailing the consuls on, as you represent, by ostensible correspondences which cover nothing but inertness (*lenteurs*) nor yet in the want of satisfactory instructions; which were not delayed more than twenty-eight days upon an extreme computation, and much less upon an accurate one; and from the postponing of which, the examples of injury have been few, very few indeed; and only I believe in one State, whose Executive resides at a distance from the seaboard.

Fourthly. The Governor's letters, on the 22d August, and 5th of December, 1793, to the commandants of counties, are exhibited as a mark of rancor against the French republic. You arraign that of August 22d, "because, in speaking of prizes, which might be suspected of having been made by vessels armed and equipped in the ports of the United States, he says what did not apply to any but French vessels." Consult his own language. "It having been decided by the President of the United States that no armed vessel which has been, or shall be, originally fitted out, in any port of the United States, as a cruiser or privateer, by either of the parties at war, is to have asylum in any of the ports of the United States, in case any vessel, within the foregoing description, should arrive in any port or harbor, within the limits of your county, you are to cause her to be ordered to depart immediately, and in case of her refusal, you are to take effectual measures to oblige her to depart. Force is not to be resorted to, until every proper effort has been previously made to procure the early departure without it. If any such vessel or vessels shall have sent or brought, subsequent to the fifth instant, or should hereafter send or bring, any prize or prizes into any port or harbor within your county, you will cause such prize or prizes to be immediately secured by your militia, for the purpose of being restored to the former owners." The interdict of fitting out cruisers in our ports comprehended all the belligerent parties, and a letter from this Department to Mr. Genet, on the 23d of June, 1793, shows that it had operated upon an English privateer, armed in Georgia. It would have operated equally upon English prizes, if it had not been for the exclusion stipulated by treaty in favor of France of all prizes but those of the French. Were the treaty out of the way, so that prizes, made by the English, might enter our harbors, the Governor's order would involve them in its scope, and would arrest them also, if captured by an illicit privateer.

The letter of the 5th of December orders the commandants that, "in case they should take possession of any vessel upon an allegation of her having been captured within three miles and a half of our seashore, or within our rivers or bays, they will be pleased to certify the same to the Governor, that he may direct the manner in which the witnesses shall be examined." You have interpreted this letter into "an additional order to cause to be seized the prizes which might be even alleged to have been made" within that distance. This order does not require that the officers shall seize upon any allegation, but delineates a particular step in case they should seize; when they were to seize upon an allegation, was an affair of discretion with them. That discretion, like the discretion of every public officer, was to be regulated by a reasonable degree of evidence. Truly, sir, I should concur in my own knowledge of the strength of your judgment, were I to detain you by the expositions which so copiously present themselves. It is enough to ask, if it be possible that the Governor of a State, designated to preserve our neutrality, would ever suffer vessels to be torn from the French captors, upon the naked declaration of a British proprietor that they were taken within our jurisdiction? Has it ever been done? Your answers and mine cannot, I am persuaded, be widely variant from each other.

The observations which you have been pleased to communicate to me, on the subject of *l'Esperance*, have not shed those lights which I wished. Perhaps I was entitled to expect a more ample elucidation; since you persist in your answers, and since the evasion of the captain, the mitigating expressions of the French vice consul, and the equivocal footing of Butler's affidavit, utterly deprive us of the means of information. Mr. Hammond has indeed forwarded to me a letter from Admiral Murray, an extract of which refers to the capture of this corvette. "The French sloop of war *l'Esperance*, was brought into Lynhaven Bay, on the 11th January, (a few days after my arrival there) by captain Ball, who had captured her fifteen leagues from the shore; the weather being very tempestuous, a lieutenant, with a sufficient number of men only to navigate her, (not being half the complement the French had in her) were sent on board from the *Resolution* and *Argonaut*, and so soon as the weather permitted those ships to supply her with water and provisions, I sent her to sea, that I might give no umbrage to the American States; an additional reason for bringing *l'Esperance* into Lynhaven Bay, was out of humanity to the French prisoners, whom, having had a long voyage, I sent to Norfolk, as soon as prudence would admit: otherwise they must have been kept prisoners on board the whole winter, and sent to Halifax in the spring; nor was she equipped or armed then, in any manner whatever, nor did the lieutenant receive any commission for her whilst in Lynhaven Bay, and when at sea only an acting order to command her, which is customary and absolutely necessary in all captures, otherwise, if retaken by the enemy, he might be considered as a pirate." Mr. Murray's letter recommends, at least, that a full inquiry be made; and without your aid, I do not as yet discover any certain resort for an explanation of this affair.

Sixth. You remonstrated, on the 23d of September, 1794, on the search and treatment of the *Favorite*, and on the 25th I wrote to you the following letter: "I regret extremely that any citizen of the United States, and more especially if he be in authority, should offer either outrage or insult to a vessel of the French republic. I have accordingly written to the attorney of the district of New York, to inquire into and report the facts, as you will perceive from the enclosed copy. The course might have been shortened by directing to proceed in the case as the law directs. But this has not been adopted, because we wish to reserve to ourselves the decision in this particular; as it is suggested that a public officer is concerned, and we take an interest in causing justice to be done to the French republic, as far as possible, under our own eye." On the 23d of October, the day after I had received the docu-

ments from the district attorney of New York, I enclosed them to you; and on the 17th of November, 1794, this business was concluded, as I imagined, in the following letter to you: "The Executive of the United States being obliged to collect information of facts, at a distance, through the public officers, and having a confidence in them, it was conceived sufficient, in the first instance, merely to transmit to you the evidence which had been obtained respecting the Favorite. Hence, in the letter which I had the honor of writing to you on the 22d ult. I did no more than note the enclosures; reserving any reflections until it should be ascertained, on your part, whether the allegations were true.

"The opinion which the President has formed relieves both you and myself of no small difficulty in comparing and weighing the testimony.

"He has thought proper to instruct me to inform you that, on the faith which he always reposes in your assertions, he takes these points for granted: that the Favorite is a public vessel of war, bearing the commission of the French republic; and that no contravention of the act prohibiting the exportation of military stores was meditated, in the application of those which were found on board.

"The President highly disapproves, that a public vessel of war, belonging to a foreign nation, should be searched by officers of the customs, upon a suspicion of illicit commerce. The propriety of representing such a suspicion to the consul of that nation, or the commander of the vessel, will not be controverted; this being a course respectful and customary. A general instruction will be therefore given to pursue this course, with the view that, if it should be ineffectual, the Government of the United States may adopt those measures which the necessity of the case and their rights may require.

"A particular instruction, founded on the same principles, will be also forwarded to the collector of New York; with this addition, to discontinue the prosecution against the property, and restore what may be within his power or command. At the same time, I must repeat the assurance which we entertain, that you will prevent the stores from being used in any manner contrary to the act before referred to.

"I flatter myself, sir, that this reparation of what is past, and the precaution against the future, will manifest such a disposition in our Government as will induce you to approve the decision which a sense of justice imposes upon the President, to waive any further measures: for the appearance and circumstances of the Favorite might have misled the best intentioned men into a misapprehension of her real character. And, in truth, something is due to the consideration that, in our new situation, it cannot be expected that all our officers should meet every occurrence with a correct knowledge of the usages of nations.

"An insult to the French flag will not be tolerated by the President, whensoever he can prevent or punish it. But the depositions do not place this subject in so clear a light as to prove its existence, or designate the culpable person. It is the President's purpose, therefore, to cause the officers of the customs to be admonished to respect your flag; and if this be not satisfactory, and you are still persuaded that an insult has been committed, I shall be ready to concur in any arrangement which may be convenient, for the full examination of such other witnesses as may be produced."

Being unable to add any other vindication in regard to the Favorite, and not being informed of the vessel going to Guadaloupe, and said to have been arrested at Norfolk, on suspicion of infringing our neutrality, nor yet how it supports the complaint relative to the Favorite, I leave the subject here. But let the vessel destined to Guadaloupe be in any predicament whatsoever, the countermanding of the orders given by the Governor of Virginia to the militia officers of Norfolk, to refuse comfort to British vessels, using our waters as a station, cannot be tortured into any connexion with her. For the act of the President never authorized the State Executives to issue such an order; no other Executive misunderstood it: the Executive of Virginia revoked it a week before the revocation was heard of by the Federal Executive; and you may determine, from my correspondence with Mr. Hammond on this subject, what the President finally contemplated.

Upon this point a few words will be sufficient. Of the reaction towards Great Britain, and of the reparation towards ourselves, the United States are the only legitimate judges. They will adapt the one and the other to their estimate of their own power and interest. Being the defenders of their own honor and welfare, they will not be suspected of voluntarily abandoning either; and if they do not mount to the pitch which the French republic would prefer, their good will and intentions towards it ought not to be doubted. What you call, sir, lukewarmth to our ancient ally, is an upright neutrality. The new arrangements against which you have expressed yourself, are a part of the great subject which is now at the disposal of the Senate.

There are some miscellaneous matters, which remain to be touched briefly.

We agree to submit the construction of the 17th article of the treaty to explanations between the two Governments. But, in the mean time, I must own that I do not feel the importance of Mr. Hammond's acknowledgment to your reasoning. He had contended that, under our treaty with France, we could not expel the prizes made by the British cruisers. I had insisted upon our right to drive them off, and by way of argument reminded him of a construction, which we had adopted respecting the cruisers themselves, and which, by his *literal* exposition, would be defeated. You do not seem to be aware of the dilemma to which this mode of reasoning exposes you. If Mr. Hammond be correct, then are your complaints against the admission of prizes, and our anxiety to prevent it, wholly unfounded: and our harbors may swarm with them. If he be incorrect, the concession amounts to nothing. Between us it surely is of no avail whether a British minister reasons well or ill; though I do not recollect that he has repeated this branch of his position since he has been apprised of its tendency. Wheresoever truth lies, it is our duty to follow; and I rest our construction upon this frank principle: that, notwithstanding the *letter* of the treaty, its spirit, its context, and the rules of interpretation, will uphold the regulations of our Government.

In a procedure like this, it will not be easy to find a leaning or subserviency to Great Britain. It is a leaning and subserviency to the character of our nation. Your letter strongly demonstrates the propriety of my remark, that a neutral nation, while it defends itself against charges from one of the warring Powers, may seem to palliate the misdoings of another. But we surely ought to have been exempt from this reflection; as you are particularly desired not to infer, from my justification of the Executive, that the validity of the proclamation of blockade is assented to; as you admit "that we are indignant at the injuries which Great Britain has done us;" and as we have employed no argument which is not derived from national law. Until you shall permit yourself to be more specific in your accusations we cannot surrender the consciousness of our political purity.

It is with real regret that I read in your last letter an idea, that we have not done justice to your proclamation, to your displeasure at the crew of the *Concorde*, and to your general conduct towards our Government. How much more is that regret increased, when any of my expressions can be wrought into an attempt to inspire you with fear, or to deter you, by personal considerations, from the discharge of your duty. A respect to ourselves would forbid such an attempt; a respect for you would forbid it. Having no possible object, distinct from the interest of the United States, we are incapable of its being confident in our power to frustrate any encroachments, we can never intend to plant in your breast so unworthy a motive. As you again disclaim an approbation of Mr. Genet's excesses, so am I not scrupulous to confess that I should not have recurred to them, had I not inferred from your letter an inclination to bring them up with some share of countenance to them. But this being, as you inform me, the moment of our *official* separation, I am compelled by candor to *intimate* to you, what, under other circumstances, would have been stated to you more formally and minutely—the citizens of the United States have a right, and will exercise the right, freely to investigate the measures of Government.

A foreign minister has a right to remonstrate with the Executive to whom he is accredited, upon any of those measures affecting his country. But it will ever be denied as a right of a foreign minister, that he should endeavor, by an address to the people, oral or written, to forestall a depending measure, or to defeat one which has been decided. This remark is made *now*, because it cannot be erroneously wrested into a defence or outwork of the treaty with Great Britain; and because it is an assertion of the sovereignty of the United States, consistent with what is past, and we trust not likely to be contradicted hereafter.

I cannot conclude this letter without offering to you my sincere wishes for your happiness, and a personal assurance of the great respect and esteem, with which I have the honor to be, &c.

EDM. RANDOLPH.

No. 69.

Mr. Randolph, Secretary of State, to Mr. Harrison, District Attorney of New York.

DEPARTMENT OF STATE, July 30, 1795.

SIR:

I must beg the favor of you to inform me for what cause a libel has been filed against the French privateer *La Vengeance*, and her Spanish prize. As many particulars as you can conveniently give me will be acceptable, Mr. Adet being very urgent in his complaint of the arrest. I will thank you to add, what previous examination, or rather what degree of evidence, usually precedes an order for arresting vessels in the situation of the foregoing. Your answer by the earliest moment will greatly oblige me.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 70.

The Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 15th Thermidor, (August 2, 1795.)

3d year of the French republic, one and indivisible.

SIR:

Among other documents which I have received from citizen Berard, captain of the privateer *La Vengeance*, and all of which incontestably prove that his vessel was not armed on this continent, there is one, of which I send you a copy.

This is a copy of the information of the district attorney of New York, upon which the seizure of the ship *La Vengeance* was grounded, accompanied by a certificate of the clerk of the court, who attests that no affidavit, no proof, was produced in support of this information.

Since I had the honor to write to you on this affair, an offer has been made to Captain Berard to release his vessel upon giving security. He refused; and persists in claiming the removal of the seizure without any condition, and with a reservation of his right to damages and interest. Justice supports his claim. In fact, what signifies security? Will it atone for the infraction of treaties, if it is proved by the decree that the privateer was armed on the continent?

I repeat the request, which I have already made to you, to remove the seizure which has been made of citizen Berard's vessel. Permit me to remark to you, that a longer detention will considerably increase the indemnity he claims; and it will occasion unnecessary expense when a decree shall be pronounced on the merits of the business.

The vouchers which have been communicated to me established the fact in so clear a manner, that I have not the least doubt as to the issue of the suit instituted between the captor and the prizes, notwithstanding the employment, in the defence of this bad cause, of the *English expedient—subornation*.

I have in my hands a convincing proof of this last fact.

Accept, sir, &c.

P. A. ADET.

No. 71.

NEW YORK, 55.

District Court of the United States of America for the New York District.

Be it remembered, that Richard Harrison, attorney of the United States of America for the New York district, who prosecutes for the said United States, being present here in the court, the eleventh day of July, in the year of our Lord one thousand seven hundred and ninety-five, in his proper person, doth, on behalf of the said United States, inform the court, that, between the sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, and the time of exhibiting this information, Aquila Giles, Esq. marshal of the district of New York, did, at the city of New York, in the New York district, seize to the use of the said United States, as forfeited, a certain schooner or vessel, called *La Vengeance*, her tackle, apparel, and furniture, together with four swivels and ten carriage guns, mounted on board of the said schooner, being of the goods and chattels of some person or persons to the said attorney unknown: for that the said schooner, or vessel, after the said sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, and between the said day and the time of exhibiting this information, was fitted out and armed, within some or one of the ports, harbors, bays, rivers, or other waters of the said United States, to wit, at the city of New York, in the New York district, with intent that the said schooner or vessel should be employed in the service of a foreign State, to wit, of the republic of France, to cruise upon the subjects of the King of Spain, the said King being then and now at peace with the said United States; and that the said four swivels and ten carriage guns were, between the said time, procured at the place aforesaid, for the equipment of the said schooner with the intent aforesaid, contrary to the form of the statute in such case made and provided. By reason whereof, the said schooner or vessel, her tackle, apparel, and furniture, and the said swivels and carriage guns, have become forfeited. Whereof, the said attorney for the said United States prays the judgment of the court in the premises; and that the said schooner *La Vengeance*, her tackle, apparel, and furniture, and the said swivels and carriage guns, may, for the reason aforesaid, remain forfeited according to the form of the said statute.

HARRISON,

Attorney U. S. for the New York District.

ROBERT TROUP, Clerk.

I do hereby certify that the foregoing is a true copy of the original information filed in my office; and I do further certify that no affidavit or proof has been filed in the said office to certify the allegations in the said information contained.

Copy.

P. A. ADET.

ROBERT TROUP, Clerk of the District.

No. 72.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, August 11, 1795.

SIR:

Since my last letter to you respecting the privateer *La Vengeance* and her prize, the enclosed papers have been transcribed, and I avail myself of the earliest moment to forward them.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 73.

Mr. Troup, Clerk of the District Court of New York, to Mr. Randolph, Secretary of State.

NEW YORK, August 7, 1795.

SIR:

In the absence of Mr. Harrison, who is attending our supreme court at Albany, Mr. Ludlow has put into my hands your letter of the 30th ult. to Mr. Harrison, on the subject of the suits depending against the French privateer *La Vengeance*, and her Spanish prize.

On the 2d ult. a libel was filed on the admiralty side of the district court of the United States for this district, in behalf of Don Diego Pintado, a subject of the King of Spain, against the ship *San Joseph*, alias *La Princesa de Asturias*, her tackle, apparel, furniture, and appurtenances, and the cargo on board of her. A copy of the libel is enclosed. On the filing of this libel, the usual process was issued to the marshal, in virtue of which he took the ship into custody, together with her cargo. On the 13th ult. a citizen, Jean Antoine Berard, as the captain of the French privateer *La Vengeance*, filed his answer and claim in the suit so instituted in behalf of Don Diego Pintado, a copy of which answer and claim is also enclosed. The suit was instituted upon the official application of the Spanish consul for this State; and it originated from copies of official letters which had passed in the course of last spring, between several of the revenue officers in the port of Philadelphia, and also between one of these officers and the Governor of the State of Pennsylvania. From these letters, and other information received by the Spanish consul, there was strong reason to apprehend that the French privateer had been fitted out and armed within the United States, with intent to cruise or commit hostilities upon the subjects of the King of Spain, and their property; and if this were the fact, the legal inference drawn from it was, that the forcible detention of the Spanish ship and her cargo by the French privateer in this port was illegal; and consequently, that the subject of the King of Spain was entitled to the aid of the courts of the United States, to compel a restoration of his property. Upon the filing of the libel in question, it was not necessary, by the course of proceeding in courts of admiralty, or by any law of the United States, or by any law or usage of this State, that the libel should be accompanied by any affidavit or evidence whatsoever, to verify the allegations contained in it. The libellant has instituted his suit, as in all similar cases, at the peril of paying costs and adequate damages to the claimant, in case the final decree in the suit should be against the libellant. For the payment of these costs and damages, security to the satisfaction of the claimant has been taken. The suit has been at issue for some days past, and divers witnesses have been examined on both sides. On the part of the libellant it has been testified in substance, that the privateer in question is a very fast sailer, and was pierced for fourteen guns; that she had six ports on each side open, and one port on each side shut; that the privateer being in the port of Philadelphia in the month of March last, (under the character of a merchantman) appearances manifested an intention of fitting her out as a privateer. These appearances were communicated to the surveyor of the port, who caused her to be closely observed; that it was discovered that the two ports that were shut had been opened, and hinges put on them; that irons were fixed on her bow for swivels; that she had a great number of water casks in her hold, and a very large caboose on board of her; that the water casks were too numerous, and the caboose too large, for the accommodation of such a vessel on a common trading voyage; that she had changed her captain from an American to a Frenchman; that her military equipments were reduced by the interference of the Government; that the said caboose remained on board, and was alleged by the captain to be intended for the accommodation of a number of passengers; that on or about the twenty-third day of March last past, the privateer, so as aforesaid reduced as to her military equipments, sailed from the port of Philadelphia, and at the distance of about thirty or forty miles below the fort she met with a shallop lying at anchor, and waiting for her; that thereupon the privateer came to, and two cannon, being three pounders, two swivels, some muskets, pistols, sabres, pikes, and some bullets (rather of a larger caliber than the cannon) were taken from the shallop and put on board the privateer; that after these equipments were thus taken on board of the privateer, she came directly round to New York, and anchored within the Hook, about the distance of two musket shots from the Hook, the day before Easter; that soon after her said arrival at the Hook, she was visited by Captain Dennis, of the revenue cutter, who asked what vessel she was, and from whence she had come. The answer, received through one Wilson, was, that she had come from Guadaloupe. Upon which Captain Dennis further asked, what passage she had had? The reply was, fifteen or sixteen days. Captain Dennis then repeatedly desired to see the papers of the privateer, but they were constantly refused, upon the pretext that the privateer was upon a secret mission, which could be communicated only to the French consul; that upon this the pilot who had brought the privateer from below the fort above mentioned, said that the privateer had been chased into the Hook by three English vessels; that she was in the Hook only for shelter, and that she wanted nothing; that Captain Dennis hereupon offered the captain of the privateer a passage in the revenue cutter to the city of New York, which was refused; that thereupon Captain Dennis left the privateer; that whilst Captain Dennis was on board of the privateer, one Rostan was made use of as the captain of her, whilst her real captain was Jean Antoine Berard; that on the very day Captain Dennis left the privateer, Captain Berard went to the city of New York, and in the course of three or four days afterwards, a boat came down to the privateer so at anchor within the Hook, with forty-eight chests of gunpowder, each chest weighing about one hundred and fifty pounds; that these chests of powder were put on board of the privateer, and soon afterwards Captain Berard returned with some seamen, and the privateer set sail for Port de Paix, where she arrived and delivered forty-five of the chests of gunpowder to General Laveaux; that soon after Captain Dennis had left the privateer as aforesaid, she mounted the cannon on board of her, and they continued mounted after her arrival at Port de Paix; that when the privateer left Philadelphia she had about thirty men on board, who were all sailors or volunteers belonging to the privateer, as is believed; that at Port de Paix the privateer was careened and her bottom tallowd, and she took in four pieces of cannon, (being four pounders) some fresh biscuit, and some mulattoes and blacks to replace some seamen who had deserted, and Captain Berard there also received a privateer's commission from General Laveaux; that from Port de Paix the privateer went to the Cape, and from thence on a cruise, and in the course of three days cruising she took the prize in question.

The above are some of the matters testified on the part of the libellant, but the examinations on either side are not yet closed, and what will be the nature of the testimony hereafter given, it is impossible to say. All the despatch will be given to the cause which circumstances admit of. Subpoenas are now on their way to Philadelphia, to be served on several witnesses residing there, and whose attendance is required in this city on the 14th instant.

It will naturally occur to you, sir, that two questions will arise in the cause—1st. Was the privateer fitted out and armed within the United States? If she were, ought the court to decree a restoration of the property to the libellant? These are questions now *sub judice*, and I presume it would be improper in me even to hazard a conjecture upon them. As to the suit against the privateer, it was commenced by Mr. Harrison, as attorney for the district, upon an official disclosure to him by the Spanish consul, of the evidence which led him to suppose the privateer had been fitted out and armed within the United States. Mr. Harrison, upon receiving this disclosure, felt himself called upon by considerations which, as a public officer, he could not resist, to proceed against the privateer, under the third section of the act of Congress, entitled “An act in addition to the act for the punishment of certain crimes against the United States,” passed June 5th, 1794. This section works a forfeiture of the privateer, one half to the use of any person who shall give information of the offence, and the other half to the use of the United States. No person having appeared in quality of informer to institute the suit, Mr. Harrison, according to the course of the common law, filed an information in behalf of the United States, solely against the privateer, as you will perceive by the copy of the information already transmitted to you. No law of the United States, and no law or usage of this State, required the information to be founded upon any previous affidavit or evidence of the truth of the matter alleged in it. The filing of an information is an act entirely in the discretion of an officer entrusted by law with the power of doing it; and if he should abuse his power, he stands upon the footing of all public officers who are guilty of malversation in office. In the present instance, Mr. Harrison has acted from the best of his judgment upon the duty of his office, after officially obtaining information from a public officer who conceived himself likewise bound

by a sense of duty to communicate the information. The suit against the privateer is also at issue, and nearly the same testimony which is above stated has already been taken in it; and further testimony, to put it on the same footing with the suit against the prize, will be procured without delay. The final issue of the suit against the privateer is altogether a problem; but I have no doubt that at least probable cause will appear to justify her seizure and detention.

If any further information should be wanted, I will furnish it as soon as I am favored with your commands. In the mean time I have the honor to be, in behalf of Mr. Harrison, sir, &c.

ROBERT TROUP.

No. 74.

Extract of a letter from Richard Harrison, District Attorney of New York, to the Secretary of State, dated August 13, 1795.

"With respect to the suit instituted against the French privateer *La Vengeance*, I have to refer you to Colonel Troup's letter of the 7th inst. with this single addition—that as the suit was commenced on behalf of the United States, from motives of duty, upon such evidence as (if unimpeached) would afford not only probable cause for seizure, but just ground for condemnation, so it will immediately be discontinued, from the same motives, if it shall be found that the weight of testimony is in favor of the claimant."

No. 75.

The Minister Plenipotentiary of the French republic near the United States, to Mr. Pickering, Secretary of the Department of War of the United States, charged with the Department of State.

PHILADELPHIA, the 2d Vendemiaire, (September 24, 1795.)
4th year of the French republic, one and indivisible.

SIR:

I have duly received Mr. Randolph's letter of the 11th August, in which he enclosed copies of that written from New York on the subject of the privateer *La Vengeance*, and of the documents produced at the suit pending in the district court of that city against the privateer and her prize.

My objections are still the same, and I should have renewed my representations, if the weak replies I had received had not led me to imagine that I had little to hope from such a step. I therefore thought it my duty to wait until I should be possessed of authentic documents to discuss, at the same time, the points of right and fact.

These documents have come to hand.

I begin with the point of right.

The prize made by the privateer *Vengeance* of a Spanish ship is arrested upon the allegation of the consul of that nation, stating that this privateer had been armed in the United States.

Upon this simple allegation, without an affidavit, or other testimony, the attorney of the district had the privateer arrested. He pretends that, affidavits are not necessary, and that, if the decree should be favorable to the privateer, the damages accruing from her arrestation shall be borne by the plaintiff. Besides, he undertakes to assert that the prize cannot escape condemnation.

It is not my province to dispute the responsibility for the damages and interest resulting from the arrest of the privateer, which is a matter foreign to the subject of the prize, and a punishment for a supposed violation of your neutrality. Therefore, I shall not discuss this part of the allegations of Mr. Attorney, which appears to me erroneous; it is not doubted that, in the final issue, the French privateer will have a right to claim damage and interest from the American Government.

But I again recur to the assertion, that an affidavit is not necessary for ordering the arrest of a vessel.

What is the law, what is the usage, which establishes the prosecution for reparation of an offence, before it be ascertained that it has been committed; and what certainty then had Mr. Attorney? His opinion. Upon what is it founded? The complaint of the Spanish agent, since there was not a single affidavit.

Now, sir, upon mere suspicions, which the enemy interest will not fail always to bring forward, the French privateers are to be subjected to seizure! Such a measure tends to nothing less than to paralyze the seventeenth article of our treaty.

Doubtless, sir, this is not the intention of your Government. No, the United States, under the veil of friendship, will not endeavor, by indirect means, to abuse the advantages of an alliance cemented by French blood.

I therefore protest against this illegal arrest—I request you, sir, to examine into the irregularity of it, and to order its removal.

You may do this, as it was the act of an agent of the executive power with the courts, and not that of the judiciary.

I return to the point of fact, that is to say, to the arming of the privateer in the United States. Like Mr. Attorney, I had my conviction; it was only a moral, but it is now a physical one; among the numerous written documents which have come to my hands, I confine myself to the choice of four; of these I transmit you copies.

The first is the declaration of General Laveaux, stating that the vessel called *la Dorade* arrived at Port de Paix without any armament whatever; that she was sold to citizen Jacques Rouge, armed by him as a privateer, partly at that place, and partly at the Cape. This declaration is certified by the municipality of Port de Paix.

The second is a declaration of citizen Villatte, commandant at the Cape, stating that this privateer sailed from that place with six cannon.

The third is the bill of sale of *la Dorade*, done at Port de Paix, the 24th last Floreal, with an exact and minute inventory of every thing belonging to the vessel.

The fourth, and last, is a declaration of the master warden of the port of Philadelphia, proving that this vessel sailed without an augmentation of force.

The reading of these papers will convince you, sir, that Mr. Attorney was not founded in the opinion which he looked upon as a sufficient reason for authorizing and justifying the seizure, against which I complain.

As though this seizure were insufficient, Mr. Attorney, upon what foundation I know not, (probably, also, according to his opinion) has ordered a second seizure of the vessel, under the pretext that she exported arms and ammunition from the United States. I do not discuss, also, sir, this difficulty, superfluous in the main, but I complain of a step which is a formal insult, an outrage against the French republic, and myself as its representative.

The first point of difficulty was in discussion; I complained; a negotiation was opened between you and me; and this is the time Mr. Attorney chose to repeat the very thing about which I was complaining. He has violated usage and decency in the most wanton manner, since, admitting the second seizure to be well founded, it was useless for securing the penalty as long as the first had not been removed.

I request justice, sir, and I am so much the more persuaded that you will readily render it to me, as you will be perfectly convinced that this is considerably less a question of the particular interest of the privateer, than of maintaining the principles of the alliance, and the rights of the French republic, for which you have repeated to me assurances of attachment which leave me no doubt of your dispositions.

Accept, sir, &c.

P. A. ADET.

No. 76.

THE FRENCH REPUBLIC.

Etienne Laveaux, Commander in Chief of the French Windward Islands in America.

At the request of the owners and captain of the ship *la Vengeance*, formerly *la Dorade*, to certify all the facts and circumstances known to us relative to this vessel.

We, rendering homage to the truth, declare, that, on the 13 Floreal last (2 May, O. S.) the vessel called *la Vengeance*, formerly *la Dorade*, anchored in the road of Port de Paix, about eight or nine o'clock in the morning; that, immediately, the captain, named Francis Michel, was brought before us, as is customary, and, in presence of part of the army, declared that he had been charged, by the agents of the French republic near the United States, with a secret mission, of which he perfectly acquitted himself. This I do not conceive my duty to detail here. The vessel arrived as a merchant vessel, without either cannon or musket of any kind, and but slightly manned.

This mission being fulfilled, *Francis Michel*, attorney of John Baron, owner of the said vessel, sold her to citizen Jacques Rouge, of this town, agreeably to a bill of sale executed before Domingeaux and his partner, notaries at Port de Paix, the 24th last Floreal.

The citizen Jacques Rouge having chosen Jean Antoine Berard to command this vessel, requested letters patent from me to arm her as a privateer. I granted them on the 27th of last Floreal, and they were registered in the records of the admiralty of this town, and in the office of the civil ordonnateur.

Cannon being of great consequence for the defence of this town, citizen Berard could find very few. He asked me for three three-pounders, which were in one of our forts; I promised them to him, but having been obliged to erect a battery which was indispensable, I was under the necessity of omitting to fulfil it. He then requested permission to go to *Borgne*, for others; I could not permit him, on account of the utility of the artillery there. In a word, he found, at Port de Paix, but two cannon, three at *Coulevrine*, which he purchased, with my permission, of citizen Florestal, an inhabitant of that town.

Under these circumstances, citizen Berard went to the Cape to complete his armament. As I could not, after what had been done for the republic, refuse to accelerate the arming of this vessel, I wrote to Vilatte, commandant at the Cape, to render him assistance.

All the facts above related are perfectly true. It is a matter of public notoriety, that *la Vengeance* arrived here a commercial vessel; that she was sold to Rouge, a citizen of Port de Paix; that he obtained a commission for cruising against the enemies of the republic; that she was commanded by Jean Antoine Berard; that her armament begun here, under my own eyes; that it was completed at the Cape, in virtue of my letter to the commandant; that he sailed thence, on a cruise, against the enemies of the republic: therefore, the prize made by the said Berard, being by a privateer, legally armed, and agreeable to the laws of the French republic one and indivisible, cannot be contested.

In faith whereof, we have delivered the present declaration, to serve and avail when and where it ought.

[L. s.] Given at Port de Paix, under the seal of the republic, and countersigned by our secretary, the 1st Fructidor, 3d year of the French republic, one and indivisible.

ET. LAVEAUX.

By the commander in chief.

HENNIGIN,

First aid-de-camp and Secretary.

We, the mayor and municipal officers of the town and parish of Port de Paix, island of St. Domingo, certify, to all whom it may concern, that the citizen Et. Laveaux is commander in chief of the French Windward Islands in America; that faith should be given to his signature above, as well in as out of judgment.

In faith whereof, we have delivered these presents, signed with our hand, and sealed with the seal of the [L. s.] municipality.

Given at Port de Paix, at the town house, 2d Fructidor, 3d year of the French republic, one and indivisible.

DOMINGEAUX, *A. Notary.*DERBODES, *Mayor.*BURTARRET, *Notary.*LA COSTE, *Notary.*RICARD, *Notary.*BERN. BARTHE, *A. Secretary.*

True copy.

P. A. ADET.

No. 77.

CAPE, 28 Thermidor, 3d year of the republic.

I, Vilatte, commander-in-chief of the town of the Cape and its dependencies, certify:

That the schooner *La Vengeance*, of Port de Paix, captain Berard, entered this road the 1st Prairial last, with two cannon, and sailed thence, on the 5th of the same month, with six cannon, to cruise against the enemies of the republic. Annexed hereto is a letter of recommendation from General Laveaux, to this effect, to protect his armament.

VILATTE.

PORT DE PAIX, 28 Floreal, 3d year of the French republic, one and indivisible.

Etienne Laveaux, commander-in-chief, to Vilatte, colonel of the 1st regiment, principal commandant at the Cape:

The citizen Jean Antoine Berard, captain of the privateer *La Vengeance*, goes to thy port; I recommend him to thee as a good and virtuous citizen patriot.

The citizen Barriere has taken five of his crew from him; thou wilt permit him to replace them from Barriere's two vessels.

In case citizen Berard should want two cannon, thou wilt deliver them to him, in case they can be spared, on his paying the treasurer their value. Salut.

ET. LAVEAUX.

Certified to be a sincere and true copy from General Laveaux.

VILATTE.

CAPE, 28 Thermidor, 3d year of the French republic, one and indivisible.

We, the mayor and municipal officers of the town and jurisdiction of Cape François, certify and attest, to whom it may concern, that citizen Vilatte, who signed the above, is colonel of the 1st regiment, and prin-

capital commandant of the town of the Cape and its dependencies, and that faith should be given to his signature, as well in as out of judgment.

In testimony whereof we have signed these presents, and thereto affixed the seal of the municipality of this town.

HENRY, Mayor.
DAMPAIRE, Municipal officer.
PUECH, A. N.
SILVESTER FORBES, Municipal officer.
FOUGNIERS, S. G. Ad.
CHAVANCE, Municipal officer.

A true copy.

P. A. ADET.

No. 78.

24th Floreal, 3d year, sale of the schooner *la Dorade*, by Francis Michel to Jacques Rouge.

Before the undersigned, notaries of the French republic, in the jurisdiction of Port de Paix, island and coast St. Domingo, therein residing, appeared Francis Michel, captain of the schooner *la Dorade*, now anchored in this road:

Who, by these presents, in the name and as attorney of Baron, (the power of attorney having been shown to us) declares to have voluntarily sold, quit claimed, ceded, abandoned, and transferred, from this time and forever, promising hereby to warrant the same both in law and fact, to Jacques Rouge, merchant at the Cape, now in this town, for himself, his heirs and assigns, the said schooner *la Dorade*, of the burthen of about fifty tons, together with her boat, tackle, apparel, cables, anchors, appurtenances, and every thing thereunto belonging, without exception or reservation, which the said purchaser declared himself well acquainted with, and such as is designated in the inventory formed and executed by the said parties, signed and marked by them and the said notaries, which is annexed to these presents.

The present sale being thus made for and in consideration of the price and sum of 66,000 livres, which sum of 66,000 livres the said Francis Michel acknowledges to have received, before these presents, from the said Jacques Rouge, in money and colonial produce, furnished by the said Rouge for completing the said sum of 66,000 livres, wherefore the said Francis Michel perfectly exonerates the said Rouge from the price of the said schooner *la Dorade*.

The said Francis Michel disseizing himself in the name of the said Baron, of the ownership and possession of the said schooner *la Dorade*, in favor of the said Rouge, so that the latter may use and dispose of her from this day as a thing to him appertaining, by means of these presents, the said Rouge hereby acknowledging himself in possession of the said schooner, and as being therewith contented, because he has seen, visited, and examined, for that, &c. promising, &c. obliging, &c. an act thereof.

Done and passed at Port de Paix, in our chambers, the 24th Floreal, 3d year of the French republic, one and indivisible, and after reading the same to the said Francis Michel and Jacques Rouge.

BRESSAT, Notary,
DOMINGEAUX, Notary, and keeper of the said minute.

The following is the tenor of the annexed paper:

Inventory of the schooner *la Dorade*, Captain Francis Michel, made at Port de Paix, the 12th May, 1795, (O. S.) 3d year of the French republic, one and indivisible, to wit: 1 eight inch cable, one-third worn, 1 eight inch do. half worn, 1 six do. one-fourth worn, 1 three do., 1 three do. hawser, half worn, 1 coil of cordage of 24 yarns, new, 1 do. 18 do. (cut) 1 do. 9 do., 2 spare *etagnes*, 4 tackles, complete, 24 spare blocks, of different sizes, 1 top block, 8 marine spikes, and 4 scrapers, the running and standing rigging half worn.

Spars.—2 good lower masts, 1 bowsprit, 3 topmasts, 2 lower yards, 2 topsail yards, 1 *boine*, 2 boom crutches, 2 royal yards, 4 studdingsail yards, 1 *cangau et ses bouts de dehors*, 4 oars for the schooner, 1 yawl, 2 port anchors, 1 crow.

Sails.—2 foresails, one-third worn, 2 mainsails, do., 2 jibs, do., 2 do. three-fourths worn, 1 topsail, one-third worn, 2 do. half worn, 1 flying topgallantsail, half worn, 1 *clin for*, one-third worn, 1 staysail, half worn, 1 *fleeche du eul*, one-third worn, 4 studdingsails, half worn, 1 jursail, half worn.

Carpenter's tools.—2 saws, 2 axes, 4 augers, 1 *varpose*, 1 plane, 3 chisels, 1 gouge, 3 *marteaux*, rasp and other small utensils, 4 sets of pump rigging, 1 pump hook.

Cooking utensils.—1 caboose, 1 small copper cauldron, 1 do. tin, 2 pans, 2 coffee pots, 2 soup ladles, 1 gridiron, 1 frying pan, 1 tin canteen, 6 glasses, 6 forks, 6 knives, 1 dozen plates, 4 dishes, 1 candlestick, 1 wax do. 1 coffee mill, 14 wooden cannon, 5 cans, 6 wooden bowls, 12 iron bound hogsheds, 3 barrels, 4 buckets, 1 funnel, 1 tin pump, 2 lanterns, 1 barrel beef, broached, 1 cheese, 1 half barrel of butter, broached, 2 barrels vegetables, both do. 1 box of candles, broached, 10 quintals of biscuit, or thereabouts.

Articles belonging to the binnacle.—1 azimuth compass, 3 common compasses, 3 half hour glasses, 2 do. for the log, 1 log complete, 2 national flags, 1 American flag, 1 long *ven*, 1 binnacle, 1 copper lamp, 8 barrels *en botts*.

Provisions.—200 lbs. biscuit, nearly, 1 half tierce of rice, 1 barrel of peas, three-fourths of a barrel of beef, one-fourth of a barrel of corned do., about 10 lbs. of butter, one-fourth barrel of rum, one-fourth do. salted fish, one-half do. flour, three-fourths do. do.

The waist of the said vessel good, but requiring some repairs, 52 feet keel, and 65 feet from stem to stern, about 18 feet broad, 7 feet hold, having a bulk head forward and another abaft, one state room with 6 berths.

Signed in the original French.

MICHEL,
ROUGE.

BRESSAT and }
DOMINGEAUX, } Notaries.

Taken from the minutes of these presents, remaining in the custody of the said Domingeaux, Notary.

Collated.

BRESSAT, Notary.
DOMINGEAUX, Notary.

We, the mayor and municipal officers of the town and province of Port de Paix, island and coast of St. Domingo, (the controlled stamped paper and small seal not being in use) certify to all those whom it may concern, that Bressat and Domingeaux are notaries of the republic in this district; that the above signatures by them, in the said quality, are their true signatures, to which faith should be given as well in as out of court.

[L. s.] In faith whereof we have delivered the present, which we have signed and sealed with the seal of the municipality.

Given at Port de Paix, in the town house, the 21st Thermidor, 3d year of the French republic, one and indivisible.

DESBORDES, Mayor,
VT. RICHARD, N.
BINTARVET, N.
BERTHOUMEUX, C. G.
DESPERBESQUE, N.
THOMAS DULLY, M. officer.

I do hereby certify that the foregoing is a true copy of the original.

TROUP, Clerk of the district court of the
United States for the district of New York.

Copy.

P. A. ADET.

No. 79.

Nath. Falconer, Esq. to Alex. J. Dallas, Esq. Secretary of the Commonwealth.

WARDEN'S OFFICE, July 3, 1795.

SIR:

I beg leave to inform you, in regard of the schooner *Rose*, that she cleared out at the custom house, on the 18th day of March, under the name of the *Dorada*. I never heard of her being permitted to clear out at the collector's office, until the 21st of the month, which I heard from the collector himself, that she was permitted to clear out. The complaint coming from the collector and surveyor, I concluded that the officers of Government were satisfied that there was no augmentation of force, or they would not have permitted her clearing out for the West Indies. I applied to the Governor for an order to let her pass the fort, which he gave at his own house to the officers of the fort, to let her pass on producing her clearance from the collector of the port, which I transmitted to the fort.

I am, &c.

N. FALCONER,
Master Warden of the port of Philadelphia.

True copy.

P. A. ADET.

No. 80.

Extract of a letter from the Secretary of State to Richard Harrison, Esq. District Attorney of New York, dated October 1, 1795.

"Herewith I transmit the translations of a letter of the 24th ultimo, and other papers, received from Mr. Adet, the minister of the French republic, relative to the privateer *La Vengeance*, arrested by process from the district court of New York, and her Spanish prize libelled in the same court. I beg you will again examine this business, and, as early as possible, favor me with such information as will enable me to make an answer to Mr. Adet, that may or ought to be satisfactory."

No. 81.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE October 16, 1795.

SIR:

A divided attention between two departments I must pray you to accept as an apology for my delays in answering your letters and communicating expected information.

I now enclose an extract of a letter from Mr. Harrison, the district attorney for New York, relative to the privateer *La Vengeance*, and her prize; by which you will perceive that, whatever may be the event of the suits pending in court, concerning her and her prize, the public officer, Mr. Harrison, is supported, in his proceedings, by the laws and usages of this country, upon such evidence and information as, in the case referred to, were produced.

I am, very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 82.

Extract of a letter from Richard Harrison, Esq. District Attorney of New York, to Colonel Pickering, dated October 3, 1795.

These observations will naturally lead to the case of the privateer *La Vengeance*, against which two suits have been brought on behalf of the United States; the suit against the prize being of a private nature, wherein, as attorney of the United States, I have no concern.

It is rather extraordinary that the mere institution of these suits, for offences against the laws of our country, should be considered as a just cause of complaint by the agents of a foreign nation; since, until the final sentence of the constitutional tribunals, it cannot be legally discerned whether the complaints are well founded, vexatious, or properly instituted upon probable cause, though the scale of evidence may finally preponderate in favor of the accused.

Without adverting, however, to this point with the particularity it may deserve, I proceed to observe that, previous to the commencement of the first suit, such information was given as afforded, in my judgment, a probable cause for the prosecution. This did not arise, as the French minister supposes, from *simple suspicions*, or the mere allegation of the Spanish consul. That gentleman laid before me papers, carrying every appearance of authenticity, relative to the fitting out and arming of the privateer; and I had assurances, upon which I could depend, that *direct evidence* would be produced of illegal measures for this purpose, taken either in Philadelphia or elsewhere in the river Delaware.

Under these circumstances I judged it my duty to proceed *officially*, for the only breach of law with which I was then acquainted, and I should have esteemed myself culpable if I had neglected to do so. It was sufficient that I was assured of having the evidence at a proper time to manifest the propriety of the suit, and before that time it was unnecessary to possess it. Neither the laws of the country, nor the practice of our courts, required the filing of any previous affidavit where the suit was commenced by the attorney of the United States on their behalf; and such a practice might often be attended with pernicious consequences, by disclosing the name of the person who gave the information, and the nature of the evidence to be produced. Whatever, therefore, may be the ideas of persons unacquainted, or but little acquainted, with our laws, must be wholly immaterial upon this subject; but they may rest assured that I should never resort to any mere pretences in justification of my conduct, and I may safely challenge any person to produce the law which would render such an affidavit necessary, unless in case of a common informer.

The first suit against the privateer having been thus commenced, the testimony of her illegal armament, within the United States, has been actually furnished by more than one witness; but, in the course of the hearing, such a variety of clashing and contradictory evidence was produced, that it became impossible to foresee the event. This, you may remember, was, at a very early period, said to be *problematical*, though no doubt was entertained that probable cause would appear to justify the seizure and detention.

During the time of exhibiting the testimony in the cause originally commenced, it appeared, in evidence, by the showing of the claimant's witnesses, that the privateer had been employed in exporting ammunition from the United States, at a period when such exportation was prohibited. Had the fact been known in season, it would have formed a charge in the original suit; but, that not being the case, as soon as I was informed upon the subject, it became my

duty to file another libel, for an apparent breach of the law, subjecting the vessel to condemnation. It was, indeed, in evidence, that the ammunition exported came from a French frigate lying in this harbor; but the law had made no exception for such a case, and to imply one would have furnished the means of evading all its salutary provisions.

From this detail it must be evident that my conduct in the commencement of the second, as well as of the first suit, was dictated by the duty incident to the office which I have the honor to hold. In the execution of that duty I am incapable of violating decency, or outraging any person; especially those who, from their connexion with this country, or their public character, are entitled to respect.

Had the commencement of the second suit been deferred until the termination of the first, there might have been more color for complaint; since, in that case, the privateer might have undergone a second detention; whereas, in the present mode of proceeding, the claimant, if he thought proper, might bring both suits to a close at nearly the same period.

In this whole business, however, I have undoubtedly acted from my own opinion, founded upon such evidence as came to my knowledge; and as, in similar cases, I must necessarily, in the first instance, be unacquainted with the opinions and convictions of others, I know of no other rule by which I can be guided, unless when I am honored with the directions of the Chief Executive Magistrate.

It would, perhaps, be unnecessary, if not improper, for me to enter into a minute discussion of the papers produced by the French minister, or the evidence respecting the cause whilst it is a subject of judicial examination. Permit me, however, to observe: 1st, That, even if they are sufficient to warrant the acquittal of the privateer, it will by no means follow that the seizure and detention were improper; otherwise, it would be necessary, in all cases, to try the cause before the commencement of the suit. 2dly, That the bill of sale has been produced to the district court on behalf of the claimant, and will receive from the justice of that court its proper interpretation, either as evidence of a genuine contract, or as a mere cloak to disguise the transaction. 3dly, That General Laveaux's certificate (whatever respect it may be entitled to) is not to be considered as evidence in the cause; and, if it could be made so, the claimant would be very cautious of producing it, on account of its differing from the witnesses. And, 4thly, That the certificates of Mons. Vilatte and Mr. Falconer are such as do not contradict the supposition that the vessel may have been prepared and fitted for her armament in the port of Philadelphia, and that she may have received it on board before she quitted the Delaware, though she acquired additional force in the West Indies.

No. 83.

NEW YORK, December 5, 1796.

SIR:

In Mr. Adet's official note to you of the 15th ult. I find a charge against me as one of the officers of Government, for delaying the decision of the suits instituted in the district court for this district, against the prize ship *La Princesse de Asturias*, and the privateer *La Vengeance*. As the reputation and interest of the Government, in its foreign relations, are intimately connected with the conduct of its officers, I think it my duty to furnish you with the following state of facts.

I was appointed clerk of this district immediately after the courts of the United States were organized; and being then a practiser in the state courts, the judge of the district also permitted me to practise in his court. Being thus permitted to practise in the district court, I supposed myself at liberty to be concerned for Don Diego Pintado, as well as for any other individual. The suit which I instituted for him was not instituted wantonly, but upon information which was afterwards verified by the oaths of several witnesses. In the progress of the cause, these witnesses were contradicted by the witnesses produced on the part of the captors; and a decree was finally given for the captors, under an opinion of the court that their witnesses were entitled to the greatest degree of credit. If the witnesses of Don Diego Pintado had not been contradicted by those of the captors, it cannot be doubted that he would have obtained a decree for the restitution of his property.

The libel of Don Diego Pintado was filed on the 3d, and the answer and claim of the captain of the privateer on the 13th of July, 1795. On the 17th of the same month the parties proceeded to examine their witnesses. It was not until the 11th of November following that the examination of witnesses for the captors was closed; and in two days afterwards the cause came on to be argued. The delay in taking the testimony did not arise from any circumstances which can cast even the shadow of an imputation upon me or the counsel associated with me. There were many witnesses on both sides: some of them came from Philadelphia, and others from the West Indies, after the cause was at issue, and the proofs became necessary; all the examinations were reduced to writing, and most of them were lengthy; the yellow fever prevailed in this city, and so general and destructive were its ravages, that Mr. Edward Livingston, the proctor for the captors, deemed it prudent to retire to Long Island; Mr. Brockholst Livingston, one of their counsel, for the same reason, removed to Dutchess county, more than eighty miles up the North river, where he remained until the fever subsided; and their leading counsel, Mr. Duponceau, was an inhabitant of Philadelphia. The proctor and counsel, however, of Don Diego Pintado, continued in the city, and were at all times ready to do every thing in their power to expedite the cause. On the 10th of December, 1795, the district judge pronounced his decree in favor of the captors. An appeal from this decree was immediately interposed, by direction of the Spanish consul, to the next circuit court of the United States for this district, which by law could not be held before the 5th of April, 1796. Not long after the appeal was interposed, Mr. Hamilton, Mr. Harrison, and I, had a conference with the Spanish consul, at which we assured him it was our unanimous opinion that there was little or no probability of ultimate success in the cause, and therefore we could not advise the continuance of the appeal. The Spanish consul, in reply, asked us for our opinion in writing, that he might transmit it to the Spanish consul general at Philadelphia, and receive his instructions. We accordingly delivered to the Spanish consul a written opinion, subscribed with our names, in which we unanimously treated the cause as one that was nearly hopeless, and strongly discountenanced the further prosecution of it. We did not preserve a copy of this opinion, or I should now transmit it to you: the original, I understand, is in the hands of the Spanish consul general. In the course of a few days, after the Spanish consul had received our written opinion, he informed me that the agents of the Spanish Government at Philadelphia, having taken charge of the suit merely as public officers, felt themselves bound to pursue the straight course marked out by the laws of the United States, and to apply for the judgment of the court sitting in the last resort. This answer was decisive with the counsel for Don Diego Pintado. They were obliged in faithfulness to the trust reposed in them to prosecute the appeal and prepare it for argument at the circuit court appointed to be held on the 5th of April. This was done, the cause was argued again, and the decree of the district court was affirmed. A writ of error was then brought, in compliance with the instructions which the Spanish consul had previously received from the consul general. An early opportunity was afterwards taken by the consul of Don Diego Pintado, to impress upon the mind of the Spanish consul the desperate situation of the cause, inasmuch as it would go up to the supreme court with a case made by the circuit court, and forming a part of the record, which would probably be conclusive upon the supreme court, and compel it to affirm the judgment of the circuit court. The same considerations, nevertheless, which led to the prosecution of the appeal from the sentence of the district court, determined the agents of the Spanish Government not to discontinue the writ of error. All the preparatory steps proper to put the cause in such a state as to entitle it to be argued at the next supreme court, at which the writ of error was returnable, were consequently taken. The term of the supreme court commenced on the first Monday in August, 1796, at Philadelphia, and on that day, if older business had permitted it, the cause might have been heard. During the term, however, the cause was heard, and the judgment of the circuit court was affirmed.

In a cause removed into the supreme court by a writ of error, that court is not authorized to issue execution to enforce its judgment, but is required to remand the cause to the circuit court, by special mandate, for execution. In the interval between the rendering of judgment by the supreme court, and the presenting of the mandate, to the circuit court, all further proceedings in the cause are necessarily suspended, and nothing can be done but by the courtesy

of the unsuccessful party. The circuit court for this district sat on the 5th of September last, which was rather more than a fortnight after the decision of the supreme court; and yet no advantage was taken or attempted to be taken by the consul of Don Diego Pintado of the suspension which the law created. So far from it that I wrote a letter to Mr. Duponceau, in Philadelphia, the very day I heard the supreme court had given judgment, in which I mentioned that the circuit court would sit on the 5th of September following; that little business would come before it, and therefore its term was likely to be short; and that I was willing to concur in arrangements for the immediate assessment of the damages which the circuit court might award to the captors; and I added that the supreme court having decided upon the merits of the cause, I wished he would send the captain of the privateer, then in Philadelphia, to me, for the money brought into court, as I meant to pay it to him without waiting for an order from the circuit court, for the purpose. Mr. Duponceau communicated my wish to the captain of the privateer, and he accordingly came on and received the money before the circuit court began; and, in pursuance of arrangements, by mutual consent the damages were assessed in time to be finally decided upon by the circuit court. Without these arrangements it is more than probable that the captors, according to the usual course in similar cases, would not have received their damages until after the circuit court, which will be held on the 5th of April, 1797.

From this state of facts, I presume that it will be evident to every unprejudiced mind that Mr. Adet's charge against me is wholly unfounded. Were the preceding facts incapable of proof, I might safely appeal to the candor and liberality of the counsel for the captors, as witnesses, of the fairness and propriety of my conduct in every stage of the cause; and if they said one single syllable to my prejudice, I would plead guilty, and submit to be banished from my country, as unworthy of its confidence. I make use of strong terms, because I know that my integrity places me upon high and solid ground. If Mr. Adet, before he published his note, had taken the trouble of inquiring of Mr. Duponceau relative to my conduct, he would have been told that the tenor of it throughout the cause was fair, honorable, and liberal. I am possessed of several letters from Mr. Duponceau, in which he emphatically expresses this opinion, and returns me his thanks.

Not having been concerned in the suit against the privateer, I refer you to the attorney of the district for such information respecting it as he may suppose it proper to give you.

With sentiments of the purest esteem, I have the honor to be, &c.

ROBERT TROUP.

No. 84.

Mr. Harrison, District Attorney of New York, to Mr. Pickering, Secretary of State.

NEW YORK, December 12, 1796.

SIR:

Mr. Adet's long and extraordinary note of the 15th ultimo could not fail of exciting both surprise and attention. The variety of ill founded charges which it contained against the most revered and respectable characters in our country, and its general strain of censure upon the wise and impartial measures of Government, had a natural tendency to make the reproaches it contained upon inferior individuals, be considered rather as marks of honorable distinction, than as inflicitive of disgrace. Under these impressions, and conscious that, as far as I was implicated in his censures, they were wholly unmerited, I had balanced, with myself, whether it could be proper to add any further statement to those communications respecting the case of *La Vengeance*, which had already been transmitted to the principal officers of Government. Lest, however, any thing should be wanting to a complete vindication of the courts and officers of justice, as far as I was personally concerned, and in deference to the request contained in your letter of the 10th instant, I shall briefly recapitulate the circumstances attending the several suits against the privateer, with the particular reasons that influenced my conduct as prosecutor for the public. I trust that the detail will fully confirm, not only the purity of those motives by which I was actuated, but also the propriety of the measures which I thought it right to pursue.

About the latter end of June, or beginning of July, 1795, the privateer *La Vengeance* arrived with a valuable prize in the harbor of New York, at a time when I was absent from the State, upon a tour to the eastward for the recovery of my health. Upon the 2d of July, if I am rightly informed, a suit was commenced, on the admiralty side of the district court, by the Spanish consul, on behalf of the original owner of the prize, upon an allegation that the privateer had been fitted out in the United States. This cause was commenced in my absence, by the advice of Colonel Hamilton and Mr. Troup. I had no participation in the business, nor any knowledge of it; though, if I had been applied to, I should not have thought it incompatible with my station to have been originally concerned for the libellant; as the free exercise of profession, in all causes where the United States are not parties, belongs to the district attorneys. Before my return to New York the cause had already made some progress; the libel was filed, the prize arrested, and a claim, I think, instituted by Captain Berard, on behalf of one Jacques Rouge, whom he alleged to be the owner of the privateer. Mr. Adet's insinuation, therefore, *that the prize was arrested in consequence of any exertion or appearance of mine*, is totally unfounded, and to be classed with the other groundless reproaches by which his note is distinguished.

Upon my return, the consul of the King of Spain, at New York, complained to me, in my official capacity, of a violation of law on the part of the privateer, in consequence of which a Spanish subject had been injured. This complaint was entitled to attention, both from its own nature and the situation of the complainant. I could be under no improper bias from any connexion with the prize cause, even if I was capable of being so biased; because, at that time, I had no concern in it; and, therefore, Mr. Adet's observation that I acted "without laying aside my office of attorney for the captured," is equally unfounded with the one above noticed.

Upon making the inquiries which I supposed requisite, I found at least a probability that the complaint respecting the privateer was true. This probability arose from what I considered as affording the certainty of *material proof*: and, therefore, in conformity with my duty, I commenced a prosecution, grounded upon the statute prohibiting the arming of privateers in our ports. In the course of proceeding against the privateer, it was manifest that the cause of the United States and that against the prize were substantially the same, and it was agreed that the evidence taken in the one cause should be used in both. After some time, Colonel Hamilton's numerous engagements rendered it impracticable for him to attend constantly to the examination of witnesses, and as questions arose with respect to the cause against the prize, which did not emerge in that of the privateer, I was engaged to assist as counsel in the prize cause, continuing alone as to every thing that respected the public prosecution. This I may aver to have been carried on with the utmost fairness on the part of the United States, and no methods whatever were employed to delay the decision, which, however, was necessarily retarded, in part by the time consumed in examining the numerous witnesses produced on behalf of the claimants, and in part, by the calamitous situation of New York at that period. Perhaps, too, there never were causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts. The judge of the district took a considerable time to examine the evidence and form his opinion, and though his decision was in favor of the claimants, yet he expressly declared that there was probable cause for the seizure, which has ever been considered as sufficient to justify a prosecution on the part of the public; and I believe that whoever will examine the mass of jarring evidence that was taken upon this occasion, will accord in that opinion, though he may think that, under all the circumstances, the facts were too doubtful to warrant a condemnation. To the judge's sentence upon this prosecution, I thought it reasonable to submit on the part of the public, and as one of the counsel in the prize cause, I united with my associates in recommending the like submission in that cause also. These are all the observations which I think it can be proper to make with respect to the first cause commenced against the privateer.

With respect to the second prosecution, which Mr. Adet says "*is principally in question*," the facts are these: During the course of the examinations in the first cause against the privateer, it appeared that a quantity of arms and

ammunition had actually been exported in her from the United States at a time when such exportation was prohibited; and though I had been led to suppose, from some of the testimony, that these had formed a part of the privateer's equipment, yet, as this was contested, I thought it my duty to file another libel or information, stating the exportation as a breach of the prohibitory law. Mr. Adet is pleased to say, that "this information was made upon the simple declaration of Mr. Giles, marshal of the court, who, as informer, was to have his part of the confiscation." In the first part of this assertion, Mr. Adet is certainly mistaken. The information was founded upon the evidence appearing in the other causes, not upon any declaration made by Mr. Giles; and as Mr. Giles was not the informer, but merely the seizing officer, I do not know that he would have been entitled to any share of the property if confiscated.

After the filing of the second information, it is remarkable that Captain Berard (who could best have contradicted the allegations contained in it, if they were not true) does not appear to claim upon oath, as in the other causes; but this task is devolved upon the French consul, who could only speak from information.

In the progress of the cause, however, the exportation of cannon is denied; the muskets attempted at one time to be made fowling pieces, and at another the property of passengers; and the powder, with some ball which accompanied it, is alleged to have been part of the equipment of a French frigate, and to have been afterwards replaced; but without explaining whence, or in what manner, the supply to the frigate was obtained.

Under these circumstances, the judge of the district pronounced sentence of condemnation against the privateer, founding his decree upon the exportation of the muskets, but without giving any direct opinion as to the powder, which, in my judgment, formed the most important and serious question in the cause; because, if foreign vessels of war might supply the ships or colonies of their nation with ammunition, from their equipments, and again replace the same, probably by purchases within the United States, every prudent and necessary precaution to preserve among us the means of defence, might, at the pleasure of foreigners, be rendered abortive.

The sentence of the district court in this cause having been pronounced, an appeal, as stated by Mr. Adet, was interposed by the French consul at New York, and, about this period, a sale of the privateer took place by consent. If the parties interested supposed that this vessel would sell for no more than a "tenth part of the cost of her armament," it was optional with them to have refused their consent. I know no law of Congress, such as Mr. Adet alludes to, requiring vessels to be given up upon security, under the circumstances stated. No such law was produced by the consul or his attorneys, and it would have been palpably improper that a privateer, condemned by the sentence of a court of justice, should by any act of an officer of the executive government go into the hands of one of the belligerent parties completely equipped to cruise against its enemies. Such an act would probably have been considered as a deviation from strict neutrality, and might have been productive of serious consequences.

In the month of April last, the appeal in the case of the privateer came on to be heard before Judge Chase, in the circuit court for the district of New York. Whatever might have been the expectations of the consul or his attorneys, they did not choose to rest their cause upon the evidence taken in the district court, but, upon the first day of the hearing, produced new witnesses. After these had been heard, the argument was commenced for the appellant, and answered on the part of the respondents; but as the judge plainly intimated his opinion, for confirming the former sentence, unless further evidence could be produced, to a particular point, the appellant's counsel applied for, and obtained, a delay of two days; and, in that interval, by some *fortunate casualty*, met with a witness, who had only been a few months at New York, and was able to remove every difficulty.

In consequence of this new evidence, Judge Chase thought proper to reverse the sentence of the district court, condemning the privateer; but he not only certified that there was *probable cause* for the prosecution, but, as the innocence of the party had not been manifested in the early stages of the cause, he directed all the fees of the officers of the court to be paid by the claimant.

As this decree of the circuit court had been obtained under extraordinary circumstances, and as the question respecting the powder still appeared to me of the utmost importance, I thought it my duty to enter an appeal to the supreme court, and to prepare a state of the case, that the superior officers of Government might judge whether it should be prosecuted or abandoned.

If any further information, as to this cause, should be deemed necessary, I must refer to the state of the case above mentioned, and which was transmitted by me to the Secretary of the Treasury. I have only further to observe that I am ignorant how the officers of the district court were "interested in the condemnation of the privateer or her prize." I believe that the fees of the clerk and marshal were the same, whether they were acquitted or condemned; and I am certain, that, as to myself, the charges against the United States did not at all depend upon that circumstance. I hope, indeed, that I shall at all times be incapable of commencing, or carrying on, a prosecution merely with a view to my own private emolument. I am ready, at any time, to meet inquiry upon this subject, and I am satisfied that any person who, in this free and enlightened country, could so far be blinded by mercenary motives as to prostitute his office for the gratification of them, would be soon removed from it with ignominy, if he should even escape any other punishment.

I have only to add that, with the highest respect, I have the honor to be, &c.

RICH. HARRISON.

No. 85.

CASE OF THE CASSIUS.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 22d Thermidor, (August 9, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

The corvette *le Cassius*, belonging to the French republic, is detained in the port of Philadelphia; her captain cited before an American court; and was yesterday arrested in virtue of a warrant. He would have been imprisoned, if I had not ordered the consul to give bail for him. The proceedings were carried still further; an attempt was made to arrest him on board his vessel.

I have received from the captain a report of the motives for his arrest. The result is, that he was taken before a court to answer for an act committed by him on the high seas, as commander of a state vessel.

We should distinguish, sir, between the acts of a private citizen and those of a public agent. The law is universal that private individuals should be amenable for offences committed by them in a foreign territory, to the courts of that territory, and subjected to the penalties of the laws of the country.

But the acts of a man in the character of a public agent are not his own; he represents his Government; and if he conducts so as to excite the character of the citizens of another State, or of this State, justice should not be required of him, but of the Government from whom he holds the authority in virtue of which he has done the act complained of.

It is his Government alone that is to judge whether the orders it has given have been well executed or not, and to approve or punish its agent, accused of an improper act towards neutral or allied nations, and to make such reparation as it deems just and equitable. Therefore the party complaining should lay their complaints before it, either directly, or through the medium of its own Government. Were it otherwise, one Government would become amenable to another; which would reverse the first principles of the rights of nations.

This incontestable principle is corroborated by the 15th article of our treaty, which states literally, "and that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of His Most Christian Ma-

jesty and of the United States, and all their subjects and inhabitants, shall be forbidden to do any injury or damage to the other side; and if they act to the contrary they shall be punished; and shall, moreover, be bound to make satisfaction for all damages and the interest thereof, by reparation, under the penalty and obligation of their person and goods." This article evidently carries with it the right of causing the officers, of both nations, to be tried by their own Government, as it says that it "shall be forbidden." &c.

This prohibition is made to the French by the French Government; to the Americans by that of the United States. He alone who makes a prohibition has the right of punishing infractions of it. Hence it follows that the commander of the corvette *Le Cassius* cannot be punished but by the French Government, should he merit punishment from the complaints which shall be exhibited to it by yours.

The conduct of France to the United States should not lead them to imagine that she will ever be inattentive to their just complaints; she has been, and always will be, eager to repair, in an ample and complete manner, the slightest injury done to your rights.

What motive then could have led the American courts to arrogate to themselves the cognizance of the conduct of French agents? It gives me pain to disclose the matter to you. Yet, sir, it is not the first case that has presented: General Collot is brought here before a court, as Governor of Guadaloupe. I shall have the honor of addressing an official note to you on this subject.

I return to the affair of the corvette *Le Cassius*. She is detained here by the arrestation of her captain, which is a violation of the 19th article of our treaty, of which the following is a transcript: "In case the subjects and inhabitants of either party, with their shipping, whether public, and of war, or private, and of merchants, shall be forced, through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and convenience of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance."

This arrest is likewise in this case very injurious to the interests of the republic, as the vessel is on a very important mission, and should depart without delay.

I return, sir, and observe to you that the arrest of the captain of the French corvette *Le Cassius* is a violation of principles and of our treaty. I therefore request—

1st. That you use the proper means for the liberation of the captain of the *Cassius*, and for removing the seizure of the vessel, agreeable to the 19th article of our treaty with you.

2d. That you have the complaint transferred to the French Government, who will repair the injuries committed, (if he has acted without orders) in pursuance of the 15th article of the same treaty.

The desire which you have more than once testified to me, sir, of rigorously maintaining the observance of our treaties, leaves me no doubt of your disposition to do justice to my demands. I therefore confine myself to request you to accelerate your answer, and the solution of this affair.

Accept, sir, &c.

P. A. ADET.

No. 86.

The Minister Plenipotentiary of the French republic to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 24 Thermidor, (11th August, 1795, O. S.)
3d year of the French republic, one and indivisible.

Sir:

I have just received the documents you will find enclosed. They relate to the corvette of the republic the *Cassius*. I had every reason to hope, that the letter which I wrote you on the 29th Thermidor, (9th August, 1795) would have been productive of its full effect. I cannot but consider the arrest of the corvette of the republic the *Cassius* as contrary to the 19th article of the treaty of France with the United States. Consequently, I renew my request to you, to obtain the execution of this article. Besides, I will observe to you that my Government has ordered me to claim the literal execution of our treaties, and that you will never claim the like of the French republic in vain.

I cannot credit the report made to the consul at Philadelphia. I cannot believe that it should be undertaken to take away the sails and apparel of a public ship, and consequently I forbade the consul to give security for the corvette the *Cassius*. It is for you to judge, sir, what is proper to be done in this affair, which appears to me to be more important than can be well imagined. I will close this letter by observing to you that the *Cassius* is to sail in six days upon an important errand.

Accept, &c.

P. A. ADET.

No. 87.

We, the officers, sailors, and soldiers, composing the crew of the corvette of the republic the *Cassius*, commanded by S. B. Davis, lieutenant of the navy, being at the wharf of Philadelphia, certify, that, on the 24th Thermidor, in the 3d year of the French republic, one and indivisible, (or 11th August, 1795, O. S.) about six o'clock in the morning, there came on board an American, holding in his hand a large piece of paper, which was written upon: he addressed himself to one of us, who was officer of the guard; he spoke in the American language; not understanding him, we desired a man, who happened to be on board, and who understood the American language, to be pleased to interpret in French what the American wanted; and after speaking with him a short time in the American language, he told us that the bearer of the written paper had come in behalf of the police of Philadelphia; that his business was against the captain and the corvette, and that he desired to affix the said paper to the mainmast. We answered him, by the same means, that the corvette belonged to the republic; that we could not permit any thing to be affixed but by order of the representative of the French nation; telling him, besides, also by means of the same interpreter, that, if the American nation had any complaints to make against the republic, there were ministers or representatives of the French in this city; that it might lay its demands or complaints before them. To which he answered us that he did not come of his own accord; that he must do his duty; and since we would not permit him to affix his said paper, that he would render an account of it to his superiors, and that orders would be given to the fort to hinder the departure of the corvette and to arrest her, and finally he retired. Of the whole of what is written above and on the preceding pages, we have made the present report, to be immediately sent to the representative of the French people resident at Philadelphia, to serve and avail as it ought: Done on board the said corvette, the day, month, and year, aforesaid: this we signed after it was read with a loud voice in presence of the crew.

[Signed Rualt, (lieutenant en pied, &c.) Jn. Forest, Charpentier, Guillemort, Delisle, F. Clich, and Théri.]

The copy conformable with the original.

P. A. ADET.

No. 88.

The Consul of Philadelphia to citizen Adet, Minister Plenipotentiary from the French republic to the United States.

PHILADELPHIA, the 24th Messidor, 3d year of the French republic,
one and indivisible.

In conformity with your letter of the 21st of Thermidor, I gave security for the lieutenant of the navy, Davis, commander of the public corvette the Cassius. I this moment understand that an American public officer went on board of the Cassius, and wanted to post up a paper on the main-mast: the officer who then commanded opposed it.

The judgment respecting Captain Davis, which was to have been pronounced to day has been adjourned till Friday. At present, security is demanded for the vessel, in default of which, they will go on board and take away the sails, apparel, &c.

Shall I give security in the name of the republic to the value of this vessel? I cannot do it as an individual, for I have not the means.

An answer will be called for in four hours. I expect by that time to receive yours.

A true extract.

P. A. ADET.

No. 89.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 1st Fructidor, 3d year of the French republic,
one and indivisible, (August 18, 1795, O. S.)

Sir:

I have this moment received a letter from the captain of the corvette *le Cassius*, informing me that the practice made use of to corrupt his crew has succeeded. Eighteen of them deserted yesterday. Thefts were last night committed on board by unknown persons, and the captain still apprehends other disorders.

Should this vessel receive damage, go to decay, or not be able to fulfil the mission with which she is charged, and from those causes the interest of the republic suffer an injury, permit me to inform you, sir, that I must impute it only to a want of energy in doing justice to my equitable representations. I ought not, nor can I address myself to any person but yourself; I do not know, nor ought I to know, any other than the Government of the United States; I cannot admit, under any shape, the competency of your courts in the different circumstances arising from the execution or inexecution of the treaties. If these courts are the first to violate them, I can only apply to the Government for a redress of that violation; otherwise it would be rendering the agents of the French Government, the French Government itself, amenable to these tribunals; which would be reversing principles.

I doubt not that you have been penetrated with these principles, since Mr. Duponceau writes me that you had instructed the district attorney of Pennsylvania to manage the cause with the district court, in which the affair of the Cassius is pending. But this step will not have the desired effect, because the favorable decision that he may obtain will of course be liable to an appeal, and thus the vessel may be detained eight or ten months for a definitive decision.

I cannot accede to the proposition of the attorney to furnish security for the vessel. If security must be furnished it should be done by the Government of the United States, as it must answer for the execution of the treaties to the French republic, and as the 9th article of our treaty is violated by the conduct of the district court of Pennsylvania.

It seems to me, sir, that there is a mode for determining this affair. The Government of the United States may ask and obtain a prohibition from the supreme court to the inferior courts, stopping proceedings similar to the case in question. Then, sir, you might take such measures as you think proper for liberating the corvette *le Cassius* and her captain.

Such are the observations which I have to present to you. I venture to hope that you will be pleased to take them into consideration, and render full operation to our treaty.

Accept, sir, &c.

P. A. ADET.

No. 90.

Mr. Pickering to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, August 25, 1795.

Sir:

The President of the United States having assigned to me a temporary agency in the Department of State, vacant by the resignation of Mr. Randolph, your letter of the 10th instant was consequently put into my hands. I received it on Saturday, the 22d, and have since lost no time in making the inquiries necessary to enable me to return an answer.

The outrage committed towards the republic of France, in the person of your predecessor, by the British ship of war the *Africa*, being a violation of the neutrality of the United States, and of the laws of nations, engaged the immediate attention of our Government. The case was stated to Mr. Hammond, the British minister; but his departure for London, and the consequent transfer of the duties of his office to Mr. Bond, at present chargé des affaires of the British Government, have doubtless occasioned some delay. I can, however, assure you that measures have been taken, and will be strictly pursued, for obtaining every reparation in our power for any injuries committed, and for asserting the just rights of the French republic, so far as they have been infringed within the jurisdiction of the United States. You shall be duly informed of the result as soon as it shall be ascertained.

On the subject of the corvette *le Cassius*, which has been arrested at the suit of a citizen of the United States, Mr. Randolph has already informed you "that, as long as the question is in the hands of our courts, the Executive cannot withdraw it from them." Of the truth of this principle, I trust no doubt will be entertained. As speedily a decision as the necessary forms of proceeding would admit, you had a right to expect. The answers received to my personal inquiries authorize me to say that, on the part of the court in which the Cassius was libelled, there was no unnecessary delay. Finally, a prohibition to the district court was moved for in the supreme court of the United States, where the motion was supported by such an exhibition of facts as induced the court to grant the prohibition; in consequence of which the Cassius was immediately liberated.

But I have since learned that an information has been filed in the circuit court of the United States against *Le Cassius*, as a vessel illegally armed and equipped within the jurisdiction of the United States.

I believe it will not be controverted that *Le Cassius* is the same vessel which departed from the port of Philadelphia in December last, by the name of *Les Jumeaux*. This vessel (*Les Jumeaux*) openly resisted, in arms, the authority of our Government, attempted to be enforced against her for a violation of our laws. The circumstances are detailed in the official report of David Robinson, dated January 5, 1795, of which I enclose a copy.

This vessel is also understood to be at present commanded by a citizen of the United States, who went out in her ostensibly as a passenger, and who consequently was on board of her when the laws of the United States were forcibly resisted.

Now, admitting the facts to be as here stated, can it excite any surprise that Le Cassius should be subjected to the course of legal process before the courts of the United States? I persuade myself, sir, that your candor will allow there is ground sufficient to institute a legal inquiry, and to acquit our officers and tribunals of even the suspicion of improper interference in this case.

You are pleased to advert to the new treaty between the United States and Great Britain. But, even if it were in operation, which is not the case, the assurances which have been given you are certainly just, that it could not weaken our engagements to France. These are secured by the laws of nations, and by an express stipulation in the treaty itself.

I am, sir, &c.

TIMOTHY PICKERING.

No. 91.

WILMINGTON, January 6, 1795.

SIR:

Your letter of the 29th ultimo, enclosing a copy of a letter from Mr. Rawle, also one to the Governor of this State, or the commanding officer of the militia, with one to the marshal of this district, I received the same evening at 11 o'clock. The letter to the marshal I immediately forwarded by express, and delivered the other to General Bedford, commanding officer of the militia in this place. He immediately ordered out one hundred and fifty militia, under the command of Major Grantham, who marched to Port Penn with all expedition, as the revenue cutter, under the command of Captain Montgomery, lay there; I also attended, and found, from inquiry, the ship *Jumeaux*, Captain Rualt, lay opposite the Thrum Capps, supposed twenty-five miles below Port Penn. No other vessel could be procured than this cutter. It was thought most advisable to put a captain's command on board of her, with the deputy marshal and my deputy; and, on the 1st of January, 1795, they proceeded down the bay. What occurred you will see from the enclosed report, made by my deputy thereon.

I have the honor to be, &c.

GEORGE BUSH,
Collector District of Delaware.

General HENRY KNOX.

No. 92.

Report of David Robinett, acting as Deputy Collector for the District of Delaware, respecting the ship Jumeaux, Captain Rualt.

DECEMBER 31, 1794.

Agreeable to orders given to me by George Bush, collector of the district of Delaware, I proceeded to Port Penn in the revenue barge; and, on January 1, 1795, went on board the revenue cutter General Green, commanded by Captain James Montgomery, with Thomas Rothwell, the deputy marshal, and Captain Dale of the militia, with about forty men; we proceeded down the bay as far as Bombay Hook, where we found the ship *Jumeaux* lying at anchor. The cutter then hove to near to the ship. The deputy marshal, Captain Montgomery, Captain Dale, Ensign Van Dyke, and myself, boarded the said ship in the cutter's boat, and found her to have no more guns than what appeared she cleared out from Philadelphia, viz: four six pounders, but they were mounted on old carriages, and two swivels; her ports were opened for eighteen guns, with ring-bolts, &c.; and appeared to have about forty men on deck (and it was believed a number more in the hold.) She was deep waisted; near five feet high in her waist, and well found. As soon as we boarded her, the commanding officer was asked if the ship was called the *Jumeaux*, and if his name was Rualt; to both of which questions he answered in the affirmative. The marshal and myself made known to Captain Rualt that we were civil officers of the United States, and, by virtue of authority to us given for that purpose, do now seize the ship *Jumeaux*, for having violated the laws of the United States, by contravening our neutrality; and demanded of the captain, forthwith, to return with his ship to the port of Wilmington to stand trial. Captain Rualt, after much hesitation and equivocation, submitted reluctantly, and promised to carry the ship back; and he accordingly weighed anchor and stood up the bay about three miles. Soon after, the pilot, named Joseph Brussel, in consequence (as it appeared) of threats from the crew and the command of Captain Rualt, (as it was in French) bore away the ship, and stood down the river again; Captain Montgomery ordered the pilot to alter his course and stand up the river; he said he dare not act contrary to Captain Rualt's orders: Captain Montgomery took hold of him to send him on board the cutter, upon which several of the crew seized him, and, by force and violence, detained him. Captain Montgomery then hailed the cutter and ordered her to keep close on board; upon which there was an immediate cry of citizens to arms; and the boatswain also piped to arms. Captain Montgomery knocked the pipe out of the boatswain's mouth, for which he was very much insulted; so much so that he laid his hand on his sword; and, after which, we were all treated very rude and insulting. They immediately manned their cannon, and brought them to bear on the cutter, and run into the round house for their arms. Captain Rualt said he could not command his men; that they were determined to go to sea, and would not return; night approaching, it was thought most advisable to leave the ship (though the marshal wished to stay all night.) The Captain said he would not sail that night, but would come to an anchor, which he did; we accordingly returned to the cutter; and, not having sufficient force to stand her cannon, without sacrificing a number of good citizens, and perhaps to no effect, we returned to Port Penn about 10 o'clock that night. The next day Major Grantham put as many men on board the revenue cutter as she could carry, and got a small sloop with the remainder of the troops on board, and the revenue barge, with a determination to board the ship; we got under way, and proceeded down the bay, but could not find the ship; she had taken her departure with a fair wind, and was out of sight. We then returned to Port Penn, and the troops were ordered to their respective places to be dismissed.

DAVID ROBINETT.

WILMINGTON, January 5, 1795.

N. B. The boatswain, a Frenchman, and four of the men, took the ship's boat the night after we left the ship, and made their escape. He says they were discovered just as they left the ship; the officers ordered some of the passengers to fire on them, as they said they were all passengers, but none would fire. He reports they had ninety-five men on board, and plenty of ammunition; the ship, he said, got under way about nine or ten o'clock P. M. the night after we left them.

D. R.

No. 93.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of the Department of War, charged with the Department of State.

PHILADELPHIA, the 1st Vendemiaire, (September 22, 1795, O. S.)
4th year of the French republic, one and indivisible.

SIR:

Possessing full confidence in the sentiments of the Government of the United States, I presented to it my claims with regard to the corvette *Le Cassius*. If they were urgent, they were founded in justice.

In my first letter to Mr. Randolph, I complained of the arrest of the corvette *Le Cassius*, in violation of our treaties. My complaints were just, and the supreme, prohibiting the district court from pursuing this affair, is an evidence of it. Individual interest had confounded the principles developed in my letter of the twenty-second

Thermidor to Mr. Randolph. The supreme court, far from favoring the abuse committed, rendered homage to them. But, sir, individual interest does not always calculate upon principles: if, in taking a step, it misses the object it proposed to attain, it withdraws, and pursues another route.

The new arrest of the *Cassius*, perhaps, furnishes us with a proof of this truth. Perhaps the individual who first obtained a warrant against this vessel has been induced, under the shadow of your laws, to invent the story which compelled the authority to cause the *Cassius* to be arrested anew. Has Mr. Ketland, who perhaps informed against the corvette *Le Cassius*, as having armed in the United States, wished only to serve the interest and feelings of friendship? Have not other sentiments probably dictated the step? His origin; his connexions in this city; the desire of serving the country which gave him birth, by paralyzing in your ports a vessel of the republic; by embarrassing the American Government between its laws and the treaty; by troubling the harmony which subsists between your country and mine, and which certain people are interested in destroying; these, perhaps, are the true motives of an information colored with the specious love of the laws. I am far from insisting upon these conjectures. I conceive I might have spared them, but they presented themselves to my imagination; and the confidence which your character inspires in me, doubtless authorizes me to transmit them to you.

Whatever may be the reasons which have influenced Mr. Ketland in the present circumstances, it appears to me that his information, whether founded or not, does not change the state of things, and that the violation of our treaty is not less manifest.

I shall not lead you to observe, sir, in order to support the conjectures I have presented to you, that the information of Mr. Ketland did not appear until the very day in which the seizure of the *Cassius* was taken off. I shall not wait to give you new suppositions, which, perhaps, are not destitute of foundation, but will immediately pass to the proofs in support of my opinion before I inform you of the course which these circumstances oblige me to take.

I conceive, sir, that, admitting the armament of the *Cassius* in the United States, her seizure is invalid: for this vessel now belongs to the republic; and the nineteenth article of our treaty expressly states, that State vessels may freely enter and sail from the ports of the United States without receiving the least hindrance. The literal meaning of the article then permits the entry of the *Cassius*. If it were otherwise, the republic would become (in the hypothesis of armament in the United States) responsible for the faults or wrongs of an individual. A vessel, by changing owner, would then always be a security for the faults of her first proprietor. If a frigate of the republic should take an English vessel armed in the United States, and if, from the fortune of war, the *Cassius* should fall into the hands of these vessels, would they in that case be seizable? This conclusion, sir, naturally results from the state of things, but it is presumable that Mr. Ketland would not draw it if the English flag had waived on board the *Cassius*.

In the distribution of ordinary justice, would it be equitable to seize the arms of a citizen, because, before they belonged to him, they might have been in the service of an assassin to commit murder? Would these arms be guilty of the crime of which they had been the instrument? Would their new owner, by possessing them, participate in the crime of their first proprietor, and if he were deprived of them for that reason, would he not have a right to complain? Whether the question relates to an individual or a nation, the principles are the same, justice is the same; and in cases in which an individual would be injured, so would a nation, if the nature of the relations and circumstances were always the same. Is not the example which I have just cited applicable to the arrest of the *Cassius*? The republic, therefore, have a right to complain of the arrest of this vessel. She then has a right to demand the execution of the nineteenth article of her treaty with the United States, since no subsequent stipulation has suspended the execution of it.

But if, in the hypothesis that the vessel armed in the United States, the *Cassius* should be delivered to the republic, by a much stronger reason, in the contrary position, should the seizure of this vessel be annulled.

You know, as well as I do, sir, that the pretext for the arrest of the *Cassius* is, that this vessel, under the name of *Les Jumeaux*, was formerly armed for war in the port of Philadelphia. But, sir, when this vessel arrived last year at Philadelphia, (the time of the pretended armament) she was armed with four cannon and two swivels. The proofs of this fact must be in the custom house. It is true, also, that one Guenet was convicted for having attempted to put cannon on board *Les Jumeaux*, which were intercepted on the way. But this attempt, although punishable in the terms of your laws, is not an armament, and even had it succeeded, it would have been but an augmentation of force, and an augmentation of force is not an armament, and does not, according to the law of 5th June, 1794, occasion the confiscation of the vessel.

How shall we, therefore, qualify the conduct of Mr. Ketland, who could not be ignorant of the law? How shall we avoid seeing in it a formal design to insult the French republic, especially when it is observed that he began the suit in a court which is incompetent to decide the case in question? Mr. Ketland and his counsel know very well, that, agreeable to your laws, it belongs exclusively to the district courts to decide in cases of forfeiture. Yet it was by the circuit court, which you know has only appellate jurisdiction, that they have had the *Cassius* seized. This court has but two sessions in a year. It sits but once at Philadelphia. The district court, on the contrary, is always in session. If the affair of the *Cassius* had been brought there, a decision would have been obtained in a short time, but a considerable time elapses before a decision can be obtained in the circuit court; it will not fail, therefore, to declare itself incompetent. Of what importance is it to the men who have promoted the arrest of the *Cassius*, and who on that account are applauded? They will enjoy the satisfaction of having insulted the French republic with impunity, and of having abused your laws in order to satisfy the hatred of England.

Whatever reason I had to complain on seeing a discussion relative to the execution of our treaties brought before your ordinary tribunals, when it appertains, according to all established rules among nations, to the Government of the United States, although I should, in such cases, only address myself to the Government of the United States, in order to obtain justice, it being charged with the execution of treaties, yet I did not wish to neglect any means of conciliation in my power, and latterly caused security to be proposed to obtain the replevy of the vessel, reserving to myself and to you the privilege of determining on an affair unpleasant in all its aspects, by subsequent negotiations.

In these hopes I have been deceived, the security was refused, and the affair is of course abandoned to the decision of the courts.

Justly alarmed at delays which nothing could control, at the expenses occasioned to the republic by supporting a vessel which rendered it no service; fearing with just reason, lest the crew (a part of which has been corrupted) should desert after having been so expensive to the republic, I have ordered her to be disarmed; and from this moment I abandon her to the Government of the United States, under the reservation of referring the matter to the French Government.

I venture to hope, sir, that the Government of the United States will take proper measures to prevent the forces of the republic from being paralyzed in its ports, and evil minded people from abusing the laws in order to arrest every French vessel coming into the United States. For if a single information be sufficient to stop one vessel, there is no reason why the first frigate which shall arrive from Europe should not be seized as having armed in the United States. Accept, sir, &c.

P. A. ADET.

No. 94.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 1, 1795.

Sir:

You have seen that the President of the United States, to maintain the respect due to them, had anticipated towards the British vice consul at Newport, that severity which in your letter of the 10th ult. you considered his offensive conduct required.

In your other letter of the 10th ult. you mention the violation of the rule prescribed by the President (conformably with the usage of the European nations) to regulate the sailing of armed vessels of the belligerent Powers, in the case of the British ship the *Africa*, which pursued the *Medusa* immediately on her leaving the harbor of Newport. This additional insult and injury by Captain Home, commander of the *Africa*, was represented in the first despatches afterwards sent to the minister of the United States at London, who was required to demand reparation.

With great pleasure I acknowledge the very different deportment of the officers and company of the French frigate *Medusa*, of whom not a whisper of complaint has been heard, and who I have reason to believe conducted with exemplary propriety, and respect for the laws. Such would be the conduct of all foreign officers, in neutral ports, if they consulted either their nation's honor or their own.

On the 24th ult. I received your letter of that date, and one of the 23d.

On the subject of the privateer *La Vengeance* and her prize, of which, till the receipt of your letter of the 24th ult. I had no knowledge, I have written to the district attorney of New York, enclosing a copy of your letter, and of the four papers accompanying it, and desiring him to furnish me with such information as may satisfy the supreme Executive of the United States of the conduct it ought in this case to observe. Here I must rest this matter until his answer shall be received.

With regard to the armed vessel *le Cassius*, which is the subject of your letter of the 22d ult. I have some observations to make.

In the letter which I had the honor to write you on the 25th of August, I said that any delays which had happened in the district court, on the first process against the *Cassius*, were not to be ascribed to the *court*; I may now add that, if the counsel for the *Cassius* had brought before the judge of that court the same facts and evidence which were afterwards exhibited to the supreme court, to obtain the prohibition, this step would doubtless have been found unnecessary: the district judge, influenced by the same principles, would probably have dismissed the libel. But that decision did not, I conceive, necessarily involve the present question.

Now that a new action has been commenced against the *Cassius*, I must repeat what has been already stated, "that as long as the question is in the hands of the courts, the Executive cannot withdraw it from them;" and therefore is not chargeable with suffering a violation of the treaty subsisting between the two republics.

The fact, that the *Cassius*, under the name of *Les Jumeaux*, was originally fitted out as an armed vessel, in the port of Philadelphia, is incontrovertible. This was established on the trial of Guenet, who superintended her equipment. You have been misinformed on this as well as some other points, both of law and fact. A vessel may be loaded with cannon and arms, and yet not be an armed vessel. The reason of this remark applies to *Les Jumeaux* when she arrived in the port of Philadelphia.

Now, by a law of the United States, to which you refer, a vessel so originally armed and equipped is declared to be liable to confiscation. Whether the subsequent transfer of the property to the French republic will exempt it from confiscation, is the question in court now to be determined. If the Executive were to attempt (and it could only attempt—for it would be the duty of the court to resist its mandate) to remove the question from the judiciary, it would be a violation of the constitution: and you will see immediately that the measure would be as unsafe as unconstitutional.

A fair investigation of the case of the *Cassius* might lead to this conclusion: that by the law of the United States, she was really liable to confiscation. This admitted, let us suppose her to be now discharged, by the consent of Government, without a trial, and that, in her first cruise, she should take from the enemies of the French republic, prizes of very great value, what would be the consequence? The nations to whom, or to whose subjects, the prizes belonged, would demand, and expect to be paid, that value, whatever might be the amount, and it might be immense, by the United States. What also would be the consequence, if the mere act of transferring the property of the vessel would rescue her from condemnation? Obviously that the design of the law, the prevention of illegally fitting out privateers, would generally be defeated: transfers would be promptly made, on purpose to evade the law. But the forfeiture of the vessel with all her equipments, much more than the personal punishment of the agents concerned in fitting her out, was considered by the law as the most effectual guard against the violation of our neutrality. And as to the legal consequence of a transfer, you have taught me to say, "that whether the question respects an individual or a nation, principles are the same, justice is the same."

You have been informed that the circuit court is a tribunal incompetent to take original cognizance of the question of which we are treating; that of this the prosecutor could not be ignorant; and thence you see in this measure the design of a formal insult to the French republic. But, sir, the counsel who have told you that such is the law have led you into an error. The question does not respect a *confiscation* for the breach of the laws of *trade*, of which the district court has jurisdiction, but for the infraction of a *criminal* law; for which the penalties are a forfeiture of vessel and equipments, a fine against the persons concerned in equipping her, which may rise to *five thousand* dollars, and imprisonment, which may extend to three years; to declare and inflict all which the circuit court is competent: but the district court can take cognizance of no *crimes* where the penalties may exceed *one hundred* dollars, and imprisonment for *six months*.

What were the motives of the prosecutor, in this case, I am not to inquire. Though once a foreigner, he is now a citizen of the United States. The laws of the country where he resides are, in this respect, impartial, giving no more countenance or support to him than, under the like circumstances, they would give to an original citizen of France or Holland. Without resorting, however, to national antipathies, a nearer cause may be assigned, comprehending interest and resentments much more likely to be operative. The prosecutor was part owner of the prize taken by the *Cassius*, to obtain indemnification for which the first arrest was made, and in the pursuit of which he was defeated. Should the *Cassius* and her equipments be confiscated on the present suit, the law will give to the prosecutor, Mr. Ketland, one half their value. But whether national or personal interests and resentments prompted his last step, or whatever were his motives, the court could not reject his claim, presented in the form which the laws prescribe. I will close this subject with one remark—That, if courts were permitted to take cognizance of those complaints only which originated merely in a love of order, and pure reverence for the laws, few, very few, criminals would be brought to justice.

You will see the difference between a prosecution grounded on the law of the 5th of June, 1794, when brought against the *Cassius*, a vessel *clearly proved*, on a *judicial investigation*, to have been equipped in violation of that law, and a prosecution against a French "frigate coming from Europe, under the *pretence* of her having armed in the United States." No one, it is imagined, would be so unwise, if he could be so unprincipled, as to attempt an arrest of the latter, and subject himself to the damages recoverable, I presume, for prosecuting a groundless and vexatious suit. Nor can I believe our ministers of justice would be so blind as not to discern the entire distinction between the two cases, or that they would not instantly reject the *information* founded only on *pretence*, while they as readily admitted the litigation of a question of law, arising on a *fact* previously established before a *judicial tribunal*.

After the many assurances which have been given to the ministers of the French republic that the Government of the United States holds itself bound, as well by inclination as by duty, faithfully to observe its treaties, it is unpleasant to receive so frequent intimations of its violating, or suffering them to be violated. There are powerful motives to induce its exact adherence to them, and among these, a regard to its own dignity and reputation, and a love of justice, are not the least. But I ascribe what I complain of to its proper cause—misinformation from gentlemen conversant in our laws, but who ought to be more correct or less sanguine in their legal opinions. In the case you mention, where, "neglecting no means of conciliation in your power, you directed security to be offered to obtain a release of the vessel," the judge himself, finding no law to warrant the measure, called on the counsel of the *Cassius* to produce it; one of them, more skilful in the laws, or more candid, confessed he knew of none; and *therefore*, the security was refused.

After this detail, it will be unnecessary for me to declare to you, sir, that the Government of the United States will not knowingly suffer "the force of the republic to be paralyzed, or her vessels detained in our ports by ill-intentioned people, in abuse of the laws." I am, with great respect, &c.

TIMOTHY PICKERING.

No. 95.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, April 15, 1796.

SIR:

In my correspondence with you on the subject of the armed vessel the *Cassius*, which you claimed as the property of the French republic, I had the honor to inform you that, such was the nature of the prosecution against her, the Executive must wait for the decision of the judiciary power. The court is now sitting in which that decision was expected.

In order to bring the cause to a fair trial, the attorney for the United States, at the preceding court, filed a suggestion stating that the vessel had, in a foreign port, bona fide become the property of the French republic. I have now to request, sir, that, if you have any documents or testimony to support that suggestion, you will be pleased to communicate the same to me, to be put into the hands of the attorney of the United States; or that you would instruct the legal counsel whom you employ for the French republic to make the proper use of those documents and testimony, to substantiate the claim of the republic to the *Cassius*.

The informants, by whom the prosecution was commenced, will probably press for a trial at this term.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 96.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 2d Floreal, (22d April, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

You requested, by your letter of the 15th of April, a communication of documents or testimony relative to the purchase, by the French republic, of the corvette le *Cassius*.

The French republic has not to prove its contracts to foreign courts. I had the honor, sir, in the correspondence which took place between us on the subject of this affair, to declare to you that I knew no relations but with the Executive of the United States, and that, whatever were their interior regulations, I could not, and should not, address myself but to it, in every case for which our reciprocal treaties and conventions have not pointed out a recourse to a particular authority.

The arrest of a State vessel is one of those for which I should address myself only to the American Government; the only fact to be proved is that of the property; and to establish that, sir, my declaration should suffice. The dignity of nations does not permit their good faith to be brought into question.

I have, therefore, upon the principle of the arrestation of the *Cassius*, furnished a certificate stating that she was French property, and a State vessel. This certificate is probably among the documents of the prosecution carried on by the Government of the United States, on account of the abandonment which I made to it of the *Cassius*, under the reservation of the right to her.

However, to comply with your desire, I have the honor to send you a second, more explicit than the former, of which you will make what use you may think proper.

Accept, sir, the assurance of my respect.

P. A. ADET.

No. 97.

THE FRENCH REPUBLIC.

The Minister Plenipotentiary of the French republic near the United States of America declares, to all whom it may concern:

That the corvette le *Cassius* was a corvette of war belonging to the republic of France; that she was sent to him as such by General Laveaux, Governor of St. Domingo; that she was commanded by an officer of the national marine, charged with a particular mission to him, which the arrest of this corvette has interrupted; in a word, that the crew of the said corvette was composed of mariners in the service of the republic, and her marine composed of soldiers and officers of the national army.

[L.S.] Done at Philadelphia, under the seal of the Legation, the 2d Floreal, 4th year of the French republic, one and indivisible, (22 April, 1796, O. S.)

P. A. ADET.

By the Minister:

BRUNET.

No. 98.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, April 25, 1796.

SIR:

I duly received your letter and certificate, relative to the property of the armed vessel le *Cassius* being in the French republic, and have handed the same to the attorney of the United States for the district of Pennsylvania, who has the affair under his management. But he deems it material, to obviate the pleas of the prosecutors, to ascertain the time when she became the property of the republic. If you have any evidence or document to ascertain this, I pray you will have the goodness to furnish me with it, as expeditiously as possible. The court will then have before it all the proofs requisite to govern its decision: although what this will be, whether of condemnation or acquittal, I cannot undertake to judge.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 99.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 6 Floreal, (25th April, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

In consequence of your letter of the 25th of April, I have the honor to address to you a certificate of the date of the purchase of the corvette le *Cassius* by the French republic.

Accept, sir, the assurance of my respect.

P. A. ADET.

No. 100.

REPUBLIC OF FRANCE.

The minister plenipotentiary of the French republic near the United States declares,

That the *corvette le Cassius*, belonging to the State, became the property of the French republic by a bill of sale dated the 19 Pluviose in the 3d year.

[L. s.] Done and sealed at Philadelphia, the 6 Floreal, 4th year of the French republic, one and indivisible.
P. A. ADET.

By the minister:

BRUNET.

No. 101.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 3, 1796.

SIR:

I have to regret that the fate of the armed vessel *Les Jumeaux*, now called *Le Cassius*, is still in suspense. I requested the Attorney of the United States, Mr. Rawle, to whom the cause had been committed, to inform me of its present situation. This appears in his letter of the 28th ultimo, a copy of which I have now the honor to enclose.

Permit me to refer you particularly to the last paragraph of that letter, by which you will see it is plainly understood to be the sense of the court, that the regular course of legal investigation not admitting the official certificates with which you were pleased to furnish me, as conclusive proof of the property of the *Cassius*, will require further evidence in another form.

I am very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 102.

William Rawle to the Secretary of State.

May 28, 1796.

SIR:

As soon as I received the supplemental certificate of the French minister, which was not till the 26th of April, I gave notice in court that, before the session ended, I should move to have the prayer of my suggestion granted and the information dismissed.

A jury trial then before the court prevented any thing else being done until the 29th, when the counsel for the informant against the *Cassius* mentioned that they would, on the following day, come forward.

This was then done by requiring me to show the foundation of my suggestion.

I produced part of the correspondence between you and Mr. Adet, and the two certificates of that minister.

It was urged by the informant's counsel, that the same proof was necessary to authorize receiving a suggestion as would be to support it on trial, and that as such certificates would not be received in that case, so they ought not now to be admitted.

But the court observed that much less was sufficient in one case than in the other.

A regular motion was then made by the informant's counsel, that my suggestion should be dismissed; this I declared myself ready to argue with them immediately; but as we were now at the close of the session, it appeared to the court impossible to get through the business, and it was therefore unavoidably continued till next October.

It appeared, however, so plainly to be the sense of the court that further evidence as to the property of the *Cassius* would be necessary on a trial of the facts, that I scarcely expect, with the aid of those two certificates only, to succeed.

I have the honor, sir, to be, &c.

W. RAWLE.

No. 103.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 15th Prairial, (3 June, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

By abandoning the *corvette Le Cassius* to the United States as I have done, the French republic is become absolutely unconnected in the suit prosecuted on account of her seizure.

Before this abandonment, I complained to the Federal Executive, whom I alone can and should know, against the illegal arrest of a vessel of war of the republic.

The letter written to my predecessor by the Secretary of State, on the 17th November, 1794, on the subject of the *Favorite*, recognized a principle, according to which I should flatter myself that you would cause this attack by a court, whose forms and authority cannot extend to the French republic, to cease.

The justice you rendered in the affair of the *Favorite* leads me to think that if I have not received it in the case of the *Cassius*, it doubtless arises from the effect of some circumstances which changed your situation: I am not to examine them, sir, and it was for that reason that, upon your refusal, I abandoned the vessel.

Now this affair is become yours, I shall give no other answer to the communication you have thought proper to make as to her situation, than that a vessel of war never was navigated with any other vouchers than the captain's commission and the roll of the crew; that no other proof has ever been required for establishing the ownership.

Whether she was purchased or built on account of a State, or was taken from an enemy, or, in fine, acquired in any manner whatever, she becomes a public vessel when manned by mariners commissioned by the State.

But what I have the honor of saying to you in this respect, you know, sir, as well as myself, and, notwithstanding the desire of doing what may be agreeable to you, I cannot derogate from the rights of my nation by furnishing other proofs than those which have been given—the captain's commission and my certificate, which was also supererogatory.

I notify you, sir, that the minister for Foreign Affairs has ordered me to ascertain, with you, the *reparation for the injuries and damages arising from the proceedings you have ordered or permitted with respect to this corvette*; but I defer treating on this point of right until I shall have received new orders from my Government, in virtue of the abandonment I made to you of this vessel, which they could not have learned until a few days after the departure of my first directions. Accept, sir, &c.

P. A. ADET.

No. 104.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 19, 1796.

SIR:

The marshal of the district of Pennsylvania has just produced to me a transcript from the minutes of the circuit court, of its proceedings in the case of the ship *Cassius*, on the information of John Ketland against her. The

court, on the 15th instant, "ordered that the information be dismissed," it appearing to the court that they had no jurisdiction.

The ship remains at present in the custody of the marshal, but ready to be delivered to your order.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 105.

Case of Le Cassius.

In pursuance of the request of the Secretary of State, the attorney for the district of Pennsylvania has the honor to return the following statement, which he hopes will be found correct.

The case of the *Cassius*, although selected by Mr. Adet as one of his grounds of complaint against the Government of the United States, forms a striking instance of friendly inclination towards the French republic, tempered with a necessary adherence to the obligations of neutrality.

The ship *Cassius* arrived at the port of Philadelphia the 4th of August, 1795, from Port de Paix, and as a public ship of war, an account of her force was given to the custom house officers, agreeably to the usual practice.

On the 5th of August, Mr. James Yard, a native American citizen, and merchant of Philadelphia, filed a libel against her, in the district court of Pennsylvania, and prayed process of attachment against the vessel, and of arrest against the captain.

The libel stated that a schooner, called the *William Lindsay*, with a cargo on board, both belonging to the libellant, were captured on a voyage from the Island of St. Thomas to the city of St. Domingo, in the Island of Hispaniola, by the *Cassius*, under the command of Samuel B. Davis, who pretended an authority from the French republic, but really was a citizen of the United States; that the said schooner was carried into Port de Paix, and there wrongfully detained, without compensation to the libellant; and that the *Cassius* had been illegally fitted out from the port of Philadelphia.

In consequence of this application the vessel was attached, and the captain arrested by the marshal.

Before the return of the process Mr. Adet wrote a letter to Mr. Randolph, then Secretary of State, (dated 22d Thermidor, 3d year of the republic, answering to the 9th of August) complaining of the detention and arrest; referring to the 15th and 19th articles of the treaty with France, and requesting the Secretary of State, 1st. To take the necessary measures to restore the captain to his liberty, and release the vessel; and, 2d, To cause the complaint to be referred to the French Government, which would repair the injury if the captain had acted without orders.

About the same time complaints were made on the part of the British resident, earnestly urging that the *Cassius*, having been, as alleged, illegally fitted out, should be detained, and that Government would enforce the laws against both the vessel and the captain, as an American citizen holding a commission under one of the belligerent Powers. On these opposing pretensions the attorney of the district of Pennsylvania was personally consulted by Mr. Randolph. It became obviously necessary to determine, in the first place, and as speedily as possible, what the law required, before the political obligations, which might arise from the occasion, could be considered. It appeared to the district attorney that, "if the French Government had made a fair and unsuspecting acquisition of the property of a vessel, then lying in their own ports, and out of the reach of the jurisdiction of the United States, a cause of forfeiture previously existing, but unknown at the time of the purchase, could not, at a future day, revive, so as to subject the same vessel, still remaining the property of a sovereign nation, to the process of our courts." "Penal laws are strictly local, and affect only what they can reach." The change of property, in a foreign country, is therefore valid. Without interfering with the question of the effect of a purchase by an individual, the right acquired by a foreign sovereign appears, on the principles of national policy, to be superior to the pre-existing right of forfeiture.

One sovereign is not amenable to the tribunals of another.

What cannot be done directly ought not to be done indirectly.

Process of information and seizure indirectly brings the sovereign to submit to the tribunal, or to abandon the property. There is, indeed, little difference between the direct and indirect mode of effectuating this event, since an attachment of some moveable article must be, in general, the mode of compelling the appearance of a foreign sovereign. Inconceivable evils would result from the allowance of the first experiment. An imprudent individual might, at least, endeavor to detain a whole squadron by process, which it would be fortunate, if it only exposed the judicial authority to ridicule, and did not involve our country in hostilities.† In respect to the charge against Captain Davis, the district attorney was of opinion that an acceptance and exercise of a foreign commission, within the territory and jurisdiction of the United States, were necessary to constitute an offence within the act of Congress, entitled "An act in addition to the act for punishing certain crimes and offences against the United States." That, although, by coming into the port of Philadelphia, with the command of the *Cassius*, the exercise of the commission was complete, yet the acceptance of it appearing to have taken place in a foreign country, he could not be deemed liable to prosecution.

The former of these opinions being verbally communicated to Mr. Randolph, produced a request on his part that the speediest method for obtaining a decision of the question should be adopted.

In the mean time some propositions for an amicable adjustment of the complaint of Mr. Yard afforded a prospect of another termination of the controversy; but, these failing, the district attorney, in obedience to his instructions, prepared a suggestion to the district court, a copy of which will be found in the annexed exemplification of the record, and which he exhibited in court on the 21st of August, where it was received and filed.

This mode of proceeding being somewhat novel, may require an explanation.

The French minister disclaimed the jurisdiction of the court, and called, as it appeared, with no very clear conception of the constitutional powers of the Executive, for a direct interference to annul the judicial proceedings.

A claim in the name and behalf of the French nation, or a plea in the same name and behalf, to the jurisdiction of the court, would have been consistent with the technical forms of proceeding; but the district attorney had no authority to use their name; he had no warrant of attorney to produce from them if required. The United States, however, had an interest in the question; and, recurring to authorities; where the interests of third persons had been effectually brought before even courts of common law, he ventured, as a more solemn form of motion, to state to a court of admiralty and fiscal jurisdiction the interests which he represented, and the objections he had to urge, in the form above mentioned. On the same day a plea to the jurisdiction of the court was filed in the name of Samuel B. Davis, by counsel employed for him. The intention of doing this had not been communicated, or the suggestion would have been deemed unnecessary; but, so far from interfering with, they tended to support each other; both the plea and the suggestion remained upon the files of the court, in course to be answered on the next court day.

In the mean time, the counsel employed for Captain Davis applied to the supreme court of the United States, then in session, for a prohibition to the district court; which was granted upon principles which will be found to coincide with those which had directed the conduct of the district attorney in the outset; a short statement of which is contained in the writ of prohibition, making part of the record annexed: and thus the proceedings in the district

*Dallas, p. Camp vs. Lockwood, Cowp. 343. Huberus, vol. ii. 538.

†This train of reasoning was supported by the authorities of Vattel prelimin. § 18, § 20. Vattel c. ii. §. 36. Burlamaq. c. 9, vol. i. p. 69. Dallas, p. Nathan vs. Virginia, &c. And slightly opposed by Martens and Bynkershoek—Martens b. i. §. 5. Bynk. de forelegatorum, c. iv. On the operation of forfeiture by penal laws, see Henry Blackstone's Reports, 135. 5 Term Reports, 112. 1 Term Reports, 260.

‡Lord Hardwicke, 237. Cowp. 734, and Instances of Modern Practice.

court were terminated. In reviewing the case to this point, it obviously appears that the conduct of Government was friendly and consistent; that the obligations of the treaty with France were faithfully obeyed, by taking every constitutional method in aid of the requisitions of the French minister that the occasion could reasonably admit, without evasion or delay, and that nothing but the existence of a controlling power over the courts of justice, wisely excluded from our constitution, although it seems to be supposed in the complaint, could produce further exertions.

The business now assumed a new aspect. On the 24th August, Mr. John Ketland, a citizen of the United States, filed an information in the circuit court, founded upon the act of 5th June, 1794, entitled "An act in addition to the act for the punishment of certain crimes against the United States;" and having made oath to the truth of his allegations before one of the judges of the supreme court, obtained an order to attach the *Cassius*. It is scarcely necessary to observe, that the Government of the United States had no share in this transaction. Where a forfeiture is given by law, as in the present instance, to be appropriated one-half to the informer and the other half to the public, any individual has a legal right to commence the proceedings, and receive the benefit. The public has no control over it, and can, by no act, legally impede or defeat the suit. The moiety due, upon conviction, to the public, may be remitted; but the moiety due to the informer, is subject only to his own will.

It therefore ensued, that the part to be taken by the Government of the United States, on this new occurrence, was precisely analogous to that which attended the suit in the district court. And directions were given accordingly.

The attempt to implicate the conduct of the judge of the supreme court who signed the order to the marshal, evinces a very moderate share of information. To administer the oath, and issue the order required, were as precisely his duty, as it was to repel the attempt to obtain the liberation of the vessel previous to the meeting of the court at Yorktown.

Mr. Adet, on the 1st of September, (not on the 1st of August, as stated in his note) renewed his complaints to the Secretary of State, urging, among other things, that the suit had now been carried to an incompetent tribunal. It certainly was not in course for any other public officer than the judges of the courts to decide upon the doubtful jurisdiction of the circuit court in this instance.

A judicial system, in some respects perfectly new, in the present instance yet untried, required a regular and professional discussion before the point could be determined. Two gentlemen, of eminence at the bar, concerned for Mr. Ketland, adopted and supported the jurisdiction of the circuit court for the present proceeding.

The order from the judge, the official powers of the marshal, were not to be resisted from a belief or a hope that the jurisdiction would ultimately be found incompetent.

An application on the part of the French minister to the Executive authority, to cause security to be given for the *Cassius*, to enable her to proceed upon her voyage, was, on consideration, rejected; because, if it should afterwards be made to appear that the ship had been illegally fitted out in a port of the United States, other nations, who might suffer by her warlike operations, would have just cause to claim a compensation from the United States, and this, independent of the ground already stated in considering the subject of forfeiture; because the request was believed to be without a precedent; and because it would, in effect, have been assuming the judicial power of determining on the important questions in view. The executive power was therefore restrained from affording further aid to the efforts of Mr. Adet, until the court should meet at Yorktown, on the 11th October. On the 27th September, Mr. Adet thought proper formally to signify to the Secretary of State that he had caused the *Cassius* to be dismantled, and abandoned her to the Government of the United States.

From this time, therefore, the particular motives to urgency on account of the mission with which the *Cassius* was said to be charged, seemed to have ceased. But the efforts to obtain a dismissal of the suit were not on that account relaxed.

At the meeting of the circuit court at Yorktown, the district attorney filed a suggestion similar to that used in the district court.

The multiplicity of criminal business prevented his obtaining a decision, but it had the effect of suspending the progress of the information. The cause was necessarily continued till April session of 1796.

A letter from the district attorney to the Secretary of State, dated May 28th, 1796, relates the proceedings of that April session, which were somewhat delayed by a reluctance on the part of Mr. Adet to furnish sufficient documents to establish the property of the *Cassius*. A copy of the letter, as a proper continuance of the narrative, is here inserted, viz:

MAY 28, 1796.

SIR:

As soon as I received the supplemental certificates of the French minister, which was not till the 26th of April, I gave notice in court that, before the session ended, I should move to have the prayer of my suggestion granted, and the information dismissed.

A jury trial then before the court, prevented any thing else being done until the 29th, when the informant's counsel mentioned that they would, on the following day, come forward. This was then done by requesting me to show the foundation of my suggestion. I produced part of the correspondence between you and Mr. Adet, and the two certificates of that minister. It was urged by the informant's counsel that the same proof was necessary to authorize the receiving a suggestion as would be to support it on a trial, and that, as such certificates would not be receivable in that case, so they ought not now to be received. But the court observed that much less was sufficient in one case than in the other. The informant's counsel then moved that my suggestion be dismissed. This I declared myself ready to argue with them; but, as we were now at the close of the session, it appeared to the court impossible to go through the business, and it was therefore unavoidably continued till next October. It appeared, however, so plainly to be the sense of the court, that further evidence as to the property of the *Cassius* would be necessary on a trial of the facts, that I scarcely expect, with the aid of those two certificates only, to succeed.

I am, &c.

DECEMBER 21, 1796.

In October following, the district attorney renewed his efforts to obtain a hearing with more success. In the course of the argument the question of jurisdiction presented itself. The court adjourned to the next day for the purpose of fully considering it, and on the following morning dismissed the suit.

W. RAWLE.

No. 106.

Abridgment of the Writ of Prohibition, directed to the District Court of the United States in and for the Pennsylvania District.

The prohibition recites that, by the law of nations, and the treaties between the United States and France, the trial of prizes taken without the jurisdiction of the United States, and brought into the jurisdiction of France for adjudication, by the vessels of war of the latter, and all questions incidental to it, belong exclusively to the judiciary establishments of the latter; that consequently, its vessels of war and their officers are not liable to process of our courts, predicated upon such capture and bringing into port; that particularly the jurisdiction of such causes does not belong to the district courts of the United States; that for such capture and bringing into their own ports, of neutral ships, to answer for any breach of the law of nations concerning the navigation of neutrals, the said vessels of war and their officers are only accountable to the sovereign under whose authority their commission is held; that, on the 20th May, 1795, Samuel B. Davis was a lieutenant of ships in the French navy, and commander of the corvette called the *Cassius*, having a lawful commission; that James Yard, of the city of Philadelphia, merchant, had

caused the said Davis and the said corvette to be arrested, to answer to his libel against them filed in the district court of the United States for the district of Pennsylvania, in which he alleged that, on the said 20th of May, the said Davis, with the said corvette, and as her commander, had captured, on the high seas, a schooner belonging to the said Yard, called the William Lindsay, and carried her to Port de Paix, where she then remained; that the Cassius had been originally equipped for war in the port of Philadelphia, and that Davis, at the time of said capture, and then, was a citizen of the United States, but without alleging that the said capture had been made within a marine league of the coast of the United States, or that the Cassius had been equipped for war in the United States with the privy of the French republic, or by the said Davis, or that, at the time of her being so equipped, (if she ever was) she was the property of the republic, or that the said Davis was any how concerned in such equipment, and without alleging that he was retained in the service of the republic within the jurisdiction of the United States: the writ therefore prohibits the judge from further proceedings, and commands him to release said Davis and the Cassius without delay. It is tested on the 24th August, 1795.

No. 107.

Suggestion of the Attorney of the United States for the Pennsylvania District, and the Plea of Samuel B. Davis to the jurisdiction of the District Court for the said District.

And afterwards, to wit, on the 21st day of August aforesaid, William Rawle, Esq. attorney of the United States in and for the Pennsylvania district, who acts for the said United States in this behalf, in his proper person, comes into this court, and for the said United States gives the court to understand and be informed, that the said ship, called the Cassius, was, on the said 20th day of May, in the year aforesaid, being the time when the said libellant charges that the said schooner, William Lindsay, was taken and detained, in manner by him alleged, and, also, at the time of her being arrested and attached by the marshal of the district aforesaid, at the suit of the said libellant, and now is the property of, and belonging to, the French republic, a sovereign nation, in peace, amity, and alliance, with the said United States, and this he is ready, and offers to verify: wherefore the said ship, the Cassius, so being the property of, and belonging to, the French republic, cannot, by law, be rendered liable to civil process in the courts of the United States, at the suit of individuals; and the said United States being answerable to foreign nations for the due observance of treaties with them subsisting, and of the principles and usages of the laws of nations in respect to ships and other property to such nations belonging, and unduly seized, arrested, or attached, under color of legal process, within the territory of the said United States, and the peace and interests of the United States being deeply involved therein, the said attorney, acting in the behalf aforesaid, prays this honorable court that the said ship the Cassius, may, by the sentence and decree of this honorable court, be released and discharged from the attachment and arrest aforesaid, and that the said libel, so far as the same relates to the said ship the Cassius, may be dismissed, with such costs and damages as the court may adjudge, for her said wrongful arrest and attachment.

And the aforesaid Samuel B. Davis, by force of the process of this honorable court, in the said court being, and not acknowledging the jurisdiction thereof, in the instance now pending, exhibits to this honorable court, with all due respect, a certificate, under the hand of citizen Adet, minister plenipotentiary of the French republic, to the United States, dated the 27th Thermidor, to wit, the 14th of August, instant, certifying that the said corvette the Cassius is a vessel of war of the French republic, and that the said Samuel B. Davis is a commissioned officer in the navy of the said republic, also a commission or order of Etienne Laveaux, Governor of the island of St. Domingo, attested to be lawful and authentic, under the hand and seal of the said minister of the French republic, which said commission or order is dated the 22d Pluviose, to wit, on the 10th of February last; recorded in the registry of the French marine, at Port de Paix, the 9th Floreal, to wit, the 28th of April following, directed to him the said Samuel B. Davis, lieutenant in the navy of France, commander of the said corvette of the French republic, the Cassius, authorizing him to cruise, with the said corvette, for two months, at least, against the enemies of the French republic, and to take their ships and property on the high seas, together with true copies and translations of the said exhibits, which copies and translations, being duly compared with the originals now exhibited, he prays may be filed, and remain among the acts of court: whereupon, he prays, and respectfully moves this honorable court, that any thing in the libel of the said James Yard contained, notwithstanding, (he, nevertheless, not confessing, or in any wise acknowledging the same) the said corvette the Cassius and the said Samuel B. Davis may be discharged from arrest.

No. 108.

Joseph Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 16th Prairial, (June 4, 1794, O. S.)

2d year of the French republic, one and indivisible.

SIR:

I have already had the pleasure to inform you, verbally, of the interest which the committee of public safety of the National Convention had taken, in due season, in the truly unhappy situation of your commerce in the Mediterranean. I now fulfil the duty imposed on me by the Government, by calling to your recollection, in writing, the steps which are to be taken by our agent with the Dey of Algiers, for repressing this new manœuvre of the British administration, which has put the finishing stroke to its proofs of malevolence towards free people. The despatch of the minister communicating this measure to me, is dated the 5th of January, and did not come to my hands till fifteen days ago; I do not yet know by what route; I could have wished it had been less tardy in coming to me, that I might sooner have fulfilled the agreeable task of proving to you, by facts, the protestations of friendship of which I have so often spoken, in the name of the republic of France.

The information which I shall receive from Europe, in a little time, will, doubtless, possess me of the success of those negotiations, which were to have been opened in January last. If the situation of your affairs is yet such with respect to that barbarous regency, as that our intervention may be of some utility, I pray you to invite the President to cause to be communicated to me the means that he will join to those of the committee of public safety, for the greatest success of the measures already taken. It is in virtue of the express request of the minister, that I solicit of the President some communication on this subject: I shall be esteemed to be able to transmit it by a very early conveyance, which I am now preparing for France. Accept my esteem.

JH. FAUCHET.

No. 109.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 6, 1794.

SIR:

The letter which you did me the honor of writing to me yesterday, has been laid before the President of the United States, who accepts, with pleasure, such a testimony of your attention, and whose sentiments, upon the great subject of your Revolution, can never be doubted.

Your other letter, of the 4th of June, is a powerful demonstration of the interest which the republic of France takes in our welfare. I will frankly communicate to you our measures and expectations with regard to Algiers; but as you will so soon receive the detail of those measures which your Government have pursued in our behalf, and, after the rising of Congress, some new arrangements will probably be adopted by the Executive, it will be better, perhaps, to postpone our interview on this matter until the intelligence which you further expect shall arrive.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 110.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 12th Messidor, (30th June, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I herewith enclose to you a literal copy of the part of my instructions relative to a new commercial treaty, and a new consular convention, to be entered into between France and the United States.

Honesty, justice, the interest of the two nations, and the most exact reciprocity, are the basis which the French republic adopts in her treaties of friendship. Be pleased to assure the President that I shall be too happy if I can contribute to tighten the bands which unite the French republic to the United States, and to assure the happiness of both.

Accept, &c.

P. A. ADET.

No. 111.

Extract from the instructions given to P. A. Adet, Minister Plenipotentiary of the French republic near the United States of America, by the committee of public safety of the National Convention, charged, by the law of the 7th Fructidor, 2d year, with the direction of foreign affairs.

"The minister shall prepare with the American Government the means and arrangement of a new consular convention, and of a new commercial treaty, and he shall communicate his negotiation on this subject to the committee of public safety. This negotiation shall be built upon the different decrees of the National Convention passed on this subject. The object of the new treaty shall be to found the commercial relations of the two republics upon stipulations more reciprocally advantageous, and more clearly worded than that of 1778, and the object of the consular convention to assure the full and complete execution of this treaty."

True extract from my original instructions.

The minister of the French republic near the United States of America.

P. A. ADET.

PHILADELPHIA, the 19th Messidor, 3d year of the French republic.

No. 112.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 1, 1795.

SIR:

I had the honor of receiving your letter of yesterday, covering an extract from your instructions relative to a new treaty of commerce, and a new consular convention. Even before we are fully informed of the extent of the different decrees of the National Convention upon which your propositions are to be founded, I do not hesitate to declare to you our readiness to open a negotiation with you upon these two subjects. It would seem from your instructions, that you have no power to conclude or sign any new compact. If I misjudge the nature of your authority, you will be pleased to correct me.

I must also beg the favor of you to communicate to me the dates of those decrees to which your instructions refer. Perhaps I may be possessed of the whole, or most of them. In that case, copies will be asked of none but those which are not in the office of this Department.

Your answer to this letter will enable me to offer to your consideration some arrangements which may facilitate the discussions.

Permit me, however, to request, on this first opportunity of business, that when you give the dates of the French calendar, you will be so obliging as to add the dates of our own. Experience has shown that mistakes and delays have arisen in our office from the want of familiarity with the French calendar.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 113.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 12, 1795.

SIR:

It is with great reluctance that I trouble you so often upon the same subject. I cannot entertain a doubt that, but for your indisposition, you would before now have answered my letter on the new negotiation, as you were obliging enough to promise me in conversation several times. But the President intending to leave this city on Tuesday morning, and it being requisite, as I have had the honor of stating to you, that I should receive his instructions before his departure, I will thank you to enable me to present to him the subject of our negotiation as fully as your overtures will permit. If I discover some anxiety, I beg you to impute it to the hope that this business will result in our mutual honor, by proving that, while we each labor for the interest of our respective nations, we can promote the prosperity of both.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 114.

24th Messidor, 3d republican year, July 12, 1795, O. S.

P. A. Adet presents his compliments to Mr. Randolph, and sends him the letter which he should have addressed to him some days ago, if the fever he is afflicted with had permitted him to attend to business. Mr. Randolph will find with that letter a part of P. A. Adet's instructions relative to the articles of the treaty which the French Government has instructed him to stipulate positively; the other articles, founded on reciprocal advantages, are left to the course of the negotiation which is to establish them.

P. A. Adet will have the honor of seeing Mr. Randolph as soon as his health will permit.

No. 115.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Randolph, Secretary of State of the United States.

20th Messidor, 3d year of the French republic, one and indivisible,

(July 8, 1795, O. S.)

SIR:

I have received the letter you did me the honor to write to me dated the 1st July. I have never doubted the attachment of the United States for the French republic, and the reply you made to my letter of the 30th June is a proof of it. You request of me, in that letter, some information, which I hasten to give you.

I neither know nor possess any other decree, relative to the new negotiation to be opened between France and the United States, than that of the 5th* of February, 1793, communicated to you by citizen Genet; and, as it must be in the office of your Department, I conceive it will be useless for me to send it.

My instructions empower me to prepare the plans of a new consular convention, and of a new commercial treaty. After my Government and that of the United States shall have approved of the plans, the sending of full powers for the signature is but a formality which is easily fulfilled. This step appeared proper, to avoid a number of inconveniences at the time of the ratification of the treaty.

I will fulfil the desire expressed in the last paragraph of your letter, and shall take care to add, in all my despatches, the date of your calendar to that of the French.

Accept, sir, &c.

P. A. ADET.

No. 116.

Extract from the instructions given by the French Government to citizen Adet.

"The minister plenipotentiary shall stipulate positively, and without reserve, the reciprocal exemption from the tonnage duty so necessary to our mercantile marine. This exemption, implicitly assured in the ports of the United States by the 4th and 5th articles of our commercial treaty, has never been executed therein, and, since the organization of their customs, a very burthensome tonnage duty has been rigorously exacted on our merchant vessels; even in 1793, a severity and an injustice were used, which the American Government should not have suffered. But the respective naturalization of the French and American citizens, proposed by Mr. Jefferson, and desired by the French nation, will facilitate this stipulation of a reciprocal exemption from tonnage, and render it less offensive to the Powers, who, in virtue of treaties, might claim a participation in the same advantages; as the *casus federis* would, by this stipulation be changed in this respect."

No. 117.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 13, 1795.

SIR:

I understand, by the letter which I had the honor of receiving from you in the evening of yesterday, that "your instructions give you power only to *prepare* the draught of a new consular convention, and a new treaty of commerce." Notwithstanding the formality of this procedure, the President of the United States has directed me to meet you.

But I am prevented, sir, from proposing to you a time, place, and arrangement, for our conversations, by a fear of incommoding you in your present indisposition. Permit me, therefore, to expect that, as soon as your health will suffer you to attend to this subject, you will be so good as to inform me.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 118.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 16, 1795.

SIR:

After acknowledging your letter of the 14th instant,* which I had the honor of receiving yesterday, I take the liberty of proposing the following plan of procedure in the discussions now commencing between us.

As you are not clothed with any very formal authority upon this subject, the President of the United States has thought it proper to place me upon the same and no other footing. Hence we are both to be considered as committees, delivering our own sentiments to each other, and, after comparing them, reporting our opinions to our respective Governments; which, by these means, will remain mutually uncompromitted, until the system is modified so as to meet their approbation.

So various and weighty is the business which now presses upon my attention, that I could not rely upon my own memory, nor upon my own accuracy, were not the interchange of our thoughts to be made on paper. I beg leave, therefore, to suggest, that we conduct the discussion in this way, except when it shall appear to either of us more expedient to have an interview on some particular difficulty. Our letters shall constitute no part of a formal report to our Governments; and shall be liable to be recalled, or changed, as each party pleases; unless, on the close of the transaction, we shall agree to annex them to any draught which may be prepared.

Assuring you, then, that no unnecessary procrastination shall be found in me, I submit to your consideration this arrangement: 1st. That you state the parts of the subsisting treaty which you wish to be *abolished*; 2d. Those parts which you wish to be *corrected*; and 3d. *Any additions* which seem to you desirable. These may be examined, either separately or conjointly, as shall be most agreeable to you, and, if you prefer stating one class at a time, I shall not object. Indeed, if any other arrangement shall strike you more favorably, I have too little predilection for my own to hesitate at the adoption of a better.

This transaction is so momentous that too much time cannot be well spent upon it; and it will facilitate my other duties, could I enter into it so early as to afford full opportunity for reflection.

I have the honor to be, &c.

EDM. RANDOLPH.

* This should have been 19th.

† This letter of the 14th has no relation to the proposed negotiation.

No. 119.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 2d Messidor, (20th June, 1795,)

3d year of the French republic, one and indivisible.

SIR:

On the 6th, I received the letter of that date, which you addressed to me in answer to the observations I made to you on the treaty proposed between the United States and Great Britain. I should have replied to you sooner, had not my health, which has always been unstable since my arrival in this country, obliged me to abstain from business for upwards of fifteen days. I shall transmit it to the French Government, together with my observations and the treaty. In such important circumstances, it is exclusively the province of my Government to judge, and I cannot permit myself to decide at all.

In a few days I shall have the honor of seeing you, and of taking the necessary measures, in order to commence the business relative to the digesting of the new treaty and new consular convention.

Accept, sir, &c.

P. A. ADET.

No. 120.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 26th Messidor, (14th July, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I have the honor to transmit to you an official decree of the committee of public safety of the 14th Nivose, in the 3d year of the French republic, which you have seen in the newspapers, and which you communicated to my predecessor, citizen Fauchet, in your letter of the 14th of last Nivose.

This decree revokes the 5th article of that of 25th Brumaire, in the same year, a copy of which I have also the honor to transmit to you.

You will see, sir, in both, the undisguised disposition and sincere desire of the French Government religiously to observe the engagements it has contracted with its allies, and its readiness to redress infractions which have never taken place but from the impulse of circumstances.

That of the 14th Nivose will convince you particularly of the purity of motives and respect for principles which animate the National Convention and its committees. It was not produced by representations from the neutral Governments or their subjects, but the result of a rigid examination of the extent of our contracts with our allies.

By this article, the merchandises belonging to Powers at enmity with the French republic, laden on board of neutral vessels, are declared free.

It is amidst her triumphs that the republic loves to give this striking mark of her fidelity. Victorious France knows no other concern than that of justice—no other diplomatic language than that of truth.

As for myself, sir, who have the honor of representing her near your Government, I esteem myself happy in having the superintendence of the execution of these measures of justice; and if, contrary to my expectation, they should experience any violations by the vessels which come near your latitudes, you will see me anticipate your complaints by honestly probing them to the bottom, and redressing them with a zeal equal to that with which you might be animated yourself.

Accept, sir, &c.

P. A. ADET.

No. 121.

Extract from the Register of the Decrees of the Committee of Public Safety of the National Convention, of the 14th Nivose, 3d year of the French republic one and indivisible.

The committee of public safety, considering that the 23d article of the treaty of commerce between France and the United States of America, of the 6th of February, 1778, stipulates formally—

1st. That the French and Americans may navigate in full security with their vessels, without any exception being made on account of the proprietors of the merchandises laden in those vessels, from whatsoever port they come, and although the Power for which they are destined, is, or may be, an enemy of the contracting nations; that they may, in like manner, navigate in full security with their vessels and merchandises, and frequent the places, ports, and harbors, of Powers, enemies of the two contracting nations, or of one of them, and carry on commerce not only from an enemy's to a neutral port, but also from one enemy's port to another:

2d. That free vessels shall make free goods; and every thing which shall be found on board of vessels belonging to the citizens of one of the contracting nations, shall be judged free, if even the lading should belong in whole, or in part, to the enemies of either; contraband articles being always excepted:

3d. That this same freedom shall be extended to the persons who may be on board of the free vessels, should they even be enemies of one of the two contracting nations; and that consequently those persons cannot be taken from on board of such vessels, unless they be military characters and actually in the service of the enemy: Considering that the crimes of England have given to the war of despotism against liberty a character of injustice and atrocity unexampled in history, the National Convention found itself obliged, in using the right of reprisal, to decree, on the 9th of May, 1793, that vessels of war and French privateers should arrest, and conduct into the ports of the republic, the neutral vessels which should be found laden, in whole or in part, either with produce belonging to neutral nations, and destined for enemies' ports, or with merchandises the property of enemies; but that, soon after, on the 1st of July, 1793, the National Convention hastened to re-establish, in all their vigor, the dispositions above recited of the treaty, of the 6th of February, 1778; that in fact it has been revoked by that of the 27th of the same month, so far as relates to the produce and merchandises belonging to enemy Powers; that thus it remains free for produce and merchandises, the property of neutral Powers, with regard to which the French Government have not to blush for having delayed to show its justice and honesty, until the cabinet of London revoked, as they have done, a considerable time after, the order issued by them during the preceding year, for seizing every neutral vessel carrying produce or merchandises of neutral nations to France:

Considering that since, and notwithstanding the affectation with which that cabinet continues daily to insult the rights of nations, and to violate the neutrality of non-belligerent Powers, in causing to be seized their vessels laden with merchandises destined for France, the National Convention enjoined, by the seventh article of the law of the 13th of this month, all the agents of the republic, all the commandants of the armed forces, and all officers, civil and military, to cause to be respected and observed, in every particular, the treaties uniting France to the neutral Powers of the ancient continent, and to the United States; that, by the same article, an infringement of those treaties is forbidden, and that all acts which may be contrary thereto are annulled:

Considering that it is of importance to make known to the world this grand act of honesty and justice, and speedily to do away every pretext which malevolence might employ, either for obstructing or retarding its effect, or perverting the same to the prejudice of the republic, it is decreed:

ART. 1. The colonial and marine commissioners shall notify, without delay, all the commandants of the naval armies, divisions, squadrons, fleets, or vessels, of the article of the law of the 13th of this month, cited above; and inform them, in consequence, that they must regard as null, and of no effect, the disposition of the fifth article of the decree of the committee of public safety, of finances, and of commerce and supplies, of the 25th Brumaire last, (15th November) which authorized the seizure of merchandises belonging to enemy Powers, until they should have declared free and not seizable, the French merchandises laden on board of neutral vessels.

ART. 2. Merchandises, even of neutral nations, denominated contraband, or prohibited, shall continue to be liable to seizure.

ART. 3. The articles comprised under the name of prohibited or contraband merchandises, are arms, instruments, and warlike stores, of whatsoever kind they may be; horses, and their harness, and all kinds of effects, produce, or merchandises, destined for an enemy's port, actually besieged, blockaded, or invested.

ART. 4. The commissioners for exterior relations shall transmit the present decree to the agents of the republic near the allied or neutral Governments, with orders to communicate it to them.

ART. 5. The present decree shall be inserted in the bulletin of the laws.

CAMBACERES, MERLIN, of Douray, CARNOT, PRIEUR, of the Marne, MARET, A. DUMOUT, J. G. CHAZAL, PELET. A. F. MIOT, the Commissioner of Foreign Affairs.	} <i>The Members of the Committee of Public Safety.</i>
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True copy.

P. A. ADET.

No. 122.

The following is a translation of the Fifth Article of the Decree of 25 Brumaire alluded to in the foregoing, November 15, 1794.

ART. 5. The following are excepted from the prohibition in the preceding article, [alluding to article 4.]

1st. Merchandises belonging to Powers enemies of the French republic, until these Powers shall have declared free and not seizable French merchandises laden on board of neutral vessels.

2d. Also neutral merchandises, denominated contraband or prohibited, under the name of prohibited or contraband merchandises, are included arms, ammunition, and warlike instruments of every kind, provision or merchandise, destined for an enemy's port, actually besieged, blockaded, or invested.

No. 123.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of the Department of War of the United States, charged with the Department of State.

PHILADELPHIA, the 7th Vendemiaire, (28th Sept. 1795, O. S.)
4th year of the French republic, one and indivisible.

SIR:

The public papers announce, in every quarter, that the English, in contempt of the law of nations, arrest and seize American vessels laden with provisions for the ports of France. Although this fact is not authentically vouched to me, yet I cannot doubt it, since no one has ever contradicted any of the numerous assertions which had any relation to it.

If the interests of my country were not deeply compromised by the measures which the English Government has taken with regard to your commerce, I should have remained silent. I know that it is not for me to judge of circumstances in which the glory of the United States, the honor of their flag, the liberty of their commerce, may be outraged. I know, therefore, that it is the province of their Government alone to decide and to act, and that that Government would justly have reason to be hurt at the representations of a foreign minister, from his information and the nature of things, on an object which interested the American nation, or its Government alone; but, sir, if at the present juncture the interests of the United States are in question, those of France are also, and I should betray my duty if I were for a moment to forget them.

It is not the first time that the English have given to the world the scandalous spectacle of their contempt for the rights of nations. It is not the first time that the American Government has had occasion to complain, and has been apprehensive of seeing their neutrality compromised. So long ago as 1793, the cabinet of St. James ordered the arrestation and seizure of American vessels laden for the ports of France. This conduct, which violated every principle, and which injured the interests of the republic, obliged the convention to imitate it: but its views were very different from those of the British Government, as, by that means, she sought to support, though indirectly, the rights of neutral nations; she ought to be entirely justified by the 5th article of the decree, declaring, that it shall cease to have effect when the combined Powers shall have acknowledged, agreeably to the law of nations, provisions, found on board of neutral vessels, as not liable to seizure. Although the coalesced Powers are far from admitting these principles, sacred to every honest Government, the National Convention has not thought proper longer to follow their example, and the committee of public safety has exhibited in its arrest of the fourteenth last Nivose, its love for justice, and the sentiments of France for the United States.

You know, sir, as well as I do, that the war which exists between two Powers, cannot alter, in any manner, the rights of the United States, who wish to remain at peace; and that their relations with those belligerent Powers are the same as before the declaration of war. These conditions constitute the state of neutrality. As soon as the relations change—when one of the belligerent Powers is more favored than another by the State which has not taken part in the war, the neutrality of that State ceases to exist. If, therefore, one of the belligerent States seeks to obtain from the neutral nation an advantage not enjoyed by its enemy, the neutral State should, if she wish to remain at peace, oppose its pretensions by all the means in her power, or she should, in order to keep the balance in equilibrium between both enemies, allow them to participate in the same advantages, if her interests permit; otherwise that nation would discover a partiality which cannot accord with the state of neutrality. These are evident truths, and are generally received.

Besides, in every war, neutral nations have armed in defence of their neutrality; and we accordingly see, at the present moment, Sweden and Denmark uniting their fleets for the purpose of protecting their commerce and supporting their neutrality; likewise did the United States in 1793, strongly complain against the arrestation of their vessels by the ships of war of the English. Permit me, sir, to cite here, in support of this assertion, the following lines from a letter of Mr. Jefferson to Mr. Pinckney, dated the 7th September, 1793.

"This act, too, tends directly to draw us from the state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe, and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain, into a war, with which we

meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case, where we found ourselves obliged, by treaty, to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her, supplies of provisions, we should, in like manner, be bound to withhold them from her enemies also, and thus shut to ourselves all the ports of Europe, where corn is in demand, or make ourselves parties in the war. This is a dilemma, which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it."

This quotation I conceive is the development of the principles which I have laid down; and when it contains the sentiments and opinion of the American Government itself, it would be unnecessary to enter into an ulterior discussion.

It cannot now, therefore, be doubted by any man, who will discard prejudices, love, hatred, and, in a word, all the passions which lead the judgment astray, that the French republic have a right to complain, if the American Government suffer the English to interrupt the commercial relations which exist between her and the United States: if, by a perfidious condescension, it permitted the English to violate a right which it ought to defend for its honor and its interest: if, under the cloak of neutrality, it presented to England a poniard to cut the throat of its faithful ally: if, in fine, participating in the tyrannic and homicidal rage of Great Britain, it concurred to plunge the French people into the horrors of famine.

But I am convinced this will not be the case. The American Government is too much attached to the laws of an exact neutrality; it knows too well that the cause of freemen is interwoven with that of France, to allow the English to usurp a right injurious to the interests of the republic.

It is under this conviction that I have written to you this letter, persuaded that it is perhaps superfluous to address to you these reclamations. I do not doubt but that the American Government will prove to all Europe its intention of maintaining the most exact neutrality with regard to the belligerent Powers; that it will compel England no longer to violate the rights of nations; and that it will henceforward relieve France from the unpleasantness of addressing new complaints on this subject.

Accept, sir, &c.

P. A. ADET.

No. 124.

The Minister Plenipotentiary of the republic of France near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 9th Germinal, (March 29, 1796, O. S.)

4th year of the republic, one and indivisible.

SIR:

On the 7th Vendemaire last, I had the honor of writing to you, relative to the arrest of American vessels laden with provisions for France. I flattered myself with receiving from you an answer which might prove to my Government that the United States, faithful to the neutrality which they have imposed on themselves, neglect no means of repressing every infringement made on it by any of the belligerent parties to the detriment of its enemy.

Near six months ago, I sent a copy of my representation to my Government, and at the expiration of that term I was under the necessity of informing it that I still expected a solution of this important object.

Now, sir, I complain upon a point infinitely more essential, and which does not to me appear susceptible of delay: I mean the impressments exercised by the English on board of American vessels.

For some time, each successive vessel arriving from the colonies brings, in this respect, more frightful accounts than the former, and I have just received from the vice consul at Alexandria, a letter of the 4th Germinal, relative to the impressment used by the English ship Swan, and the frigate Success, upon the crew of the brig Fair Columbian, from Alexandria, freighted, on account of the English, by Messrs. Patterson and Taylor.

It is not then sufficient for the English to purchase a number of vessels, which they load with all sorts of provisions; to navigate their vessels under your flag; to carry horses for remounting the cavalry; to enrol grooms for this military service; but they must also take by force the American crews, in order to make them serve on board their vessels of war, to the ruin of our colonies.

You must be sensible, sir, that simple and ordinary measures are insufficient in such circumstances. We have neither the right nor desire of interfering in your interior administration, but, when hostilities are in question, France may request an account of the measures you have taken for putting a stop to them, and repairing the damage they already have caused, or may hereafter do.

Permit me, sir, to repeat to you, they should be prompt and efficacious. Would representations to the court of London, which, in the course of six months, perhaps, might put a stop to these odious attacks, if, at the end of that time they are no longer necessary, be sufficient in the existing circumstances?

The English division in the colonies is entirely recruited by mariners taken from on board your vessels. It is by their means that they block up the republican ports; it is to their succor we ought to attribute the loss of these immense possessions, if the American Government should not take the step which the duty of neutrality dictates to it.

Accept, sir, &c.

P. A. ADET.

No. 125.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 19th Germinal, (8th April, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

I have the honor to send you, herein enclosed, the letter which you requested, on the 7th of April, in favor of Mr. Henry Alexander, detained at Petit Goave.

I have still reason to hope that the former, which I wrote to General Rigaud, on the 6th Pluviose last, will have the effect desired by the family of the young men whose liberation you claim.

Accept, sir, the assurance of my respect.

P. A. ADET.

P. S. Permit me to remind you of my letters of the 21st and 25th Ventose, and 9th Germinal, to which I expect your answer.

P. A. A.

No. 126.

The Minister Plenipotentiary of the French republic, near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 1st Floreal, (April 21, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

I had the honor of writing to you on the 9th of last month, relative to the impress exercised on board of your vessels by the English.

The vice consul at Alexandria announces to me the return of Messrs. Evelitts and Scamman, captains of the schooners Chloe Anne and Industry, whose entire crews have been impressed at the Mole.

Twenty-five vessels, purchased by Mr. Cavan, are still in that port, and recent orders have been given to him for expediting fifty more.

Mr. Kenna, captain of the schooner Free Mason, is also arrived from Martinique, where he left twenty vessels, whose crews, as well as his own, have been forcibly carried off.

I do not add a single reflection to my former letter.

Mr. Henry Alexander, of Baltimore, in whose favor you requested my intervention with General Rigaud, informs me, by a letter this moment received, that he is restored to the affections of his family.

Accept, sir, the expression of my respect.

P. A. ADET.

No. 127.

The Minister Plenipotentiary of the French republic near the United States, to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 22 Nivose, (12th Jan. 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

Letters from the French consuls at Baltimore, Norfolk, and Alexandria, announce to me that the English have purchased a great quantity of flour in Maryland and Virginia, and that they have laden it on board American vessels, which they have likewise purchased. This flour is destined to support the English army directed against the French colonies. It is not without the most severe chagrin that I have observed the enemies of my country drawing from yours means of subsistence, without which they must have renounced every species of attempt, and that I have found myself incapable of preventing them. Indeed, who could arrest the exportation of this flour, if not the Government of the United States? And, if I had solicited it of them, could I have calculated upon their condescending to my request, when they would have regarded that condescension rather as a favor than as a duty rising out of their neutrality? But, sir, there is another circumstance, upon which the letters from the consuls leave me no doubt, and to which the laws which the American Government have prescribed to itself for its neutrality, oblige it to pay attention. The vessels, which the English have purchased, are commanded and manned by American seamen. If your fellow-citizens are prohibited from serving in the cause of France, neither should they be permitted to range themselves under the British flag; otherwise the neutrality would only be a vain term, and a certain mean of assisting secretly, and without running any risk, a power which no one would dare to aid openly.

There is also another object, sir, upon which I should fix your attention. The consul at Norfolk informs me, that the English have caused to be purchased a great number of horses, in Virginia, and that even stables are established, near Norfolk, for receiving them. These horses are destined for the English cavalry, to be debarked at St. Domingo, to attempt the conquest, and to endeavor to bring about the ruin, of that place. If France be interested in frustrating these projects, should not the United States also, perhaps, under certain relations, prevent the execution of them? Besides, their neutrality imposes on them the obligation of arresting the exportation of horses, which constitute the principal force of the English army. The horses are contraband of war; you are sensible of this, sir, and no contraband of war can be furnished to a Power at war, without the other Power having the right of opposing it in any manner whatever. [So says Vattel, vol. 2, book 3, chapter 7, § 113, Amsterdam edition, 1775.]

"The nation which makes war, has the greatest interest in depriving its enemy of every foreign assistance, and, therefore, has a right to regard, if not absolutely as enemies, at least as people who care very little about injuring them, those who carry to their enemy the thing which they require for war; they punish them by confiscating their merchandise. If the sovereign of the latter should undertake to protect them, it would seem as though he himself wished to furnish this kind of succor; a step contrary to neutrality."

It is therefore evident, sir, from this passage, that no neutral Government can protect contraband of war. But would not the American Government protect it, if it should permit to be exported from its territory, horses destined for the English army? Indeed, sir, if, after being informed of the designs of the English, it could stop the exportation of the horses, which they have purchased, and did not do it, it is evident that the omission would constitute a proof of its consent and approbation. And what difference is there in this case between tolerating contraband and protecting it?

It is useless, sir, to spin out this letter any further. I think that the facts are so self evident that I now flatter myself with receiving a proof of that friendship of which the United States have so often given assurances to the republic.

Accept, sir, the assurances of my esteem.

P. A. ADET.

No. 128.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, January 20, 1796.

SIR:

On the 15th I received your letter of the 12th instant, and laid the same before the President of the United States.

The principle of an impartial neutrality, and the established practice, agreeably to the laws of nations, furnish answers on the subjects you have been pleased to bring into view.

You admit that, with respect to the flour which the "English have purchased in Maryland and Virginia," it would be an act of "courtesy" in the American Government to forbid its exportation. But such courtesy, you must be sensible, would violate our duty as a neutral Power, and, of course, it cannot be rendered; the purchase and exportation of flour to the dominions of the French republic having been, during the whole of the present war, perfectly free.

You also represent that the English are purchasing horses in Virginia, "and horses are contraband of war." That horses are contraband will not be questioned; but your position, "that what is thus contraband cannot be furnished to one of the Powers at war, without giving the other the right of opposing it in any manner whatever," cannot be admitted. If the subjects of a neutral Power export contraband goods, the passage you have cited from Vattel shows what kind of opposition may be given to it: the neutral exporters may be "punished by the confiscation of their merchandise," if taken at sea, by the belligerent Power against whom it is destined to be used. But the same chapter in that book informs us, that all the Powers at war have a right to resort to a neutral country "to purchase provisions, horses, and in general every thing of which they stand in need." Horses have always been a considerable article in the commerce of this country; and in the same book we find the following passage: "If a nation trades in arms, timber, ships, military stores, &c. I cannot take it amiss that it sells such things to my enemy, provided that it does not refuse to sell them to me also." The justness of this doctrine is indisputable, and has, moreover, been explicitly assented to by one of your predecessors.

Mr. Hammond, the late British minister in the United States, had represented "that arms and military accoutrements were being up by a French agent in this country, with an intent to export them to France." To this it was answered, on the part of the United States, "that our citizens have always been free to make, vend, and export

arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, has not required from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of the belligerent Powers on their way to the ports of their enemies." This you will see stated in Mr. Jefferson's letter to Mr. Ternant, of the 15th of May, 1793. This letter was delivered by Mr. Ternant to Mr. Genet, whose answer to Mr. Jefferson, on the 27th of the same month, contains this expression: "I have no knowledge of the purchase of the arms in question, and, at all events, the reply you have made to Mr. Hammond would convince him of the nullity of his observations."

But there is a third point stated by you, which required some investigation, and has occasioned the delay in answering your letter. You inform that the flour, purchased by the English in Maryland and Virginia, is laden on board American vessels which they have purchased, and that these vessels are manned by American masters and sailors; and observe, "that if our citizens are forbidden to serve the cause of France, they ought not to range themselves under the flag of Great Britain." This observation being too indefinite to admit of a precise answer, you will allow me to proceed further in stating our rights and duties in relation to the belligerent Powers; from which I trust it will appear that the interference of the American Government in any of the cases mentioned in your letter would be improper.

So far as selling and carrying supplies of provisions and goods of all kinds to France and her dominions can be viewed as serving its cause, our citizens have been, and continue free to sell and transport them. They have never been forbidden to do this. They have merely been admonished, by the proclamation of the President, that if any of these goods should be of the kind deemed contraband, and, as such, should be seized and confiscated, they would not receive the protection of the United States. But this rule is not confined to France. It is to be observed towards all the belligerent Powers; because towards all the American Government determined to observe an exact neutrality.

In the same proclamation, the citizens of the United States were cautioned against committing, aiding, or abetting hostilities against any of the Powers at war; and informed that if any of them, by doing those things, rendered themselves liable to punishment under the law of nations, the United States would not protect them. Since that time, the Legislature of the United States have enacted a law which forbids any citizen of the United States accepting and exercising, within their jurisdiction, "a commission to serve a foreign prince or state in war, by land or sea," or to "enlist, or enter himself in the service of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque, or privateer," under the penalty of fine and imprisonment.

This is the extent of the law of the United States, relative to the services which may not be rendered to the belligerent Powers. And herein it was, doubtless, the intention of the Legislature to conform to the rules of the law of nations; imposing adequate penalties for the violations of those rules, but prescribing no new restraints.

Hence I conclude that it is not unlawful for the citizens of the United States to sell or hire their *unarmed* vessels to any of the Powers at war, and to man the vessels so sold or hired, these continuing *unarmed*.

From the laws of nations, and of the United States, permit me to pass to the subsisting treaty of amity and commerce between France and the United States; it will, if I mistake not, throw much light on the questions you have raised, and, if there remain any doubt under the laws, the treaty will remove it.

By the 23d article of the treaty the two Powers agreed that it should be lawful for the people of both countries "to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who then were, or thereafter should be, at enmity with either." It was also stipulated "that free ships should give a freedom to goods, and that every thing should be deemed free which should be found on board the ships belonging to either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted." It was also agreed that the same liberty should be extended to persons who should be found on board a free ship; when, although they should be enemies to either party, they are not be taken out of the ship, *unless they are soldiers, and in the actual service of the enemy*.

The 12th and 13th articles of the treaty particularly contemplate the case that the vessels of each of the contracting parties will take on board contraband goods to transport to the enemies of the other, and regulate the proceedings thereon. The contraband goods, if discovered, may be taken and confiscated, "but the ship itself, as well as any other goods found therein, are to be esteemed free." And we have seen above, that the 23d article makes provision for the case where the vessels of either party should be employed in transporting the enemies of the other, and that even these are to remain untouched "unless they are soldiers in the actual service of the enemy." But it is plain that the vessels themselves are to remain free.

With respect to any marine service of the people of the two contracting parties, if we recur to the 21st article of the treaty, we shall see that it imposes no restraint but this: "that they shall not apply for, or take, any commission or letters of marque for arming any ship or ships to act as privateers against the other."

Practice has corresponded with these rules. Independent of the very numerous exportations in single vessels, from this country, of every article it could furnish, useful to France and its dominions, two fleets, of which American vessels formed a part, sailed from the United States for France, under convoy of French men-of-war; the American vessels thus ranging themselves (if you please) under the flag of France. And can we now, as an impartial neutral nation, deny the same to the British? But will it be said that our sailors manned only our own vessels? Without supposing that none of them served on board unarmed French vessels, permit me to ask, what is the difference between the citizens of a neutral nation hiring their unarmed vessels, with their crews, to transport provisions and stores for one of the Powers at war, and selling, and then manning the same vessels, for the same service? I do not discover any; and until a distinction can be manifested, I shall conclude that, whatever consequences may result from the measures which are the subject of your letter, these measures the Government of the United States have no right to restrain.

With great respect, I am, sir, &c.

TIMOTHY PICKERING.

No. 129.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 21 Ventose, the 11th March, 1796, (O. S.)

4th year of the French republic, one and indivisible.

SIR:

I have duly received the answer you were pleased to make to my letter of the 22 Nivose last. I have till now deferred presenting additional claims in support of those I had the honor to address to you, because, from the arrest of the sloop Diana, by order of the Governor of Virginia, I conceived that a new examination of the question had determined you to adopt a course entirely opposite to your first resolutions; but since it is otherwise, that the American Government has ordered the Governor of Virginia to permit to depart, and even to protect the vessels the English have laden with horses; since the English renew in Connecticut and Massachusetts the purchase of horses which they have made in those States; since the yare also disposed to export these horses in vessels purchased in your ports, and navigated by American captains and sailors, you will permit me, sir, to renew my solicitations with the Government of the United States, to induce it to take those measures which, in these circumstances, its duty and neutrality dictate. You must recollect, sir, that, in my letter of the 22 Nivose, I called your attention to two questions. 1. Should the Government of the United States, in conformity with its neutrality, prevent the exportation

of an article contraband of war, purchased by the enemies of France? 2. Can that Government, without compromising its neutrality, permit its citizens to serve on board of vessels of the enemies of France?

I contented myself with stating to you some of the reasons which led me to believe that these questions, according to the law of neutrality, should be determined in favor of the republic. I flattered myself that your knowledge, and the attachment of the Government of the United States to our cause, would supply any deficiency occasioned by the small range of my arguments. But it appears to me that I did not explain myself in a manner sufficiently precise in order to realize my expectation.

Therefore, I shall enter into a new discussion of the questions which I presented to you in answering the different passages of my letter.

When, to prove to you that the United States should oppose the exportation of horses purchased by the English, I cited the paragraph 113, chap. 7, book 3, of Vattel, I was aware of the paragraph 110, which precedes it, and which you oppose to my quotation; but I must observe to you that this paragraph has not the least connexion with article 113, which relates to the duties of governments as to contraband of war; it cannot, therefore, destroy the reasoning contained in the 113th paragraph, which is subsequent to it. If it were otherwise, if Vattel should be found to contradict himself, in as clear a manner as might be supposed from your observations, we should not, in future, bring this author to our support. But, besides, the matter in question at present does not relate to citizens or subjects of a neutral Power carrying on commerce in contraband of war, at their risk, peril, and fortune, and exposing their merchandise to confiscation, but several agents of a Government in enmity with France,* who, coming here, as to one of their provinces, purchase horses and collect them in stables prepared by themselves, put them on board of vessels purchased in this country, and export them with as much security as if they were drawing them from their own territory. If you can answer me as to cases in which your citizens shall traffic in this contraband of war, "Your Government is to punish them if it can, by confiscating their vessels," I should ask, sir, against whom should my Government act when it cannot seize this contraband which is carried on under the eye of the Government of the United States? "For it would be a cruel error, says Galliani†, to think that a belligerent Power has no other right as to contraband of war than that of arresting it herself, if she be able to seize it. If a sovereign, who sees contraband merchandises selling to his enemy by a neutral State, should not succeed in seizing them, his right to object and complain is not lessened; he has a right to think himself grievously offended, to demand, and to do himself all the justice that an offended sovereign is warranted in exacting."

In support of the conduct of the Government of the United States, you cite this paragraph from Vattel: "If a nation carries on commerce in arms, timber, ships, and ammunition, I cannot be offended at her selling these things to the enemy, provided she does not refuse to sell them to me also."‡ But, sir, can it be inferred that a neutral nation has, in no case, the power of preventing the belligerent nations drawing from her, merchandises which are contraband of war? Can it be supposed that such a step would be contrary to the laws of neutrality? No, sir; for if a nation confines itself within the limits of neutrality, by granting the same advantages to the belligerent parties, she does not depart from that neutrality by refusing them to those parties. The following passage of Galliani, which I have the honor of citing to you, will support this opinion.† "When a belligerent nation wishes a neutral and friendly people not to carry contraband of war to its enemy, she should formally, and in a very explicit manner, notify the neutral Government of her intentions; should she not do it, the neutral nation has a right to regard her silence as an assent to the continuation of her ordinary commercial regulations."

"When a belligerent State makes such a declaration, it of course follows that it renounces the right to ask of a neutral people contraband merchandise, the exportation of which it desires to be prohibited to the enemy; and, consequently, it should confine itself to require of the neutral country an impartial observance of the refusal or prohibition: for it would be unjust to exact a deviation from principles in its favor, and by committing this fault, the neutral Government would soon or late hazard a departure from its position."

But, sir, when I requested that the English might not be allowed to export horses from this country, I tacitly obligated myself, in the name of the republic, not to cause any exportation of a similar nature. I do not conceive that you could ever reproach me of having wished to lead you from the limits of neutrality in our favor; having always requested that that neutrality should be equally observed towards our enemies and us. Hence, sir, you should be far from suspecting that I wished to profit of an advantage which I desired to see refused to the enemies of my country; and the Government of the United States should, I conceive, admit my claim, on demanding an explicit declaration from me of the restriction which you justly imagined I had tacitly imposed on myself. For "the declaration being made (says Galliani‡) to the neutral State, desiring that it should grant no contraband of war to the belligerent Powers, should always be received with deference by the neutral nation, unless this prohibition should cause an extreme and insupportable injury to her, because every thing serving immediately to the destruction of humanity, should rather be refused than granted, in all cases where a just and wise Government has the choice." Such a demand comports more with a real impartiality, with sincere friendship, and with the desire of acting fairly as to the belligerent nations, than to subscribe, with these sentiments, to a contrary conduct."

I had every reason to hope that, penetrated with these principles, the Government of the United States did not expect, in requesting that the English might not be permitted to export horses, I should declare, in the name of the republic, that she imposed on herself the condition not to export them; but, since it is required, I make that declaration, sir, and I venture to flatter myself that, by conforming to the principles I have developed to you, it will be followed with the effect I expect from it. I do not conceive, sir, that you should avail yourself of the exceptions contained in the passage of Galliani, which I have cited, to answer my demand in the negative; for horses do not constitute the principal branch of your commerce. Your exports in 1792 states the number of horses to have been 4,551, which, at a mean price of \$40, amount to about 891,220 livres tournois; but what is this sum in comparison to 115,530,000 tournois, the whole amount of your exports? Besides, by preserving your horses in the country, and keeping them at a moderate price, by not exporting them, would you not promote agriculture and the interest of your country; would it not accord with the rules of policy?

But, supposing that the exportation of the horses constitutes a principal branch of your commerce, could this fact be made use of to authorize the exportation of that species of contraband of war? Could it be said that the Government of the United States would only imitate the conduct of all people in similar circumstances? No, sir; the conduct which Denmark, Sweden, the city of Hamburg, and particularly the Swiss, have held, in the present war, is entirely opposed to that assertion. It would be too tedious to offer you all the examples I could cite; I shall content myself with speaking of the Swiss, of whose commerce the exportation of horses forms a principal branch.

You know, sir, that neither the wisdom of the Swiss, their knowledge, their ancient experience, their exact observance of treaties, nor their respect for the law of nations, can be doubted; you know that their country is situated between France and the territory of her enemies, and that it consequently offers great resources to the belligerent Powers, of the various articles of contraband of war; each Power has endeavored to profit from the advantages of this situation; but as soon as one of the Powers wished to draw from the Helvetic territory merchandises contraband of war, and the others presented complaints on the subject, the Swiss immediately stopped the exportation. They have, moreover, prohibited the exportation of all contraband of war, even that of horses, which constitute their principal branch of commerce, and they conceived it more consistent with the character of a neutral people and friends to peace, to restrain their commerce, by refusing to their neighbors all contraband of war, than to extend their commercial relations, by furnishing each with the means of continuing the war.

I know that the conduct of one Government does not always serve as a rule to another; I know that I have no means to engage the Government of the United States to follow the example which I cite to it; but I should make known to it that the principles which I have laid down are not foreign to a free and enlightened policy.

* See the quotation at the conclusion of this letter.

† Vide book 1, ch. 9, § 5, Galliani's *Recht der neutralität* uebersetzt von Casar. Leipzig, 1790.

‡ Vide book 1, ch. 9, § 3, of the works already cited.

Besides, sir, were all people to prefer their commercial interests to the principles of neutrality, which I have developed, should that be a reason for the United States to imitate them, when France and her enemies are in question? Did not our republican Government sacrifice its interests to yours with respect to the law of nations? When the English seized your neutral vessels, it caused them to be seized in like manner; but as I mentioned to you in my letter of the 1st of September, 1795, which remains unanswered, it was not from the same motive. No, sir, it was indirectly to support the right of neutral nations. Moreover, did she long follow the example of her enemies? Did she not revoke the orders which had been given? Are not the decrees of the 25th Brumaire and 14th Nivose, in the 3d year, which I sent you with my letter of the 26th Messidor, evident proofs of it? When, in the course of last summer, Great Britain again caused your vessels to be arrested, to prevent their carrying grain to France, did the French Government do so? Has she not strictly respected the right of neutral nations and the liberty of your flag, even to the injury of her own interests? But if the amicable relations of two people are reciprocal, why, at this time, should you refuse to acknowledge the fidelity of France, by an act equally faithful? especially when that act would not compromise your interests, and would be conformable to the laws of neutrality, and, in certain respects, to the obligation of treaties. It is with the conduct of Governments as with that of individuals—it is not by words but by actions that friendship and attachment are proved.

You will, perhaps, object to this, sir, that you would promote the anger of Great Britain against the American Government, by prohibiting the exportation of horses; but in allowing it, might it not be said that you would equally promote the anger of France? and would you not better fulfil the object that all neutral nations should propose to themselves, that of maintaining a good understanding with the belligerent parties, by at once refusing to France and England the right of withdrawing from you an article contraband of war, which the latter Power cannot export without the republic of France experiencing a real injury? Besides, why should England complain? A general measure operating upon all, injures no one in particular.

If I have proved to you, sir, as I cannot doubt, from all I have said, that it comports with the laws of neutrality, with your relations as to the belligerent Powers, to stop the exportation of the horses which the English draw from you, the request I have made in this respect was founded; and I conclude upon the first question that the Government of the United States should, agreeable to the laws of neutrality, arrest the exportation of an article contraband of war purchased by the enemies of France.

Having resolved one of the questions which form the subject of this letter, I pass to the second.

It is conceived in these terms. Can the Government of the United States, without compromising its neutrality, permit its citizens to serve on board of vessels belonging to the enemies of France?

This question relates to the manoeuvres practised by the English in Virginia, and which they are still carrying on in Massachusetts and Connecticut. They purchase American vessels, and man them with American captains and sailors. It is to this conduct of the English that this phrase of my letter of 23 Nivose related. "If your citizens are not to serve the cause of France, they should not range themselves under the flag of Great Britain." I conceived it had a meaning sufficiently precise to strike you at first, and that you would see I claimed the most perfect neutrality on the part of your citizens with regard to France and England; that is to say, that they should not serve in the military operations of the two nations. But I have still had the misfortune of being deceived on this head, and I shall enter into new explanations on the subject.

You allow, sir, that, agreeable to the laws of nations, and to those of the United States, your citizens cannot enrol themselves in the service of any foreign Prince or State; that is to say, that your citizens cannot aid in any manner the military operations of any foreign Prince or Power; but can the military operations of a foreign Prince or Power be aided only in the above mentioned characters? You think so, sir; I venture to hope that you will permit me to be of a contrary opinion. Can your citizens man vessels destined to transport troops and ammunition from one place to another, without serving in the war? Do not the transports filled with troops and ammunition, sailing with and debarking under the protection of a fleet, form a part of that fleet? Are they not necessary means to the success of the projected operation? And are the captains and sailors of these transports useless beings in the expedition? And because they are not on board of ships of war, it may be said they are not in the service of the belligerent Power; that they do not aid its operations! No, sir, such an assertion can never be fairly advanced; it would be to torture words, and to fall into puerile distinctions, which should never be met with in free and faithful discussions.

I think, sir, that, these principles being admitted, you will readily conceive that, if the laws of the United States and our treaties are silent on the circumstance just cited; that, if it has not been foreseen and explicitly declared contrary to neutrality, it is not the less so in itself, and should be prevented by every nation who wishes to preserve her neutrality.

But, sir, are not the American vessels purchased by the English become, by the very act of sale, English property? Although you found no difference

"Between the citizens of a neutral nation hiring their unarmed vessels, with their crews, to transport provisions and stores for one of the Powers at war, and selling, and then manning the same vessels for the same service,"

Still, however, there will exist between the two cases the following distinction:

In the first, your fellow-citizens man American vessels; in doing this, they use the right appertaining to them, and which no one can contest; on the contrary, in the second, they are English vessels caused to be navigated under the American flag, and by American captains and sailors, and which have no right to your protection, since they are enemy's property. For you know, sir, that, in order to acknowledge an armament as belonging to a nation, the vessel and two-thirds of the crew must belong to that nation. This being admitted, are not those vessels destined to transport the horses, ammunition, and troops, designed for the conquest and devastation of our colonies? That therefore the American captains and sailors on board of them will serve in the expedition? And after what I have said, can you allow this without injuring your neutrality? Can you, without injuring us, furnish to our enemies an arm to aid them in their conquests? You are not uninformed that the English military marine is furnished by that of commerce; but if a foreign nation furnishes that marine with auxiliaries for its service, it is clear that she so much augments the force of the military marine; and also when transports and other unarmed vessels are placed among those of commerce, and serving in a military operation, it is certain that the nation furnishing these vessels with seamen contributes to the increase of the military force of a belligerent Power. Can she do this without compromising her neutrality? and is not this the case now that your citizens are serving on board of English vessels?

What I have said is, I conceive, sufficient to prove that the United States should not permit their citizens to man any English vessel whatsoever; but it is necessary that I should answer some of the observations you have advanced in support of a contrary opinion.

I need not make any remark on the distinction you admit between an armed and an unarmed vessel. It is, I conceive, destroyed by the reasoning presented to you; but I should call your attention to the identity you wish to establish between that which at present gives rise to my complaints, and a previous circumstance, in order to prove that the Americans, having ranged themselves under the French flag, could not be prevented from putting themselves under that of Great Britain. But, sir, how do you find an analogy in two cases which are dissimilar? Be pleased to recollect that the vessels which sailed from your ports under the escort of French ships of war were not American but French property; and that, if any others bearing your flag took advantage of that escort, it was to avoid (if you please) the piracies of the English, who then seized your vessels, and not to aid us in a military operation. Is it, therefore, impartial to permit American seamen to aid the military operations of the English?

To support the system of neutrality pursued by the Government in not prohibiting your seamen from serving on board of English vessels, you then suppose, sir, that your seamen have served on board of ours. But you are not ignorant that the pay of American sailors is higher than that of our mariners; when a man labors for a livelihood, he will not quit a station in which he finds much profit for one less lucrative. Seamen, therefore, have not spontaneously quitted your vessels to enter on board of ours; neither force nor violence have been used to obtain them; never have seamen been impressed in France; never have our officers at sea exercised this atrocious act with regard

to neutral nations. By your supposition, therefore, one might be supported in tolerating an infraction of the neutrality of the United States.

I conceive, sir, that having proved to you that American vessels purchased by the English, being English property, your seamen cannot serve on board of them, I may conclude that the United States cannot, without compromising their neutrality, permit their citizens to serve the enemies of France.

I shall not make any reflection upon the last sentence of your answer. "I shall conclude that whatever consequence may result from the measures which are the subjects of your letter, these measures the Government of the United States have no right to restrain."

It is the province of my Government, to which I shall send your letter, to explain and to draw the consequences resulting from it.

Accept, sir, the assurance of my esteem.

P. A. ADET.

No. 130.

The Secretary of State to the Minister Plenipotentiary of France.

DEPARTMENT OF STATE, May 25, 1796.

SIR:

I intended long since to have returned an answer to your letter of the 11th of March, in which you renew your objections to the purchase and exportation of horses by the British from the United States. It was some time before it was in my power to consider your remarks, and examine the authority of Galliani, which you quoted; but that consideration and examination convinced me that the line of conduct which the Government of the United States had prescribed to itself was that which it ought still to pursue. I considered the right of the citizens of the United States to sell and export contraband goods to any of the belligerent Powers as incontrovertibly established in our commercial treaty with France. The arguments which I drew from this source, and which in my view contained a demonstration of this right, you have passed over in silence, and recurred to the authorities of Vattel and Galliani, especially of the latter, on the rights and duties of neutral powers. These authorities, however, appear to me as little to support your claims as the articles of the commercial treaty formerly adduced.

Referring to Vattel, book 3, ch. 7, (the object of which entire chapter is to delineate the rights and duties of neutrality) your first remark is, that the 113th section, which you quoted, has no relation to the 110th, cited by me. But permit me to observe, that it would be a novel mode of interpreting an author to take up a single paragraph, and detach it from all his other remarks and reasonings in the same chapter, and on the same subject. Doubtless, (as the same author says elsewhere) "we ought to consider the whole discourse together, in order perfectly to conceive the sense of it." (b. 2, ch. 17, § 285.) In both the sections cited, (110 and 113) the rights of neutrals to trade in articles contraband of war is clearly established: in the first, by selling to the warring Powers, who come to the neutral country to buy them; in the second, by the neutral subjects or citizens carrying them to the countries of the Powers at war, and there selling them.

The same just rule of interpretation applied to the discourse of Galliani on this subject, will exhibit a result not less justifying to the conduct of the United States.

Your first quotation from that author is a marginal note, importing that, if a belligerent Power cannot seize contraband articles sold to an enemy, it may, nevertheless, object against it, complain of it as an injury, and demand and do itself that justice which an injured sovereign has a right to exact.

To this I will subjoin a passage from the 4th section of the same chapter and book which you have cited: "I repeat it, then, once for all, that neutral nations must observe the most conscientious sincerity, as well in refraining from the sale of contraband of war as from all exportation of it, *except only in the cases I have above spoken of.*" A recurrence to these exceptions, and to the other observations of this writer, will show that his doctrine does not oppose the principles adopted by the Government of the United States. It would be too tedious to recite all his reasoning on this subject. I shall content myself with quoting a few of his remarks.

Book 1, ch. 9, § 3. "Much greater is the number of those who believed that every belligerent Power possesses essentially the right of forbidding neutral Powers to sell arms and warlike stores to its enemy; and that this is a full right, that is, a right of strict justice. They do not distinguish the circumstance, when the neutral Powers carry on trade with *one* of the belligerents, and supply it with arms and warlike stores, and when, with perfect impartiality, they trade with *both*. In the first case, the preference of one party is apparent, and thenceforward the slighted and neglected party begins to possess a right in regard of the neutral State, for friendship with it is at an end; but as, in the other case, friendship does not appear to have ceased, there is not yet to be discovered any reason to act inimically on this account towards a friend.

"And, in truth, this reflection has led many writers to conclude that neutral Powers cannot be forbidden to exercise a *free trade*, even in contraband, as long as they exercise it in an impartial manner with both belligerent parties, or are willing to do so. *I, too, cannot say that they decide very unjustly.*

"I say, then, that for those nations who have not otherwise bound themselves by express compact, it is not a duty of strict right to carry no contraband articles to the belligerent Powers: for, if even a belligerent Power had a full and complete right to set itself against such trade, yet, between two sovereigns, who are placed in the situation of natural equality, freedom, and independence, the full right of the one is not annulled by the full right of the other. And, in regard of neutral nations, the renunciation of their own convenience in favor of the greater convenience of another is only a duty of equity, but not of essential and strict right.

"Hence it follows that we must often inquire and distinguish whether the trade in those goods which are called contraband is of greater or less importance to the nation which exercises it. In the first case, since we are discussing a *duty of favor*, which admits of infinite gradations, we cannot confidently expect an extraordinary and very affecting sacrifice, as we may when it extends only to a small inconvenience."

Then follow what the author states as the true positions of this matter, some of which you have cited:

1. When a belligerent nation desires a friendly neutral nation to carry no contraband to its enemy, it must formally disclose its wish, silence importing a satisfaction in the natural state of things.

2. When it has thus disclosed its request, it must itself renounce all pretensions to be furnished with contraband goods.

3. When a neutral State has entered into a treaty of peace and commerce with one of the belligerent Powers, stipulating to carry no contraband to the enemy, there is always a condition implied that the like goods shall be denied to both the belligerent Powers, without distinction.

4. "Consequently the belligerent State, which has never disclosed to its neutral friend that it did not see with contentment the latter supplying its enemy with contraband of war, and *much more if it has availed itself of this privilege*, has bought arms and other sorts of military stores, or, what is of more account, has received from it soldiers, recruits, horses, *has no further right to expect that the neutral should not show the like to the enemy.*

5. "And, finally, I say that the desire expressed to the neutral State that it should not, during the war, carry any contraband of war to the belligerent Powers, must always be followed, when it does not induce a very great and intolerable inconvenience, inasmuch as what tends immediately to the destruction of mankind is with better reason refused than permitted; and, therefore, this desire, much more than its opposite, comports with true impartiality, sincere friendship, and the good of mankind."

I will cite only one more passage from Galliani, which appears to be the result of his considerations on this subject.

B. 1, ch. 9, § 4. "If we reflect more upon it, it must be acknowledged that the first position of the principle, which I have above established, recurs—that belligerent Powers have no full right to make this demand, (not to carry contraband to the enemy) as also that there lies no duty of strict right upon the neutral to refrain from the trade

of contraband of war. In the mean time, the desire of the belligerent, who possesses no full right to ask, must be declared in decent and temperate terms; and the request cannot be considered as discreet and acceptable when it occasions too great inconvenience to the party to whom it is addressed."

I will close this letter with a few observations.

It is well known that a considerable portion of the exports of the United States consists of articles contraband of war. It is well known that these have, during the whole of the present war, been freely exported to the dominions of France, as well as to those of the other belligerent Powers. It seems, then, too late (agreeably to Galliani's 4th position) for France to desire that the citizens of the United States should now abandon a commerce of which she has availed herself during the several years of the war to this time; and still less ought she, while continuing to enjoy an otherwise unrestrained trade in contraband goods, to expect such an abandonment of only a particular article of contraband of which she may have no need, and is therefore willing to renounce, because it may chance to be very useful to her enemy. Under these circumstances, a compliance on the part of the United States would compromise their interests as well as their neutrality. The wants of two or more belligerent Powers may together embrace the general objects of the commerce of a neutral nation; but, if each were possessed of a right to require the neutral nation to renounce that portion of its commerce which was peculiarly useful to its enemy, the entire commerce of such neutral nation might be annihilated.

The article of horses, although not constituting a principal part of the entire commerce of the United States, yet forms a very essential item in the trade of some of them, particularly of Connecticut, and, from the first settlement of the country, it has been a valuable article of exportation from many of the colonies (now States) to all parts of the West Indies; and, during the whole of the present war, horses and mules (and oxen, which may be used for military purposes as well as either) have been freely exported to the French as well as to the English islands.

You cite the example of the Swiss, that, in the present war, they have prohibited the exportation of contraband goods to all the belligerent Powers. Without doubting the fact, (of which I had no previous knowledge) I must suppose that very particular motives influenced the Swiss to this determination, which, however full of wisdom at this time, is repugnant to the common practice of those people for ages. "Amidst all the wars of Europe (says Vattel) the Switzers keep their country in an *unexceptionable neutrality*. Every nation indiscriminately is allowed to come thither, and purchase provisions, if the country has a surplus, *horses, military stores,*" &c.

I will now notice the other question, which you again bring into view, whether the United States can, without compromising their neutrality, allow their citizens to serve in the vessels of the enemies of France?

Having in my former letter entered into a full consideration of this subject, and the force of the distinctions and reasons then taken and urged appearing to me still unshaken, I will content myself with a few remarks.

I must still rely on the distinction taken in the law of the United States, between our citizens serving on board of armed and unarmed vessels. Had the Legislature viewed the latter as contrary to the law of nations or our neutral duties, it would certainly have been forbidden, as well as the former. To admit that our citizens cannot lawfully enrol themselves in the direct military land or sea service of one of the Powers at war, is very different from your position, that they cannot, *in any manner*, aid the military operations of a foreign Power: for this would exclude them from carrying, even in their own vessels, not only soldiers, horses, arms, &c. but even provisions: for to the success of military operations the latter are as essential as the former. Probably there is not one of the maritime belligerent Powers that has not, in the course of the present war, derived important aid, in its military operations, from provisions and other supplies lawfully furnished by the citizens of the United States. Further, in my former letter, I proved, from our commercial treaty with France, that it was lawful for the citizens of the United States to transport not only *contraband goods*, but her *enemies*, and even *soldiers in actual service*. For when the two nations, in the 13th and 23d articles, regulated the course of proceedings in such cases, they clearly admitted the legality of the measure, reserving only to each the right of seizing such goods, and making prisoners of such soldiers. Had the contrary been their intention, instead of *regulating*, they would have *prohibited* the trade or carriage of contraband goods, and the transportation of troops.

Admitting these conclusions to be just, (and such they appear to me) how shall we draw a line between the strong case you have stated, and the transportation of troops and stores in ordinary cases? The case you state is that of a fleet and army destined for some military expedition, and you ask whether the transports of neutrals, following in the train of such an armament, would not make a part of it? I confess to you, that the question presents some difficulty: but as the case does not exist, it is not necessary for me to answer it. I am not informed what is the custom of the maritime Powers in this respect. The question between us regards only the *detached* transportation of articles contraband of war, either in our own vessels or the unarmed vessels of one of the belligerent Powers. On this point, for the reasons now and formerly given, no doubt exists. To restrain the naval and commercial pursuits of neutrals, because they indirectly aid the powers of war, would, in its tendency, be to annihilate their navigation and trade. It is the very principle on which Great Britain has, in many of her wars, grounded her practice of capturing neutral vessels, carrying on the simple commerce of her enemies, particularly of France. If, said she, neutral vessels are permitted to transport the commodities of France and her colonies, then her sailors, taken from the service of her merchants, will enable her to man more numerous ships of war. But although Britain thus captured the vessels of neutrals, she never considered the persons employed in such commerce, or the nations to which they belonged, as her enemies.

From the manner in which you recite the concluding sentence of my former letter, you seem to consider it as very exceptionable. You will therefore permit me to explain it. In your letter, to which that was an answer, you had stated the object, and brought into view the possible consequences of allowing the British to export horses from the United States. It was natural, then, after answering your objection, and showing that they were not supported either by treaty or the law of nations, and that an impartial neutrality forbade the Government to impose the restraint you demanded, to remark that, if the predicted consequences should follow the measures you opposed, the Government had no right to restrain them. If you imagined that even an indifference, much more an unfriendly disposition to the interests of France, gave rise to the remark, the sentiments of the Government have been wholly misconceived.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 131.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 29th Floreal, (May 18, 1796, O. S.)
44th year of the French republic, one and indivisible.

SIR:

I have just been informed, indirectly, that the House of Representatives has passed a bill for preventing the sale of the prizes which shall be brought in by the ships of war of the belligerent Powers. If this law did not appear to me to destroy the effects of our commercial treaty; if it did not appear to me opposite to the duties of an impartial neutrality, I should remain silent; but the interest of my nation, and the positive orders I have received on the subject from my Government, oblige me, at present, to transmit some observations which seem to me calculated to merit your attention.

By the 17th and 23d articles of their commercial treaty, the United States and France agree, in an explicit manner, that in case one of the two Powers should be at war, its enemies should be excluded from the ports of the other, when they shall have made prizes on its citizens. When they mutually guaranteed a free admission of their ships of war, of their privateers, and of their respective prizes into these ports, it is clear that they implicitly assured to

each other the right of there selling these prizes. In fact, France having no continental possessions in America towards the latitude to which English vessels must go on their return to England, it was to her of extreme importance to have friendly ports into which her vessels might conduct their prizes and sell them, without exposing them anew to the risks of the sea; which would be the case if they were obliged to send them to France or to her colonies. It was also interesting to the Americans engaged in a war with an European Power, to have ports into which they might conduct and freely sell their prizes made upon the coast of Europe, without being forced to cross the Atlantic.

These considerations leave no doubt that, by the 17th and 22d articles of the treaty concluded between the United States and France, each nation had implicitly secured to herself the right of selling in the ports of the other the prizes which her ships of war or privateers should have made. This right, which the two nations should enjoy, has been acknowledged by our enemies, by the courts, and by the Government of the United States.

Whenever our enemies have attacked a prize made by a privateer, it has been only under the pretext that the privateer had been armed in the United States, and that she had therefore derogated from both the laws of neutrality and the President's proclamation.

The American courts have never condemned French prizes but upon the fact of having armed in the United States; and when the contrary has been fully proved, the privateer had the right of selling the prizes without any obstacle. Yet in virtue of what act could she sell her prize? Of the 22d article of our commercial treaty. This article has already afforded a vast field for discussion upon the implicit right it appears to grant to one of the two nations to arm in the ports of the other. The American Government conceived that this construction could not be given to the 22d article; it explained itself formally in this respect; but did not object to the right of selling prizes; it has even expressly acknowledged it, since it has constantly permitted the French ships of war and privateers to enjoy it.

The enemies of France could not accuse you of violating the rules of neutrality by leaving to her the free exercise of this right, as it resulted from the *casus federis*, and the obligations prescribed by a treaty do not lead a neutral nation from the line of neutrality whenever she acquires herself of them. Therefore, sir, the English cannot, for that reason, bring in her prizes here. The Secretary of State assured me, in his letter of 6th July, 1795, that this stipulation of our treaty should be faithfully observed in this respect by the American Government. Since, notwithstanding the similar right assured to the King of Great Britain by his treaty with the United States, it is stipulated that it should not derogate from former treaties entered into by the United States. It is clear, therefore, from this that, during the whole course of the present war, we should, in virtue of our treaties, enjoy alone the privilege of bringing in and selling our prizes here. But if at present a law existed, prohibiting, in general terms, the sale of prizes, it would bear upon France alone; and at the same time that it deprived her of an advantage granted by her treaty it would tend to affect the balance of neutrality.

In fact, sir, French ships of war and privateers having alone the right of bringing in and selling their prizes here, it would be the interest of England, in case she could not procure the same advantage, to deprive France of it; for to take an advantage from our enemy is a real benefit to us, even though we could not enjoy it. Besides, would not England by that means have new chances in her favor? If our prizes could no longer be sold in your ports they must be conducted to the colonies or to France; and would not the English then have greater opportunities for intercepting them? It is evident, therefore, that the law procured for preventing the sale of prizes is entirely in favor of the English, and to our disadvantage. But if it be the duty of a neutral nation neither to grant nor refuse more to one of the belligerent powers than to another, when there do not exist particular stipulations provided for by treaties previous to the war, it follows that the law in question being in favor of Great Britain cannot be conformable to the rules of neutrality.

I venture to hope that you will feel as I do the justness of my observations; and that the Government of the United States will take the necessary measures for preventing the effects of a law contrary to the treaties and to the duties of a neutral nation.

Accept, sir, &c.

P. A. ADET.

No. 132.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, May 24, 1796.

SIR:

On the 20th, I received your letter of the 18th instant, and in answer have the honor to observe, that although the sale of prizes brought into the ports of the United States by armed vessels of the French republic has not hitherto been prohibited, yet it has been regarded by us not as a right to which the captors were entitled either by the law of nations or our treaty of amity and commerce with France; the contrary has been explicitly declared by the Government of the United States, and assuredly communicated to the French Government in the year 1793 by the minister of the United States at Paris. In the letter of the 16th of August of that year, from Mr. Jefferson to Mr. Morris, are the following passages: "The seventeenth article of our treaty (with France) leaves to armed vessels free to conduct whithersoever they please the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident that this article does not contemplate a freedom to sell their prizes here; but, on the contrary, a *departure* to some other place, always to be expressed in their commission, where their validity is to be finally adjudged." On the claim of the French agents at that time, not only to sell their prize goods, but to sell them free of duty, Mr. Jefferson remarks, that this article "does not give the right to sell at all." And afterwards, in the same letter, he mentions "the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though *unstipulated in our treaties, and unfounded in her own practice*, or in that of the other nations, as we believe." For the sense of France on this point, you will permit me to resort to her treaty of navigation and commerce made with Great Britain in 1786. In the 16th article it is stipulated that it should not be lawful for foreigners, not subjects of either crown, and who should have commissions from any other Prince or State, an enemy to one or the other, to arm their vessels in the ports of either of the two kingdoms, to sell there the prizes they shall make, or to exchange them in any manner whatever. This treaty having been made subsequent to the treaty between France and the United States, it is plain, that she did not consider the 16th article as militating with the 17th of her prior treaty with us. The truth is, that the corresponding articles in the two treaties contain only *negative* stipulations in regard to the enemies of the respective contracting parties, to prevent the fitting out of privateers and the selling of prizes by such enemies, without any *affirmative* stipulation that the parties themselves may do either.

Instead of detaining you by any further observations, allow me to refer you to the aforementioned letter of Mr. Jefferson, which has been published, in which the construction we give to the articles of our treaty of amity and commerce with France, which you have quoted, is illustrated and maintained with a clearness and force of reasoning that removes every doubt.

It being then a position demonstrated, that France has no claim, of right, to sell prizes in the ports of the United States, nor the latter in the ports of France, it is unnecessary to enter into any consideration of the conveniences or inconveniences which either party might receive or suffer by the permission or prohibition of such sales. Each nation, except where treaties with other nations impose a restraint, has a right to judge for itself. France exercised this right in her aforementioned treaty of commerce with Great Britain, and the United States propose to exercise the same right by a law.

The remaining observations in your letter, being grounded on the supposition of a *right* to sell French prizes in our ports, and this supposed *right* having been proved not to exist, I may be excused from making any remarks upon them. You quote the assurance given you by the late Secretary of State, that the 22d article of our treaty with France, forbidding any of her enemies, and, consequently, at this time, the British, to bring, and dispose of,

their prizes, in our ports, would be faithfully observed by the American Government; and I may confidently repeat, that it will be observed. The law in question furnishes a proof of it, by the universality of its prohibitions. This form of the proposed law ought to rescue the United States from the reproach of favoring Great Britain: for a neutral nation can be responsible only for the *equality* of its *rules of conduct* towards the belligerent Powers, and not for the *effects* of an exact observance of those rules, which must depend on the situation and circumstances of the warring Powers themselves.

I am, with great respect, sir, &c.

TIMOTHY PICKERING.

No. 133.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 13, 1796.

SIR:

The merchants of Philadelphia are extremely alarmed by the conduct of a small privateer called the Flying Fish, bearing, it is understood, a commission from the French republic. It is said she has been lying in this port for some time, preparing for sea; and it seems, that, after inquiring and observing what valuable vessels were to sail for foreign ports, she sailed herself to the capes of Delaware, and, not far from thence, lay in wait for the vessels she had marked for her prey. Accordingly, on the 9th instant, she seized on the ship Mount Vernon, belonging to Mr. Murgatroyd, a merchant of Philadelphia, within two hours after the pilot had left her, and within about six leagues of cape Henlopen, took possession of all her papers, and forced the master, mate, and all her crew, save two men, to leave her, and, under these circumstances, she was sent they know not whither! For your more particular information of the circumstances of the capture of this ship, and the designs of the captors, I enclose the protest of the master and his two mates.

Such conduct has more the appearance of an act of piracy, than of the lawful procedure of an armed vessel, regularly commissioned by your republic. Other vessels were on the point of leaving the Delaware bay, but witnessing, or hearing of this outrage, have put back, and returned up the river for safety.

I have been directed, sir, by the President of the United States to represent this case to you, and to request information, if you are possessed of any, concerning this privateer, her name, the name of her commander, whether she is commissioned by the French republic, and what instructions or orders accompany the commission to regulate her conduct.

If the papers found on board the ship, or any other evidence, afforded any just ground to believe her to be the property of an enemy to the French republic, still, neither the master nor the mate (especially the former,) ought to have been removed, but to have been suffered to continue in the ship, that, to whatever port she might be sent for adjudication, a claim on the part of the owners might have been presented at the proper tribunal, and their right maintained. This flagrant violation of a common rule, the observance of which is essential to the support of justice, induces a suspicion that the capturing vessel is a pirate, or a privateer violating the authority of a commission, and the instructions prescribed to regulate her proceedings.

I have only further to express to you, sir, the President's reliance, that if you are possessed of any information on the subject of this letter, you will communicate the same with the candor and frankness due from the representative of a friendly and allied nation.

With great respect, I am, &c.

TIMOTHY PICKERING.

P. S. The public solicitude is so great on this subject, and so many vessels are, in consequence, detained, you will permit me to request a speedy answer.

No. 134.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 26 Prairial, (June 14, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

I have received the letter you did me the honor to write me, relative to the seizure of the ship Mount Vernon by the French privateer the Flying Fish.

I am vexed, sir, not to have it in my power to give you the information you request of me. I cannot say whether the privateer, which is certainly a vessel commissioned by the republic, and come from St. Domingo to this port, has or has not acted conformably to orders which have been transmitted to her; I do not know the instructions given by the Directory to its commissioners in the colonies, nor do I know what conduct it has prescribed to them to cause to be observed, by the armed vessels under their orders, in regard to neutrals trading with the enemies of the republic. It is impossible for me, at this moment, to furnish you with precise explanations; I shall, therefore, write to the colonies to obtain them, and I will immediately transmit to you what shall come to my knowledge, as well as to this point, as concerning the event which is the object of your letter. Accept, sir, &c.

P. A. ADET.

No. 135.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 5, 1796.

SIR:

Some time in June last, I troubled you with an inquiry about the privateer called the Flying Fish, which had captured the ship Mount Vernon. The answer you then gave would have superseded any application at this time, had not the owner and officers of the privateer abused your authority, or that of the French consul of Philadelphia, or both: for I am informed, that the owner reports, that from you he had his particular orders to take the Mount Vernon, and many more vessels; and a deposition, now before me, states that some of his officers declare that the consul expressly told them to take the ship Mount Vernon, and that if she was not covered British property, he would indemnify them.

Under these circumstances, the owners deem it important, in the prosecution of their claim, to be furnished with some document which shall enable them to repel the groundless assertions, above mentioned, of Paris and his officers. Hence, I trust you will pardon my troubling you again on this subject, and requesting that you will be pleased to direct the consul to make out an official certificate for that purpose.

With great respect, I am, sir, &c.

TIMOTHY PICKERING.

No. 136.

The Minister Plenipotentiary of the French republic to the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 16th Vendemiaire, (7th October, 1796, O. S.)
5th year of the French republic, one and indivisible.

SIR:

I have received with astonishment the letter you did me the honor to address to me on the 5th October.

I have interrogated the consul on the subject of which it treats, and I have the honor to inform you, that I have forbidden him to subscribe any declaration relative to an affair in which individuals have undertaken to introduce his and my name without any authority for so doing.

In remaining a stranger to this affair, you may rest assured I observe a conduct as favorable as possible to the interests of the American citizens, in the name of whom the Mount Vernon was fitted out.

Accept, sir, &c.

P. A. ADET.

No. 137.

The Secretary of State to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 1, 1796.

SIR:

It being the duty of the Executive of the United States to watch over their interests, I am instructed by the President to request of you an explanation on the subject of the following questions.

1. Whether the Government of France have decreed any new regulations or orders relative to the commerce of the United States?

2. Whether these regulations or orders, (if such exist) are confined to vessels laden wholly or in part with provisions? If not so confined, to what other articles they extend?

3. Whether American vessels, laden wholly or in part with provisions, and destined to any other ports than those of France or her dominions, particularly if destined to any English ports, are directed to be captured and carried into French ports, and their cargoes entire, or such parts thereof as consist of provisions, or other specified articles, applied to the use of the French republic or its citizens?

4. If such captures are authorized by the French republic, or by the decrees or orders of any branch of its Government, on what grounds such authority, decrees, or orders, have been given?

These questions, you will perceive, sir, have relation to reports of designs relative to the commerce of the United States, which cannot fail to excite apprehensions in the minds of our merchants. The general interests of the United States are intimately blended with theirs. Hence the propriety of asking such explanations as may serve to tranquillize our commercial citizens, and continue the good understanding and friendship between the two nations, which it has been the uniform desire of the American Government to maintain.

Permit me to request an early answer to this letter.

With great respect, I am, &c.

TIMOTHY PICKERING.

No. 138.

The Minister Plenipotentiary from the French republic to the United States of America, to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 26th Messidor, (14th July, 1796, O. S.)
4th year of the French republic, one and indivisible.

SIR:

The business with which I have been burthened has prevented me from answering sooner the letter you did me the honor to write to me on the 1st of July.

I am sorry, sir, to be obliged to leave you in an uncertainty, in which I myself participate. I do not know the nature of the orders which may have been given by my Government to the officers of the ships of war of the republic, or what conduct it has prescribed to them to hold with regard to the neutral vessels trading with our enemies. I am not informed whether the ancient arrets of the committee of public safety relative to the commerce of the United States are still in force or not. Some considerable time having elapsed, since I have received news from France, I cannot have recourse to old dates to resolve your doubts. I can only refer to the answer which I had the honor of giving to your letter relative to the Mount Vernon.

The consul at Boston has just informed me that the collector of the customs there has prevented the unloading and sale of the prizes carried into that port by two French privateers. The consul has ineffectually complained to him. The collector founds his refusal upon a letter which he says he received from you.

I request you, sir, to inform me whether the President has caused orders to be given for preventing the sale of prizes conducted into the ports of the United States by vessels of the republic, or privateers armed under its authority, and if so, upon what foundation this prohibition rests.

Accept, sir, &c.

P. A. ADET.

No. 139.

The Secretary of State to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 19, 1796.

SIR:

I have to acknowledge the receipt of your letter of the 14th instant, in answer to mine of the 1st. You embraced the occasion to communicate the information you had received from the consul at Boston, that the collector of the customs there has prevented the unloading and selling of the prizes carried into that port by two French privateers; grounding his proceeding on a letter received from me: and you inquire, whether the President has given orders to prevent the sale of prizes carried into the ports of the United States by vessels of the republic, or privateers armed under its authority, and on what foundation this prohibition rests? I will be frank, sir, in answering these questions, after making some preliminary observations.

The question about the sale of prizes is not a new one. It was agitated, and the point of right settled in the year 1793. Among the state papers communicated to Congress at the close of that year, and which have been published, is a letter from Mr. Jefferson to Mr. Morris, dated the 16th August, in which is the following passage: "The 17th article of our treaty [meaning with France] leaves armed vessels free to conduct, whithersoever they please, the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident that this article does not contemplate a freedom to sell their prizes here; but on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case it would be

as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices. And against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize goods here for consumption; in which case it is as reasonable they should pay duties as the goods of a merchantman landed and sold for consumption. They have, however, demanded, as a matter of right, to sell them free of duty; a right, they say, given by this article of the treaty, *though the article does not give the right to sell at all.*"

It is plain that France understood this 17th article in the same sense. And accordingly, in her treaty of commerce with Great Britain, in 1786, she entered into a stipulation which, in the case of a war between the United States and Great Britain, would have prevented the vessels of the United States from arming as privateers, or selling their prizes in the ports of France. In like manner, the United States in their commercial treaty with Great Britain agreed on a similar prohibition. Indeed, the 24th article of the latter treaty is but a translation of the 16th between France and Great Britain.

Under this view of the case, sir, as soon as provision was made on both sides to carry into effect the treaty between the United States and Great Britain, it behoved the Government of the former to countermand the *permission* formerly given to French privateers to sell their prizes in our ports. Such sales, you have seen, the United States had always a *right* to prohibit; and by the above mentioned stipulation this right became a *duty*. These, sir, are the foundations of the orders which have been given to prevent the sale of the prizes lately carried into Boston by French privateers, to which you refer; it being understood, that the prizes were British property. Those orders have since been made general, and communicated to the collectors in all the ports of the United States. But, at present, those orders are confined to prizes brought into our ports by *privateers*.

I have the honor, &c.

TIMOTHY PICKERING.

No. 140.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 21st Vendémiaire, (October 12, 1796, O. S.)
5th year of the French republic, one and indivisible.

SIR:

The French privateer *Leo* took into Charleston an English vessel called the *Mary*. The English consul required that the sale of this vessel should be prohibited, in virtue of the 24th article of the treaty concluded between the King of Great Britain and the United States.

The Government of South Carolina, uncertain as to the interpretation which the 24th article should receive, deferred its decision for some days. In the mean time, the French consul condemned the prize, and the unloading was commenced. It was stayed by a warrant in the hands of the marshal, who obliged the agents of the privateer to appear before the admiralty.

A decision, rendered by the chief justice (Ellsworth) in a special court, interdicted the sale of the prize, in virtue of the 24th article of the treaty concluded with England. This decision was confirmed by the circuit court of Carolina, and, when they were going to throw in an appeal to the Supreme Court, the circular letter from the Secretary of the Treasury, relative to the sale of our prizes, was made known, and it was conceived that an appeal became useless.

In the mean time, the vessel being ready to sink, she was examined and condemned. The privateer agents, of whom Judge Ellsworth took a bond of 10,000 dollars as a security that they would not sell the prize, solicited permission to export the cargo in neutral vessels: this was refused, and the cargo, which consisted of 87,000 weight of sugar, became a prey to the flames, during the fire at Charleston. Permission, however, has been given to export a trifling part of the cargo, saved from the conflagration.

The condemned vessel was purchased and repaired by an American. His project was to go and sell her in the Antilles; but he was obliged to abandon her, and to cancel his bargain, because he was refused American papers.

The privateer agents then wished to send off this vessel, in ballast, with French papers; the collector of the customs, Mr. Holmes, opposed it, and the vessel remains in the port of Charleston, notwithstanding the protest of the French consul of the 16th Fructidor.

Such are the facts of which the consul of Charleston has rendered me an account, about which I spoke to you yesterday, and to which I call your attention. Such is the violation of our treaty, against which I solicit your justice.

The 17th article of our treaty secures to our privateers the faculty of entering into the ports of the United States, and going out of them with their prizes. The 24th article of the treaty concluded with Great Britain in truth interdicts the privateers of the country, at war with that Power, from entering the ports of the United States; but, by the 25th article, our rights are acknowledged, and the Government has assured me that it would maintain them. Our privateers have, therefore, the liberty of freely bringing in and taking out their prizes. The *Mary* could and should then go out of the port of Charleston, without any obstacle, as she entered there; and, therefore, the collector of the customs violated our treaty when he prevented her going out.

But how shall I qualify the refusal given to the agents of the privateer *Leo* to export, in neutral vessels, the cargo of this prize? Upon what can such an act be supported? Is there, in the treaty concluded with Great Britain, any explicit stipulation which can be brought forward? Doubtless, there is none; and yet, because our treaty does not contain, in an explicit manner, the right of selling our prizes, it is contested with and refused to us! By a forced interpretation of the treaty concluded with Great Britain, will it be found that we have not the right to export, in a case of necessity, the cargo of our prizes in neutral vessels? This manner of reasoning is, beyond a doubt, inadmissible, and a just and impartial man will never use it. Besides, facts support what I have the honor of saying to you, since the permission, which was refused at first, was afterwards granted. The state of things had not been changed, and if the collector of the customs thought he could permit the *wreck* of the cargo of the *Mary* to be exported in neutral vessels, after the conflagration of Charleston, why did he not allow it before? He was, therefore, moved, not by the spirit of justice which ought to direct his actions, but by a partiality of which it is difficult to give an account; for he should merely have taken care, according to the orders transmitted to him, that the prize was not sold in the United States; and it was not for him under any pretext to give a greater extent than really existed to the stipulations of the treaty concluded with the English, in order to make them bear heavy on us. Does this conduct appertain to the agent of a neutral Government? In consequence of it, have I not a right to require that the collector of the customs be punished for having violated the treaty, on the one hand, and for having certainly exceeded his orders by retarding the exportation of the prize's cargo, which he had no right to do.

I could wish, sir, it were in my power here to stop my just complaints; but there are other facts which I cannot pass over in silence, and of which it is requisite I should inform you.

The French privateer *Bellona* has carried into Wilmington, North Carolina, the *Betty Cathcart* and the *Aaron*, prizes made upon the English.

The sale of these prizes has been prohibited. They were very leaky. Two tradesmen, named by the collector James Read, have certified that they could not be sent out again to sea. The privateer and her agents have requested permission to unlade these prizes, in order to repair the vessels. The collector refused, upon the basis of the 24th article of the treaty concluded with Great Britain. But I now have that article before me, and I see no stipulation which could authorize the collector, James Read, to take the step he has done.

Notwithstanding the solicitations and protestations of the agents of the privateer against his refusal, James Read still persisted in it, although the leaks of the *Betty Cathcart* were such that she made between thirty and forty inches of water in an hour. In this latter circumstance, he founds his conduct on the orders of Government.

I cannot believe, sir, that the collector, James Read, *then* advanced a fact. I cannot believe that the Federal Government, by hindering the unlading of prizes not in a condition to go to sea, thereby wished to aggravate the conditions of a treaty made with our enemies, when they are already so disadvantageous to us. I cannot believe that it wished, by its own motion, to add to the wrongs which the English well know how to do us by their treaty with the United States.

But be this as it may, it is no less true that the officers and crew of the *Bellona*, as well as those of the *Leo*, have experienced considerable losses by the conduct of the collectors of the customs of Charleston and Wilmington; that these collectors were not all authorized thus to act; that, on the one hand, our treaty has been violated, and, on the other, an arbitrary proceeding, which cannot be justified by any means, has been allowed against French citizens coming into your ports, under the faith of previous treaties and conventions, and when they were in no way notified that these conventions were changed. It is no less true, that these citizens have experienced real damage from the doings of the officers of the Government, and that they ought, therefore, to be indemnified in one way or another. This is what I request, sir, in the name of justice, besides invoking your severity against the collectors James Read and Holmes.

I hope, sir, that I shall obtain the object of these requests, that the *Mary* may freely go out under a French flag, and that I shall have *only* a satisfactory account to render to my Government under these circumstances; but, in order to avoid in future claims of a like nature, I request you to be pleased to answer the following questions:

1. Will the prizes made by the ships of the republic upon the English continue to be sold here?
2. Will the prizes made by our privateers upon others than the English be sold here?
3. Shall we unconditionally enjoy the right of unlading the prizes in case of damage, and of having them repaired?
4. Can a part of the prize, sufficient only for the expense of repairs, be sold?

It is useless, sir, for me to enter into any detail to lead you to conceive how important it is for the interests of our privateers, that I should be able to say to them in a precise manner what they are to expect on coming into your ports.

I shall be much obliged to you, also, if you will be pleased to answer me as speedily as possible, in order that I may inform my Government of your ulterior resolutions. Accept, &c.

P. A. ADET.

No. 141.

Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, November 15, 1796.

SIR:

On the 13th ult. I had the honor to receive your letter of the 12th, but not being possessed of any information on the subject, I laid it before the Secretary of the Treasury, under whose immediate superintendence the collectors of the customs are placed. He has favored me with the letters of the collectors of Charleston and Wilmington, against whom you complain, with sundry documents describing their proceedings in regard to the British ship *Amity* (which you call the *Mary*) that was carried into the port of Charleston, as a prize to the French privateer *Leo*; and to the British ship *Betty Cathcart* and the snow *Aaron*, which were carried into the port of Wilmington, as prizes to the French privateer *Bellona*.

If the French consul at Charleston, Mr. Dupont, had correctly stated the facts respecting the ship *Amity*, I trust you would have found no cause to complain against the collector, Mr. Holmes, whose conduct appears evidently to have been guided by an honest sense of his duty, and the laudable spirit of a citizen, when he saw the laws and authority of his country treated with disrespect. Permit me, then, to state the case from the papers now before me.

On the 7th of April last the privateer *Leo* carried her prize, the *Amity*, into Charleston. The prize was entered at the custom house, and security given, as usual, for the duties on her cargo. The Federal circuit court being in session, the British vice consul applied and obtained an injunction prohibiting the sale of the prize.

Then the captors represented to the collector, that the prize ship was so disabled that she could not proceed to the nearest French port, agreeably to our treaty with France. Thereupon the collector directed a survey of the ship to be made. The persons who surveyed her reported, on the 30th May, various defects in her bottom, beams, decks, masts, yards, rigging, and sails, to prove her to be unfit for sea; and Mr. Vessey, an agent for the captors, asserted, that the ship was incapable of being fitted for sea, and that it was impossible for her to be refitted so as to carry her cargo to any foreign port, a cargo of the immense weight of near six hundred hogsheads of sugar, rum, &c. Hence it appeared reasonable to the collector that the captors should be allowed to ship the prize goods in other bottoms; and, after taking advice, which confirmed his opinion, he, on the application of the agents, gave the requisite permission. And, in consequence, "the greatest part of the cargo was shipped in neutral bottoms for the benefit of the drawback, the duties having been previously secured." Thus far all was very well; and I cannot but observe, that the proceedings of the collector are marked with liberality.

But now the difficulties began. After the survey had been made, and the greatest part of the cargo shipped in neutral bottoms, the captors, or their agents, in defiance of the laws of the United States (for the British treaty had then become a public law) and in direct contempt of the injunction of the Federal court, sold the prize ship to American citizens; and the French consul, Mr. Dupont, sanctioned the sale. The purchasers immediately repaired the prize ship, which had been declared to be *irreparable*, and applied to the collector for her clearance as an *American* vessel. The collector, seeing the deception which had been practised upon him, and considering the violation of the laws, and the contempt of the authority of the United States, very properly refused his concurrence to render those deceitful and illegal acts finally successful.

Your letter, grounded on Mr. Dupont's information, and a memorial of Messrs. North and Vessey to the Secretary of the Treasury, state that the collector refused permission to lade the prize cargo on board neutral vessels until after a part of it had been destroyed by fire. But the papers before me show, that the collector had satisfied himself, as early as the 30th of May, that the prize cargo might lawfully be carried away in neutral or other bottoms, the prize ship having been considered as irreparable. Hence it appears highly improbable, and nearly impossible, that after the 30th of May, the collector should have refused his permission to export the cargo in neutral vessels. In the interval between the 30th of May and the 13th of June, (when it seems the great fire happened at Charleston) it is possible that no application was made to the collector to permit the exportation of the cargo in neutral vessels. But at no time has the collector discovered a disposition to throw unnecessary difficulties in the way; and his suspense, in a case as *new* as it was *important*, continued only until he obtained advice which sound discretion required him to ask.

You are under a mistake about the portion of the prize cargo which was destroyed by fire. Permit me to exhibit the facts as stated by Messrs. North and Vessey, the agents for the prize. The cargo of the ship *Amity* consisted of

490 hogsheads of sugar, wt. gross,	-	-	-	-	-	786,398
70 tierces do.	do.	do.	do.	do.	do.	70,870
						857,268 pounds.
310 bags of pimento,	-	-	-	-	-	33,488 pounds.
27 hhds of rum,	-	-	-	-	-	2,339 gallons.
Consumed in the fire at Charleston, June 13th,	52 hhds. of sugar,	} 87,292 lbs.				
	2 tierces do.					

Which is but little more than a tenth part of the cargo, and it is not intimated that any other part of her cargo was destroyed.

From this state of facts no blame appears to attach to any officer of the United States. The sale of the prize and her cargo was lawfully prohibited; but, by a liberal construction of the treaty with the French republic, permission was given to export the cargo in other vessels when the prize ship was, in effect, condemned as utterly unfit ever again to go to sea. It is true, that when the collector found himself deceived by the agents, when he found that the ship had been illegally sold to *American citizens*, and then promptly repaired, he refused those *American citizens* a clearance for her departure. It is true that, after the proofs and acknowledgment of the sale to those *American citizens*, after the *American* flag had for several days been flying on board her, he refused to permit her departure as a *French prize*; he refused her to the consul Dupont, who, not respecting the laws and authority of the United States, knowingly sanctioned the sale: and under all these circumstances, will not his refusal be deemed excusable?

In respect to the two prizes carried into Wilmington, in North Carolina, there does not appear in the conduct of the collector, Mr. Read, any *designed* rigor, beyond the requisitions of the laws of the United States. In his letter of the 26th of July to the Secretary of the Treasury, which is now before me, he manifests a desire merely to perform his duty according to his conception of the meaning of the laws; but requests instructions for his guide. On the 20th of August (the day after his letter was received) the Secretary wrote him directions, particularly to permit the unloading of the prizes, if, upon examination, it appeared necessary to the repairing of them. The collector's temporary opposition to this measure arose evidently from a mistaken construction of a former letter from the Secretary of the Treasury. This mistake was promptly corrected; and it is now upwards of two months since they were going to unload both vessels. Any damage that may have ensued from the involuntary errors of the collector, the captors or their agents will do well to state for consideration. With respect to the losses which may have been sustained by the captors of the prize ship *Amity*, at Charleston, the documents with which I have been furnished prove that they must be the result of their own misconduct, or of an accident which no human foresight could prevent. If the agents of the prize shall produce counter proofs, they will receive all due consideration.

To the four questions stated in your letter, be pleased to accept the following answers:

"1st. Will the prizes made by the ships of the republic upon the English continue to be sold here?"

I have had the honor, in some former letters, to state to you the sense of the Government on this point, with the reasons to support it. Permission to sell prizes was considered by the Government not demandable as of right. The Power permitting could therefore restrain the sales. The only restraint yet imposed has respected captures made by *privateers*.

"2d. Will the prizes made by the privateers of the republic upon others than the English be sold?"

As the original permission to sell prizes extended to those taken from *all* the enemies of the French republic, and as the restraint lately imposed refers merely to British vessels, pursuant to the article of the treaty just mentioned, so the indulgence, in other respects, is to be considered as remaining at present on its original footing.

"3d. Shall we unconditionally enjoy the right of unloading the prizes in case of damage, and of having them repaired?"

The right of unloading prize vessels, when they are so damaged as to be unfit to proceed to sea without repairs, will not be controverted; but the unloading and storing of the cargoes must be under the inspection of the proper officers of the United States, as a necessary precaution against a transgression of our laws. And in case the prize vessels are really irreparable, and in consequence are regularly condemned as unfit ever to proceed to sea, their cargoes may be exported as *French property*, in other bottoms.

"4th. Can a part of the prize, sufficient only for the expense of the repairs, be sold?"

So much of the prize cargo may be sold as shall *bona fide* be necessary for the repairs, without which the vessel will be unfit to proceed to sea. But such sales must be made under the inspection of the collectors, pursuant to the instructions of the Treasury Department, for securing the duties on imports, and confining the amount of the sales to the necessity of each case.

With respect to the ship *Amity* at Charleston, the collector of that port will be instructed to permit her departure as a French prize.

This letter, in substance, as it now appears, was prepared to be sent you in the last month; but doubts arose on some points, concerning which legal opinions were taken, and occasioned the further delay to this time.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 142.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 19th Nivose, (9th Jan. 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

Instructed to watch over the interests of my country, instructed not to allow either its rights or its honor to be violated, instructed to maintain peace and good harmony between France and the United States, I should betray the confidence of my Government, and the duties which my station impose on me, were I now to remain silent on a circumstance which must make all France discontented, and were I not to hasten to give you information of it.

When the National Convention decreed that the French flag should be presented by its minister to the United States, there was but one opinion as to the place in which it should be deposited. A decree had placed yours in the hall of the legislative body. Every one thought that the French flag would with you receive the same honor; all my fellow-citizens have, one after another, contemplated that pledge of your friendship, and each one believed that the Americans would also have the same eagerness to view the symbol of the enfranchisement of a friendly nation, who, like them, had purchased their liberty at the price of their blood.

This expectation has not been fulfilled, and it has been decided that the French flag should be shut up among the archives. Whatever may be the expression of friendship in the answer of the President,—however amicable, also, are the resolutions of the House of Representatives,—I cannot doubt, sir, that the order made for preserving a flag, which the republic sent only to the United States, will be looked upon by it as a mark of contempt or indifference. Pride, sir, you know, is the portion of a free people; and it is never wounded but at the expense of friendship. The present circumstances are extremely delicate; and when I am convinced the American Government had no intention of leading the French republic to think that the gift of her flag was worth nothing in its eyes, should it not give her authentic proofs of it? Would it not be convenient to fix this flag in a similar place to that which yours occupies in France, and where the national honor expected to see it?

I venture to believe, sir, that when I make you this proposition, you will know how to appreciate my intentions, and will see in this step the man, who, faithful to his character, endeavors to prevent every cause of altercation between the Governments of two people united by the same interests.

Accept, sir, &c.

P. A. ADET.

No. 143.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, Jan. 15, 1796.

SIR:

I have received your letter of the 9th, indicating your regrets at the disposition which has been made of the colors you presented to the United States, and your opinion that all France will be dissatisfied.

You remark, that when the National Convention decreed that the colors of France should be presented to the United States, there was but one opinion on the place where they should be deposited; and as a decree had placed those of the United States in the hall of the legislative body, that the French colors would here receive the same honor. You even suppose that the depositing of these colors among the archives of the United States will be received as a mark of contempt, or at least of indifference.

Indeed, sir, I should extremely regret that the real and essential friendship of two free people should be wounded by a circumstance of this kind, resulting from the different ideas they entertain of the mode most proper for preserving the signs of their liberty, and of the victories and triumphs by which it was acquired.

It should be remembered, that when it was decreed by the National Convention that the colors of the United States should be placed in the hall of their sittings, the representatives of the French people assembled in one room, and that their own colors, it is understood, had been there previously exhibited.

In the United States, on the contrary, the representatives of the people are divided into three branches; for the President and Senators are as truly the representatives of the people as the Members of the other House; the only difference being this, that the latter are chosen immediately by the people, and the two former by persons whom the people have previously chosen to elect them. But each of the three branches of the representatives of the people has its peculiar duties. While that of the House of Representatives is confined to objects of *internal legislation*, and that of the Senate, embracing the same objects, extends partially to some external concerns, the President is the *sole constitutional organ* of communication with foreign nations; and for this purpose the people have appointed him their *sole representative*. When, therefore, the colors of France were delivered to the President, they were in the only proper manner presented to the people of the United States of America, for whom the President is the only constitutional depository of foreign communications. Of these, the President transmits to the two Houses of Congress such as he thinks proper for their information; and thus the colors of France were exhibited to their view. But the United States have never made a public display of their own colors, except in their ships, and in their military establishments.

Under these circumstances, what honor could be shown to the colors of France more respectful than to deposit them with the evidences and memorials of our own freedom and independence? If to the United States only the colors of France have been presented, I answer that the colors of France alone have been deposited with our national archives, that both may be preserved with equal care.

I must also remark, that the people of the United States exhibited no where, in their deliberative assemblies, any public spectacles as the tokens of their victories, the symbols of their triumphs, or the monuments of their freedom. Understanding in what true liberty consists, contented with its enjoyment, and knowing how to preserve it, they reverence their own customs, while they respect those of their sister republic. This, I conceive, sir, is the way to "maintain peace and good harmony between France and the United States," and not by demanding of one nation an adoption of the manners of the other: in these we must be mutually free.

This explanation, sir, I hope will be satisfactory to you and to your Government, and in concurrence with the manner of receiving the French colors, and the unanimous sentiments of affection and good wishes expressed on the occasion by the President, the Senate, and the House of Representatives, effectually repel every idea that could wound the friendship subsisting between the two nations.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 144.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of the United States.

PHILADELPHIA, 13th Ventose, (March 3, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

Some periodical works, and particularly the Directory printed at Philadelphia, have come out this year with an alteration against which it is my duty to complain.

The French ministers have always enjoyed the precedence as to those of England, not only in the United States, but throughout the world; and France, as a republic, has preserved, and will preserve, the rank she has held in the diplomatic corps under her ancient regime.

The French people look upon all people as equal and as brothers; but they will never suffer that partial distinctions, contrary to custom, should be granted directly, or indirectly, to any State whatever.

The foreign agents near your republic have hitherto been arranged in the Directory and other almanacs of the United States, in the order of rank appertaining to their respective powers.

This year the agents of Great Britain, who enjoy only the third rank, have there been placed before those of France and Spain.

It is usual, sir, for almanacs of this kind to be corrected under the direction of Governments, and with their approbation. I should presume that this is not the case in the United States, since they would have noticed the alteration against which I complain.

If I am mistaken in this respect, as I ought to suppose that this change is only an error, I shall confine myself, sir, to requesting you to have it rectified by suppressing the publication and the Distribution of the Directory and other almanacs in which it has been committed.

But if, as I imagine, these works are the property of individuals, and the Government of the United States can exercise no influence as to their correction, in this case, as their publication, although free, has taken place under the protection of the American laws, and if the alteration therein made should not be contradicted, the public may conclude either that it has been consented to by the Government of the United States, and acquiesced in by me, or that the French republic does not preserve as to England the priority she has always enjoyed.

I pray you, sir, to be pleased to declare in writing, that the Government of the United States have no concern in the printing of the Directory and other works of that kind, in which the agents of the French republic near the United States have been registered this year after those of Great Britain, against the usage and the right of precedence, which belongs to the French republic; and to permit me to publish in the newspapers your answer or declaration which I have the honor to request.

Accept, sir, my sentiments of respect and esteem.

P. A. ADET.

No. 145.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, March 14, 1796.

SIR:

I received your letter of the 3d instant, complaining of an alteration introduced into some periodical works, particularly the Directory printed at Philadelphia, in which the names of foreign agents in the United States are so arranged, that those of Great Britain precede those of France; although (you observe) not only in the United States, but in all the world, France has always enjoyed, in the diplomatic line, the precedence of Great Britain.

You rightly imagine, sir, that works of this kind are not here, as in Europe, edited under the direction of Government. They are all the property of individuals, who print what they please, and in such order as their ideas of pro-

pride, or humor, or accident, may direct. The contents of such annual works are usually confined to facts, the details of which are not of a nature to be subjected to any legal regulation.

Supposing the alteration in the order of publishing the names of the agents of foreign Powers in the United States to have originated in an error, without any direction from the Government, "you request that the error may be corrected, by a suppression of the publication and distribution of the Directory and other almanacs, in which the same error has been committed." But, sir, this is impossible. These works are, as I have before observed, the property of private citizens, who, having offended against no law, can be subjected to no penalty or loss. The press in the United States, you must have seen, sir, is perfectly free. Not to trouble you with any more remarks, I will close this letter with noting the manner in which the foreign diplomatic characters in the United States have been arranged in a like annual publication in Boston. In the Massachusetts Register for 1796, they stand in this order: Those from the French republic, the United Netherlands, Portugal, Spain, Sweden, Prussia, and last of all those from Great Britain.

It is not necessary for me to express any opinion whether this arrangement is erroneous or correct, or whether, among nations equal by their sovereignty and independence, there can be any precedence *as of right*; but I may presume that the Government of the United States will not attempt, by any official arrangement, voluntarily to determine questions of rank among foreign Powers, who will be no more inclined to submit them to their consideration, than to be governed by their decisions.

I can have no objection, sir, to your publishing this answer to your letter, agreeably to your desire.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 146.

Extract of a letter from Mr. Monroe to the Secretary of State, dated

PARIS, May 2, 1796.

"I informed you in my last, of the 25th of March, that I was promised by the Directory, in an audience I had obtained of that body, that the Minister of Foreign Affairs should state to me such objections as were entertained by this Government to certain measures of our own, and, in the interim, that no step should be taken under the existing impression, nor until my reply was received and fully weighed; and I have now the pleasure to transmit to you the result of the communication which afterwards took place between the minister and myself on that subject.

"I do not know what effect my reply has had upon the mind of the Directory, because it was only sent in a few days since. I shall endeavor to ascertain this if possible, and, in case I do, will immediately afterwards apprise you of it.

"I think proper here to communicate to you an incident which took place between the minister and myself, after I had obtained from the Directory a promise that he should state the objections above referred to, and discuss their merits with me, and which was, as heretofore, intimated to you on the 8th of March last. Soon after that period I received from the minister the communication promised, in a note of the same date, but differing in some other respects from the present one, and particularly in the number of complaints, two of the catalogue being now given up by him, and to which I replied as soon as I could prepare my reply, in a note bearing likewise the same date with that which I now enclose you. After he had perused my reply, he was sensible that he had insisted on some points that were not tenable, and, in consequence, asked that I would permit him to retake his note, returning mine, that he might correct himself, and, of course, that I would consider the discussion as yet to be commenced. I told him, immediately, that I would do so with pleasure, because I did not consider myself in the light of a solicitor bound to catch at and take advantage of little errors; that I wished, upon all occasions, and with every one, and especially upon the present occasion with him, to act with candor, and, in consequence, I soon afterwards restored him his note and took back my own.

"At the time when I made the minister this promise, I thought it in my power to comply with it. I had, it is true, according to custom, written and enclosed you a copy of both papers, but yet I thought Doctor Brockenbrough, to whom I entrusted my letter for you, was in France, within my reach, that I might recover it. Upon inquiry, however, I found that he had departed, by way of Dunkirk, for England, a route I knew he intended to take, and in which state of things all that I could do was to write and request him to return me that letter, and which I immediately did. I have not yet heard from him, and, of course, cannot tell whether I shall recover it or not. As soon, however, as I knew he was gone, I apprized the minister of it, as likewise of the above circumstances, satisfying him that I had acted with good faith, so far as depended on me, in fulfilling, in every respect, the promise I had made; and, in communicating the above to you, I do it as well to explain this transaction, and which will require explanation in case you receive that letter, as to make known to you, as far as depends on me, the condition on which you receive it.

"The minister thought proper to give his second communication the same date with the former one, although more than a fortnight had intervened between the one and the other; and, in consequence, I followed his example, giving my latter reply the same date with the former one. His motive I did not inquire into; mine was that the Directory might see that the delay which took place did not proceed from me."

No. 147.

Summary statement of the complaints of the French republic against the Government of the United States.

First complaint.—The in execution of the treaties.

1st. The courts of justice of the United States have taken and still take cognizance of prizes which our privateers conduct into their ports, notwithstanding the express clause of the treaty against it. Our ministers have proposed various arrangements for limiting these usurpations. The Federal Government had itself proposed measures on this subject; the first propositions were not accepted, and the latter measures fell into disuse. The disputes, the delays, the losses resulting to our seamen from such a state of things, are palpable. They almost entirely deprive the republic of the advantages which it should expect from this article of the treaty.

2d. The admission of English ships of war, even in cases where they are excluded by the 17th article of the treaty, that is, when they have made prizes on the republic or on its citizens. The weakness with which the Federal Government conceded this point, in the first instance, has increased the pretensions of Great Britain, and now the ports of the United States have become a station for the squadron of Admiral Murray, who, for two years past, has there victualled his ships in order to cruise on the American commerce, and to pillage our property. This division carries its audacity even to the conducting thither its prizes.

3d. The consular convention, forming a part of our treaties, is equally unexecuted in its two most important clauses: the first, granting to our consuls the right of judging exclusively in disputes arising between Frenchmen, is become illusory, for the want of laws giving to the consuls the means of having their decisions executed. The consequence of this inability tends to annihilate the prerogative of our consuls, and materially to injure the interest of our merchants.

The second gives to our consuls the right of causing our mariners who desert to be arrested. The inexecution of this part of the convention affects beyond all expression, our maritime service, during the stay of our vessels in the American ports. The judges charged by the laws with issuing the mandates of arrest, have lately required the presentation of the *original* roll of the crew, in contempt of the 5th article, admitting, in the tribunals of both Powers, copies certified by the consul. Local circumstances in a thousand instances oppose the production of the *original* roll, and then the seamen are not liable to be apprehended. 4th. The arrestation, in the port of Philadelphia, in the

month of August, 1795, of the captain of the corvette the *Cassius*, for acts committed by him on the high seas. This is contrary to the 19th article of the treaty of commerce, which stipulates "that the commanders of public and of private vessels shall not be detained in any manner;" besides, it violates the most obvious law of nations, which places the officers of public vessels under the safeguard of their flag. The United States have had sufficient proofs of deference on the part of the republic, to count upon its justice in this instance. The captain was imprisoned notwithstanding the consul of the republic produced bail. Scarcely was he set at liberty when the corvette, although very regularly armed at the Cape by General Laveaux, was arrested, (and it appears she is still so) under pretext that, eight months before she sailed from Philadelphia suspected of having armed in that port.

Second complaint.—The impunity of the outrage committed on the republic in the person of its minister, the citizen Fauchet, by the English ship *Africa*, in concert with the vice consul of that nation.

The arrestation in the waters of the United States of the packet boat having citizen Fauchet on board, the search made in the trunks of that minister, with the avowed object of seizing his person and papers, merited an example. The insult was committed on the 1st of August, 1795, (O. S.) the ship all the rest of the month blocked up the *Médusa* frigate, belonging to the republic, at Newport, and did not receive orders to depart till after the sailing of that vessel. For a new outrage on the United States by a menacing letter, the exequatur was withdrawn from the consul merely for having taken a part in the latter insult.

Third complaint.—The treaty concluded in November, 1794, between the United States and Great Britain. It will be easy to prove that the United States in this treaty have knowingly and evidently sacrificed their connexions with the republic and the most essential and least contested prerogatives of neutrality.

1st. The United States, besides having departed from the principles established by the armed neutrality during the war for their independence, have given to England, to the detriment of their first allies, the most striking mark of an unbounded condescension, by abandoning the limit given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with a greater part of the maritime Powers. Is it not evidently straying from the principles of neutrality to sacrifice exclusively to that Power the objects proper for the equipment and construction of vessels?

2d. They have gone still further. They have consented to extend the denomination of contraband even to provisions. Instead of pointing out particularly, as all treaties do, the cases of the effective blockade of a place as alone forming an exception to the freedom of this article, they have tacitly acknowledged the pretensions raised by England to create blockades in our colonies, and even in France, by the force of a bare proclamation. This abandonment of the independence of their commerce is incompatible with their neutrality. Mr. Jefferson has himself acknowledged it in his letter of 7th September, to the minister plenipotentiary of the United States at London, on the subject of the order of 8th June, 1793. From this confession, especially from all the tyrannical edicts of the King of Great Britain, from which the commerce of the United States as well as their national honor have suffered so much, a result quite different was hoped from the negotiation of Mr. Jay. It is evident by the clause of the treaty limiting the existence of this desertion from the neutrality to the duration of the present war, that Mr. Jay did not hesitate to sacrifice our colonies to Great Britain during the remaining hostilities which should decide their fate. Mr. Monroe is left to judge how far these concessions accord with the obligation contracted by the United States to defend our colonial possessions, and with the no less sacred duties imposed on them by the immense and invaluable benefits which they draw from their commerce with them.

The Minister for Foreign Affairs,

CH. DE LA CROIX.

PARIS, the 19th Ventose, (March 9, 1796.)

4th year of the French republic, one and indivisible.

No. 148.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs of the French republic.

PARIS, 25th Ventose, (15th of March, 1796) 4th year of the French republic, and 20th of the independence of the United States of America.

CITIZEN MINISTER:

I was lately honored with your note of the 19th of Ventose, (9th of March) objecting to several of the measures of our Government that have occurred in the course of the present war, and to which, I presume, I shall herein render you a satisfactory answer. For this purpose, I shall pursue, in reply, the order you have observed in stating those objections, and, according to the light I have on the subject, give to each the answer it requires.

These objections are comprised under three distinct heads, a summary of which I will first expose, that my reply to each may be better understood.

1. Your first complaint is, that we have failed to execute our treaties with you, and in the following respects: 1st. By submitting to our tribunals the cognizance of prizes brought into our ports by your privateers. 2d. By admitting English vessels of war into our ports, against the stipulation of the 17th article of our treaty of commerce, even after such vessels had taken prizes from you, and, in some cases, with their prizes. 3d. By omitting to execute the consular convention in two of its most important clauses, having failed to provide, as you suggest, suitable means for carrying those clauses into effect, the first of which secures to your consuls within the United States the exclusive jurisdiction of all controversies between French citizens, and the second the right to pursue and recover all mariners who desert from your vessels. 4th. By suffering, in the port of Philadelphia, the arrestation of the captain of the corvette *Cassius* for an act committed by him on the high sea, and which you say is contrary to the 19th article of the treaty of commerce, which stipulates "that the commanders of public and private vessels shall not be detained in any manner," and the rights of nations, which put such officers under the protection of their respective flags. And by likewise suffering the arrestation of that corvette, though armed at the Cape, upon the pretext that she was armed in the United States.

2. Your second complaint states that an outrage which was made to this republic in the person of its minister, citizen Fauchet, by an English vessel (the *Africa*) in concert with an English consul, in arresting, within the jurisdiction of the United States, the packet boat in which he had embarked, searching his trunks, and afterwards remaining within the waters of those States, for near a month, to watch the movements of the vessel, in which he finally sailed, was left unfinished, since you urge that the measures which were taken by our Government in regard to that vessel and the consul, were not taken in a suitable time to remedy the evil, and were produced by a subsequent outrage, and of a very different kind.

3. Your third and last complaint applies to our late treaty with England, and which you say not only sacrifices in favor of that Power our treaties with France, but departs from that line of impartiality which, as a neutral nation, we were bound to observe. Particular exemplifications are given of this charge in your note, and which I shall particularly notice when I come to reply to it.

This is a summary of your complaints, and to each of which I will now give a precise, and, I flatter myself, a satisfactory answer.

1. Of the inexecution of our treaties with this republic, and of the first example given of it, "the submission to our tribunals of the cognizance of prizes brought into our ports by your privateers."

Permit me, in reply to this charge, to ask whether you insist, as a general principle, that our tribunals are inhibited the right of taking cognizance of the validity of your prizes, in all cases, or are there exceptions to it? As a general principle, without exception, it cannot, I think, be insisted on, because examples may be given under it of possible cases, which prove it cannot be so construed and executed without an encroachment upon the inherent and unalienable rights of sovereignty in both nations, which neither intended to make, nor does the treaty warrant.

Suppose, for instance, a prize was taken within our jurisdiction, not upon the high sea, nor even at the entrance or mouths of those great rivers and bays which penetrate and fertilize our country, but actually in the interior, and at the wharf of some one of our cities: is this a case over which our tribunals, or some other branch of our Government, have no right to take cognizance? Do you conceive that the true import of the treaty imposes upon us, and likewise upon you in turn, the obligation thus to abandon as a theatre of warfare in which you bear no part the interior police of your country? Can it be done consistently with the dignity or the rights of sovereignty? Or suppose that the privateer which took the prize, and led it into port, was fitted out within the United States, the act being unauthorized by treaty: could we tolerate this, and refuse the like liberty to the other nation at war, without departing from that line of neutrality we ought to observe? You well know that those rights which are secured by treaties form the only preference in a neutral port which a neutral nation can give to either of the parties at war; and, if these are transcended, that the nation so acting makes itself a party to the war, and, in consequence, merits to be considered and treated as such. These examples prove that there are some exceptions to the general principle, and perhaps there are others which do not occur to me at present. Are then the cases in question, and which form the basis of your complaint, within the scale of these exceptions? If they are, and I presume they are, I am persuaded you will concur with me in opinion that the complaint is unfounded, and that we have done our duty; a duty we were bound to perform as well from a respect to our own rights as a sovereign and free people, as to the integrity of our character, being a neutral party in the present war.

You will observe that I admit the principle, if a prize was taken upon the high sea, and by a privateer fitted out within the republic or its dominions, that, in such case, our courts have no right to take cognizance of its validity: but is any case of this kind alleged? I presume none is, or can be, shown.

2. The second article in this charge of failing to execute our treaties with this republic states that, in contravention of the 17th article of the treaty of commerce, we have admitted British vessels of war into our ports, even such as have taken prizes from you, and, in some cases, with their prizes. The article referred to stipulates the right for your vessels of war and privateers to enter our ports with their prizes, and inhibits that right to your enemies. It does not stipulate that the vessels of war belonging to your enemies shall not enter, but simply that they shall not enter with their prizes. This latter act is, I presume, therefore, the subject of your complaint. Here, too, it only stipulates that, in case such vessels enter your or our ports, proper measures shall be taken to compel them to retire as soon as possible. Whether you were rightly informed with respect to the fact is a point upon which I cannot decide, as I know nothing about it. Our coast is extensive, our harbors numerous, and the distress of the weather may have forced them in; or they may have entered wantonly, and in contempt of the authority of our Government. Many outrages have been committed on us by that nation, in the course of the present war, and this may likewise be in the catalogue. But I will venture to affirm that no countenance was given by our Government to those vessels, whilst they were there, and that all suitable means were taken to compel them to retire, and without delay. You know we have no fleet, and how difficult it is without one to execute a stipulation of this kind with that promptitude which your agents in our country, ardent in your cause, and faithful to your interest, might expect.

3. The third article under this head states that we have omitted to execute the consular convention in two of its most important clauses, the first of which secures to the consuls of each nation in the ports of the other the exclusive jurisdiction of controversies between their own citizens, and the second of which gives to the consuls a right to recover such mariners as desert from the vessels of their respective nations.

Upon the first point, the supposed incompetency of the law, provided, on our part, to execute the judgments of your consuls within our jurisdiction, I can only say, that, as no particular defect is stated, so no precise answer can be given to the objection. And upon the second, which states that the judges charged by our law to issue warrants for arresting such of your mariners as desert from their vessels, have latterly required, and against the spirit of the treaty, the presentation of the original registers of the vessels to which they belonged, as the ground whereon to issue those warrants, I have to observe that, by the clause in question (the ninth article) the originals seem to be required, and that the copies spoken of in another part of the treaty, (the fifth article) obviously apply to other objects, and not to this. More fully, however, to explain to you the conduct of our Government upon this subject, permit me here to add an extract from our law, passed on the 14th of April, 1792, expressly to carry into effect the convention in question, and which applies to both cases. "The district judges of the United States shall, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of France, in arresting and securing deserters from the vessels of the French nation, according to the tenor of the said article. And where, by any article of the said convention, the consuls and vice consuls of France are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid, according to the tenor of the stipulations." By this extract, you will clearly perceive that it was not the intention of our Government to frustrate or embarrass the execution of this treaty: on the contrary, that it was its intention to carry it into full effect, according to its true intent and meaning, and that it has done so, so far as it could be done by suitable legal provisions.

It may, hereafter, be deemed a subject worthy consideration, whether the first of these clauses in that convention had not better be expunged from it. The principle of a foreign court, established within any country, with jurisdiction independent of that country, cannot well be reconciled with any correct idea of its sovereignty: nor can it exercise its functions without frequent interference with the authorities of the country, and which naturally occasions strife and discontent between the two Governments. These, however, are not the only objections to the measure, though, with me, they are unanswerable. Under circumstances the most favorable, it were difficult for these consular tribunals to serve their process and execute their judgments: a limited jurisdiction to a town or village only admits of it. In the United States, therefore, and in France, where the territory is immense, and the number of citizens of each country, in the other, considerable, as is now the case, it becomes impossible. Many of these, in each country, dwell, perhaps, in the interior, and not within one hundred leagues of any consul of their nation; how compel their attendance before him? How execute the judgment afterwards? For the tribunals of one country to call in the aid of the officers of another, to execute its decrees or judgments, is an institution at best objectionable; but, to send those officers round the country, through the range of one hundred leagues, is still more so. Permit me, then, to ask, what are the motives on your or our part, for such an institution? In what respect are you or we interested, that your or our consuls should have the exclusive jurisdiction of controversies between your and our citizens in each other's country? Why not submit those controversies, in common with all others, to the tribunals of each nation? Some considerations in favor of the institution, it is true, occur, but yet these are light and trifling, when compared with the numerous and strong objections that oppose it. So much, however, by way of digression.

4. Your fourth and last example under this head, states that the captain of the corvette *Cassius* was arrested in Philadelphia, for an act committed on the high sea, contrary, as you suggest, to the nineteenth article of the treaty of commerce, which stipulates "that the commandants of vessels, public and private, shall not be detained, in any manner whatever," and of the well known rights of nations, which put the officers of public vessels under the safeguard of their respective flags, and that the said corvette was, likewise, seized, though armed at the Cape, upon the pretext that she was armed, some time before, in Philadelphia.

As you have not stated what the act was, with the commission whereof the captain was charged, I can, of course, give no explanation on that head. Satisfied, however, I am, that, if the crime was of a nature to authorize our courts to take cognizance of it, he would not be exempted from their jurisdiction by the article of the treaty in question, since that article, as you will perceive, was intended to establish a general principle in the intercourse between the two countries; to give a privilege to the ships of war of each, to enter and retire from the ports of the other, and not to secure, in favor of any particular delinquent, an immunity from crimes: nor, in my opinion, does the law of nations admit of a different construction, or give any other protection. I am happy, however, to hear

that he is released, since it furnishes an additional proof that the whole transaction was a judicial one, regular, according to the course of our law, and mingling nothing in it, in any view, that ought to give offence here.

With respect to the seizure of the corvette, upon the pretext that she was armed in Philadelphia, I have only to say, that, if she was armed there, it was the duty of our Government to seize her; the right to arm not being stipulated by treaty; and, if that was alleged upon sufficient testimony, as I presume was the case, there was no other way of determining the question than by an examination into it, and, in the interim, preventing her sailing. It would be no satisfaction to the other party to the war, for us to examine into the case after she was gone, provided the decision was against her. On the contrary, such conduct would not only justly expose us to the charge of committing a breach of neutrality, but of, likewise, doing it collusively.

2. Your second complaint states an outrage which was committed by a British frigate upon your minister, the citizen Fauchet, in concert with a British consul, in boarding the packet in which he embarked, opening his trunks, &c. within the waters of the United States, and remaining there afterwards, to watch the movements of the frigate in which he sailed, and which, you say, was not resented as it ought to have been, by our Government, since you add, the measures which were taken by it, in regard to that vessel and the consul, were the effect of another and subsequent outrage.

The punishment which was inflicted by our Government upon the parties who committed that outrage, by revoking the exequatur of the consul, and ordering that all supplies should be withheld from the frigate, as, likewise, that she should forthwith depart without the waters of the United States, was, I think you will admit, an adequate one for the offence. Certain it is, that, as we have no fleet, it was the only one in our power to inflict, and that this punishment was inflicted in consequence of that outrage. You will, I presume, likewise admit, after you have perused the act of the President upon that subject, a copy of which I herewith transmit to you, and by which you will perceive that there was, in truth, no distinct outrage offered to the United States, upon that occasion, by the parties in question, but that both the one and the other act (the attempt made upon the packet boat in which your minister had embarked, by the captain of a British frigate, and which constituted the first, and the writing of an insolent letter, by the same captain, to the Governor of Rhode Island, in concert with the British consul there, and which constituted the second) were only several incidents to the same transaction, forming, together, a single offence, and for which that punishment was inflicted on those parties.

I think proper here to add, as a further proof that the President was neither inattentive to what was due to your rights upon that occasion, nor to the character of the United States, that he gave orders to our minister at London to complain formally to that Government of that outrage, and to demand of it such satisfaction upon the parties, as the nature of the insult required, and which has, doubtless, either been given, or is still expected.

3. Your third, and last complaint, applies to our late treaty with England, and which, you say, has sacrificed, in favor of that Power, our connexion with France, and the rights of neutrality, the most common.

1st. In support of this charge you observe that we have not only departed from the principles of the armed neutrality adopted in the course of the last war, but have abandoned, in favor of England, the limits which the rights of nations and our own treaties with all other Powers, and even England, in her treaties with many other Powers, have given to contraband.

2d. That we have also consented that provisions should be deemed contraband, not when destined to a blockaded port only, as should be the case, but in all cases, by tacitly acknowledging the pretensions of England to place at pleasure, and by proclamation, not only your islands, but even France herself, in that dilemma.

The principles of the armed neutrality set on foot by the Empress of Russia, in harmony with the other neutral Powers, at the time you mention, and acceded to by all the Powers then at war against England, are extremely dear to us, because just in themselves, and, in many respects, very important to our welfare. We insert them in every treaty we make with those Powers who are willing to adopt them, and our hope is, that they will soon become universal. But, even in the war of which you speak, and when the combination against England was most formidable, all the maritime Powers being arranged against her, you well know that she never acceded to them. How compel her, then, on the present occasion, when that combination was not only broken, but many of the Powers, then parties to it against England, were now enlisted on her side, in support of her principles. You must be sensible that, under these circumstances, it was impossible for us to obtain from that Power the recognition of those principles, and that of course we are not culpable for having failed to accomplish that object.

I regret, also, that we did not succeed in obtaining a more liberal scale of contraband from that Power than was obtained: for, as our articles of exportation are chiefly articles of the first necessity, and always in great demand here, and every where else, it was equally an object of importance to us to enlarge the freedom of commerce in that respect, diminishing the list of contraband. Perhaps no nation on the globe is more interested in this object than we are. But here, too, the same difficulty occurred that had in the preceding case, and it was in consequence deemed expedient, for the time, to relinquish a point we could not obtain, suffering the ancient law of nations to remain unchanged in any respect. Is it urged that we have made any article contraband that was not so before by the known and well established law of nations? which England had not a right to seize by that law, and did not daily seize when they fell in her way? This cannot be urged, because the fact is otherwise: for, although we have not ameliorated the law of nations in that respect, yet certainly we have not changed it for the worse, and which alone could give you just cause of complaint.

With respect to the objection stated to a clause in the 18th article of the treaty with England, which presumes we are thereby prohibited bringing provisions from the United States to France, I have only to add that no such prohibition is to be found in it, or other stipulation which changes the law of nations in that respect; on the contrary, that article leaves the law of nations where it was before, authorizing the seizure in those cases only where such provisions are contraband by "the existing law of nations," and according to our construction when carrying to a blockaded port, and in which case payment is stipulated; but in no respect is the law of nations changed, or any right given to the British to seize, other than they had before, and such, I presume, you will agree is the true import of that article.

You will observe, by the article in question, that when our provisions, destined for a blockaded port, are seized, though subject by the law of nations to confiscation, they are, nevertheless, exempted from it, and the owners of such provisions entitled to their value. Surely this stipulation cannot tend to discourage my countrymen from adventuring with provisions into the ports of this republic, nor in any other respect prevent their enterprises. On the contrary, was it not probable that it would produce the opposite effect, since thereby the only penalty which could deter them, that of confiscation, in the case above mentioned, was completely done away?

Thus, citizen minister, I have answered, according to the views of our Government, and the light I have upon the subject, the objections you have stated against several of its measures, adopted in the course of the present war, and I hope to your satisfaction. That any occurrence should take place in the annals of the two republics, which gave cause for suspicion that you doubted, in any degree, our sincere and affectionate attachment to your welfare, is a circumstance that cannot otherwise than give pain to our Government and our people. That these, however, should be removed by a fair and candid examination of your complaints, on both sides, is the best consolation that such an occurrence can admit of. If, by my feeble efforts, I contribute in any degree to promote that end, and preserve the harmony and affection which have so long subsisted between us, and I trust will always subsist, I accomplish an object the most grateful to my feelings that I can possibly accomplish.

Permit me, in concluding this letter, to assure you of the great respect and esteem with which I am your most obedient and very humble servant,

JAMES MONROE.

No. 149.

EQUALITY.

LIBERTY.

Extract from the Registers of the Special Agency of the Executive Directory to the Windward Islands.

The special agents of the Executive Directory to the Windward Islands, considering that the laws, as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandises:

Considering that, notwithstanding the complaints of the minister plenipotentiary of the French republic to the United States of North America, of which he informed us by his letter of the 14th Messidor, those States, and particularly Virginia, have fitted out vessels loaded with horses for the English:

Decree. That, from this day forward, all vessels loaded with merchandises, designated by the name of contraband, such as arms, instruments, munitions of war, of what kind soever, horses, and their furnitures, shall be stopped by the vessels of war and privateers, to be seized and confiscated for the benefit of the captors.

At Basseterre, Guadaloupe, 14th Thermidor, 4th year of the French republic, one and indivisible.

Signed on the Register,

VICTOR HUGUES and LEBAS.

Compared with the Register.

VAUCHELET, *Secretary of the Agency.*

The special agents of the Executive Directory to the Windward Islands, in conformity with the above decree, declare to be good prize the American vessel, the Lucy, Captain G. Gillbard, captured by the advice boat of the republic, the Iris.

BASSETTERE, Guadaloupe, the 22d Fructidor, 4th year of the French republic, one and indivisible.

VICTOR HUGUES.
LEBAS.

Sealed with the seal of the Agency.

[L. S.]

VAUCHELET, *Secretary of the Agency.*

No. 150.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 23d Thermidor, (10th August, 1795, O. S.)
3d year of the French republic, one and indivisible.

SIR:

The neutrality of the United States, and the law of nations, have just been violated in the most serious manner. It is but too true that the English wished to take citizen Fauchet and his papers from on board one of your vessels, and in the waters of the United States. The letters from citizens Fauchet and Pichon, that of the consul at Newport, the affidavit of the passengers of the packet the Peggy, leave no doubt upon this wicked attempt.

I should not have spoken to you at all on the subject if the French republic had not been outraged. But you know, as well I do, sir, that a minister, on quitting his functions, does not, on that account, lose his privileges, or his rights; that he retains them until his return to the power by whom he was sent. His safety, his inviolability, are as much under the safeguard of the law of nations as those of a minister exercising his functions, and you owe him the same protection. Nations are agreed in this principle; it is mentioned by the authors who have written on the public law, and you will find it reported in Vattel, (§ 125, chap. 9, book 4, vol. 2, Amsterdam edition, 1775.) The premeditated insult against the citizen Fauchet, therefore, is at once an injury against the United States and the French republic. I should betray my most sacred duty were I not bitterly to complain of it, and if, in soliciting you to cause reparation to be made, I were not to pray you to take measures for preventing a similar outrage in future. It were vain to seek to excuse those who have committed it. In vain would it be said that seamen were ignorant of the laws of nations. They were instruments made use of by men who could not be unacquainted with those laws. The English vice consul, Moore, presided on board the Africa on the pillage of the American packet boat; and how could he justify this outrage of which modern Carthage can alone give an example?

Were such an infraction of the laws of nations passed over in silence, what safety should I then find here? Who would prevent the pirates of Great Britain from forcing my house in the night, from carrying me off in one of their vessels, and loading me with irons? What, then, would there be sacred among nations, if the character of a minister were no longer respected, and if a single nation could always trample every principle, all conventions, under foot, without exciting a murmur or complaint?

It would offend you, sir, were I longer to insist. The honor of your country, the respect you owe to its faithful ally, the attachment you bear to her, will speak much better than I can.

Accept, sir, &c.

P. A. ADET.

No. 151.

The Vice consul of the French republic at Newport Rhode Island to the Minister Plenipotentiary of the said republic near the United States of America.

NEWPORT RHODE ISLAND, the 16th Thermidor,
3d year of the French republic, one and indivisible.

The most formal violation of the territory of the United States, and the most serious insult, has been committed, and it was a functionary of the republic, citizen Fauchet, who was the object of it.

On Saturday last the packet boat Peggy, coming from New York, and on board of which the minister had embarked, was arrested at about two miles and a half from the light house, by the English ship Africa, lying at anchor, which obliged the captain of the packet to come within a few fathoms of her. The officers sent to visit, on coming on board asked for citizen Fauchet and his trunks, of which they knew the exact number; they were answered that the said citizen had landed at Stonington; they then asked to see his effects, and appeared as though they intended to seize his papers. It was easy to discover their disappointment, when the empty pasteboard cases were presented to them. The most indecent researches were made in the minister's trunks, and in those of citizens Bournonville and Pichon: some papers belonging to the latter were transported on board of the ship, but were returned. The design failed; it was citizen Fauchet and his papers that they wished; and by the most fortunate circumstance, he defeated the audacious act projected against him. I had fortunately been advised of the packet boat putting into Stonington, and heaven suggested to me the idea of notifying citizen Fauchet by express of the station of the ship. He debarked with his papers only, and thence came here by land.

Nothing proves better the fixed intention of the English to take the citizen Fauchet and his papers than the conduct of the English consul on the same day: at daylight he went on board the Africa, and did not return until after it was ascertained that the project formed by him and his companions in depredation, had failed.

I immediately gave an account of this transaction to the Governor of Rhode Island by sending him a copy of the affidavit of the packet (affidavit du packet) of which I herein enclose another authentic copy, together with one

of my letters to the Governor of this State, that you may be enabled to make such application to the Government of the United States as you shall think proper.

Health and fraternity.

L'ARCAMBAL.

True copy of the original.

P. A. ADET.

No. 152.

Be it known unto all whom it may concern, that on the day of the date hereof, before me, Christopher Ellery, public notary for the county of Newport, in the State of Rhode Island and Providence Plantations, in the United States of America, came Thomas Bliss, master of the sloop Peggy, of Newport, just arrived from New York, and Louis Andrew Pichon, former secretary of the legation of the French republic to the United States, passenger on board said sloop, together with T. A. Hoffer, citizen of Boston, and Captain Chabert, also passengers on board the said sloop, all of whom on their oaths declare, that yesterday, at three of the clock in the afternoon, being the 1st day of August instant, they were at the distance of two miles from the light-house in Narraganset Bay, in said sloop, bound to Newport; when, being opposite to the same, a British ship of war, the Africa, commanded by —, fired a cannon-shot at the said sloop, as a signal to bring her to; that the sloop had then American colors flying; that the master aforesaid, obeying the signal, soon perceived two boats coming to the sloop from the said ship of war, which boats were manned by a part of the crew of said ship, and out of which came four or five officers; two of them appearing to be higher in command than the others, ordered the captain of the said sloop to go near to the ship, with which order he complied, and soon anchored astern of the said ship; that in the mean time the officers asked the said master of the sloop several questions, particularly if he had any passengers on board; and he answering to this question in the affirmative, was told by them that they came on purpose to look for the late French minister, Mr. Fauchet, whom they knew to be on board with despatches. That the master and passengers then informed them that Mr. Fauchet had left the sloop in the morning at Stonington, where she had been detained two days by contrary winds, and that he had also that morning left Stonington aforesaid, on horseback, with his despatches and public papers, which were all taken out of paste bound boxes; as proof of the last assertion showing the said boxes empty, five in number; that Mr. Fauchet had really left the sloop, and had gone on overland as aforesaid; that the officers aforesaid, not satisfied with the answers given, said their orders were positive, and directed them to search all the trunks of the passengers, at which proceeding they hoped no one on board would be hurt, as their duty required the same; that they accordingly had all the trunks and boxes in the cabin opened, and, not finding any papers, then went into the hold, where, having ordered Mr. Fauchet's servant to open the trunks of his master, they had them emptied in presence of all the passengers, and out of one of the trunks they took a bundle of papers, which they gave to one of the officers in care, whilst the search went on for the other trunks; that they asked for two other trunks of Mr. Fauchet's, saying they had notice of four trunks shipped on board said sloop, and seeing several other trunks stowed about, they, the said officers, demanded the owners; that one of them belonged to Captain Chabert aforesaid, a gentleman engaged in commercial and seafaring business, was overhauled, and the papers, consisting chiefly of sea books or journals, examined and put aside, with a tin box containing some papers, with letters directed to different persons in France; that they then fell upon the trunk of Mr. Pichon, which, as they found heavy, they desired to have opened, threatening, as no one stepped forward with the key, to break the lock thereof; that Mr. Pichon then came forward, and opened the trunk, which proved to be full of written papers, under clothes; these throwing out, they observed that it was the trunk of Mr. Fauchet's secretary, and that it contained such a quantity of papers was a sufficient reason for taking it on board the ship, for the inspection of the captain of the ship; that an officer then went on board the ship with such papers as he thought proper to take with him, that he might receive the directions of the commanding officer relative thereto, and relative to further proceedings; that this officer soon returned, and permitted the sloop to depart, saying that the main object being missed, no further detention was necessary, and returning the papers which he had taken on board the ship; and that the two boats having left the sloop, after a detention of two hours, she came to sail, and arrived at Newport in the evening.

THO. W. BLISS.
LEWIS ANDREW PICHON.
T. A. HOFFER.
CHABERT.

[L. s.]

In testimony that the aforesaid declaration was made before me, the aforementioned public notary, as is above set forth, and on the second day of August, in the year one thousand seven hundred and ninety-five, and the twentieth year of American independence, I have hereunto set my hand and notarial seal the day and year aforesaid.

CHRIST. ELLERY, *Public Notary.*

[L. s.]

In testimony that the foregoing is a true copy of the original declaration made and attested, as is therein set forth, I have hereunto set my hand and notarial seal the day and year therein named.

CHRIST. ELLERY, *Public Notary.*

Pour copie conforme.

P. A. ADET.

No. 153.

Copy of the letter from the Vice Consul of the French republic at Newport to the Governor of Rhode Island.

NEWPORT, RHODE ISLAND, 16th Thermidor,
3d year of the French republic, one and indivisible.

SIR:

A multiplicity of business has prevented me from paying you my respects, and obliged me to present them to you by letter. I am sensibly affected, in commencing my official correspondence with your excellency on an affair of a disagreeable nature, which obliges me to claim immediately the protection of the United States in the following case.

I have the honor to lay before you the affidavit of Thomas Bliss, captain of the Peggy, on her way from New York to Newport, on board of which citizen Fauchet, minister of the French republic, was passenger. You will observe that this packet was arrested very near the land, in the waters of the United States, obliged by force of arms to come to near the English ship Africa, which was at anchor, and afterwards visited with an indecency carried so far as not to allow a coat of the minister to be exempt from the basest researches; and he probably owes his personal escape to the precaution he took of landing at Stonington.

The law of nations, the reciprocal respect of the two Governments, the sacred rights of territory and hospitality, have all been audaciously violated in this circumstance.

Permit me to address myself to your excellency, and to request you to take such measures as your justice and prudence shall dictate, for repressing such audacious infractions of the laws of nations, and to prevent the functionaries of a republic in friendship with the United States from being exposed to such humiliating insults.

I am, with respect, &c.

L'ARCAMBAL.

Copy of the original.

P. A. ADET.

No. 154.

*Joseph Fauchet to Citizen Adet, Minister Plenipotentiary of the French republic near the United States.*NEWPORT, 17th Thermidor,
3d year of the French republic, one and indivisible.

CITIZEN:

The vice consul at Newport transmits to you the affidavit of the passengers who were on board the packet boat Peggy, of Newport, which was stopped and examined by the English ship Africa, at the entrance of this port, and within two miles of the land. I do not make any reflection on this insult, which at once violates the law of nations and the neutrality of the United States. The facts themselves are sufficient to lead to a presumption that your zeal will be excited on this occasion, which will appear unheard of only by those who are unacquainted with the history of the English. I shall express to you but one afflicting sentiment, which is, that, in a free State, with a Government in which England has just acquired a friend, there is no safety for myself or my papers: for, in a word, as it was from a public packet boat, in a neutral port, that I was to have been carried off, there is no reason why I should not be taken on the high way, or in an inn, if it could be done with impunity. What well thinking American will not grieve, my friend, at hearing that it was on the spot where French blood, for the first time, was shed for American independence, that an attempt was made to make me a prisoner!

I shall not give you any details; you will find them in a letter written to me by citizen Pichon, whom I had left on board the packet boat to inform me of events.

Receive the assurance, &c.

JH. FAUCHET.

P. S. The Africa has just anchored at Canonnicut ferry; she was driven in by stress of weather. Her late conduct gives her a great claim to the enjoyment of the most sacred hospitality of the Americans.

No. 155.

*Mr. Pichon to Mr. Fauchet.*NEWPORT, 15th Thermidor, (2d August, 1795.)
3d year of the French republic.

CITIZEN:

I cannot but felicitate you on the resolution you took yesterday, of setting off with your papers, from Stonington, for this city, by land. The information you had received of the design formed by the English for intercepting the sloop on board of which you had embarked, and seizing you and your papers, is verified, I acknowledge, in a manner calculated to render me less confident in the apparent safety of our passage, and I have reason to repent my not having followed you with citizen Bournonville. This disaster, however, has happily cost me but a few moments of disquietude, and, moreover, given me an opportunity of seeing the proceedings of the English on this occasion, in all their minutiae, and of tracing the motives to their source.

You have, doubtless, already heard, by public report, of the arrestation of the sloop Peggy, by the English ship Africa, in sight of the fort at Newport. Immediately on my arrival in this city, I had the proper steps taken for obtaining, before a proper officer, the declaration of Captain Bliss, and of the passengers whom I could collect. I found I had been anticipated in this by Mr. Martin, commandant of the militia of this county. This officer had already taken measures for the same object, with the view of directly informing the General Government of what had taken place, according to the circular orders expedited by the President of the United States to the Executives of the different States. I thought it my duty, however, to take a copy of Captain Bliss's and the passengers' deposition, certified by a notary public, among the number of whom you will find my signature. I have the honor to send you this copy, which I took expressly to transmit to you.

The principal facts are established completely in the affidavit. I am sorry the dispersion of the passengers, who are already either scattered through the city, or set out for Providence and Boston, did not allow a greater number of signatures. However, the authenticity of the deposition will probably not be contested: if it should, the rest of the passengers, who are all citizens of Philadelphia, New York, and Boston, might still be called upon as evidence.

On my part, I have nothing very particular to add to this declaration: however, as I have, according to your orders, carefully observed every thing that passed on this occasion, I shall report some circumstances which may be more particularly interesting to you.

The Africa's boats had some arms. The officers had their swords, and one or two pairs of pistols in the stern of each boat. This circumstance, added to the firing of a cannon at us, loaded with ball, and to our observing, when near the vessel, several pieces pointed, sufficiently show the intention of the commander, if we had endeavored to avoid him, or to gain the land.

When the search in the cabin was finished, they went to the hold. They desired the captain to point out our effects. He answered that he did not know the passengers' baggage. I then advised your servant to deny his having the keys, in case they should ask him for them. However, on hearing the officers who commanded the party say that they would break open your trunks, and reflecting that resistance would only augment suspicion, I desired him to go down and open them. The two of which he had the keys were examined with the exactness of an excise officer endeavoring to discover contraband goods. The whole was overturned and ransacked. During this operation, it was mentioned that the papers were all they wanted, and, in a low tone of voice, they felicitated themselves at having found them. They took, from one of the trunks, a bundle of papers, which I supposed to be letters for individuals. The officers, finding nothing more, inquired for two other trunks, observing it was known that Mr. Fauchet had embarked four trunks at New York. In the search for them, they met with a trunk belonging to citizen Chabert. They found his papers relative to his commanding the Argonaut, belonging to the India company, and also the ship called the Citizen of Marseilles. His journals, his charts, some signals, papers concerning his affairs, letters addressed to divers persons in France, all these appeared important to the officers, who judged in the gross, from the appearances, but were otherwise ignorant of the French language; the whole was thrown into a handkerchief, and set apart. They then came to my largest trunk. I had, hitherto, remained unknown. The owner was asked for. I kept at a distance, until finding that they were going to break it open, I went down with the key. They untied every bundle of papers, overturned the whole, without, however, being able to read any. I observed to these gentlemen, that, their avowed object being to seize despatches, they should not so freely overturn papers which were neither sealed nor covered. They replied by several observations more or less ridiculous, which showed their ignorance of the French language, and ended by the most conclusive reason, that such was the fortune of war. As you will observe in the affidavit how the scene terminated, I omit repeating it here.

I had decided to follow my papers on board the Africa, if they had taken them there, in order to assist at so insolent an inspection. The only fear I had was, that of being detained a prisoner. Besides, I suppose, from the hasty manner in which the search ended, that they were ashamed for having been so minute in it when they found that you had gone off with your papers.

I take the liberty to finish this letter by observing to you, that the English consul dined, on that day, on board the Africa, and was there during the detention of the packet boat. This circumstance characterises the infraction of which you were to have been the victim; it bespeaks the intervention of a superior authority, who would in vain

mask himself under the ignorance of the public law among seafaring people, or under the cloak of a mere feigned indignation. It is said that the English consul will explain this intervention fully.

Salut and fraternity.

PICHON.

True copy.

JH. FAUCHET.

True copy of the original.

P. A. ADET.

No. 156.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 2d Fructidor, (19th August, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:

I informed you by my letter of the 10th August, (old style) of the insult committed by the English ship of war *Africa* on the neutrality of the United States and the law of nations. I requested from you a reparation proportioned to the outrage committed towards the republic of France on the person of my predecessor. I requested it in the name of justice, in the name of the friendship which unites our two countries; I had every reason to expect it. From what fatality is it, sir, that the captain of the *Africa*, whose injurious proceedings are known, still finds an asylum in the ports of the United States; insults by his menaces the authority of your country; and dares to claim the same advantages enjoyed by the French frigate *Medusa* at Newport, and preserves his station in the middle of the entrance of that port? He will, without doubt, not quit this station unless it be to pursue the frigate *Medusa*, notwithstanding the law of nations, and the proclamation of the President of the United States, which prohibit all vessels of war from going out of the ports of the United States, or from using them as a station in order to cruise against enemy vessels. Can any other design be imputed to the *Africa*, and are not the friendship which the United States bear to France, the respect due to their neutrality, the honor of their Government and their laws, equally interested in preventing the *Africa* from consummating the new attempt which she meditates, if not arrested, in your ports? Should she not be ordered to quit them? If not, of what value are the friendship and treaties which connect the people? What would you wish the French republic to think of the intentions of the Government of the United States, when, on the one hand, an English vessel exercising an open robbery in the waters of your States, enjoys an asylum, an hospitality, due only to friends? And, on the other, a French ship of war comes into your ports under the guarantee of the law of nations, of your neutrality, and of our treaties, is arrested and seized in contempt of these same treaties, when the law of nations, the honor of the United States, are unattended to by the English who insult them; and when our treaties are violated, for the purpose of satisfying the indiscreet demand of a single individual.

That the new treaty connecting the United States with England cannot weaken ours, you have assured me, sir; you have told me that the intentions of the President were firm in this respect, and I have never doubted it. That treaty, you have always affirmed, cannot destroy the good dispositions of the American Government towards France. Are those dispositions and your promises ineffectual? I cannot believe it. I rather flatter myself that the present circumstances will convince me that I am not deceived, and that the republic will have a positive proof of that friendship of which it has so often received assurances. In this persuasion, I flatter myself that you will take the necessary measures in order to prevent the *Africa* from using your ports as a station whence to cruise on the French frigate *Medusa*. Referring, moreover, to my letters of the 9th, 11th, and 18th August (old style) I reiterate to you my application as to the corvette *le Cassius*, arrested in your ports in violation of our treaties, and I notify you that, if I do not speedily obtain justice, I shall abandon this vessel to the American Government, to its risk, reserving the right to future claim, and I shall refer the matter to my Government.

Accept, sir, &c.

P. A. ADET.

No. 157.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, September 5, 1795.

SIR:

On the 25th ultimo I had the honor to inform you (in answer to your letter of the 19th) that the violation of the laws of nations by the British ship of war *Africa*, in the instance to which you referred, had engaged the attention of the Government of the United States; at the same time mentioning some circumstances which might have caused delays.

To maintain the character of fairness and impartiality with which the President desired that all the acts of his administration might be marked, he was willing to allow full time for any representations and explanations which Captain Home, the commander of the *Africa*, might think proper to make: that time has elapsed, and none have been received. On the contrary, some recent acts show that he has repeated his aggressions. The President has, therefore, now determined to pursue such measures as are in his power to vindicate the sovereignty and rights of the United States. And as a principal aggression was committed by Captain Home, in the attempt made to take your predecessor, Mr. Fauchet, and his papers, it is just that you should receive the information I am going to communicate.

Governor Fenner is desired to transmit to Captain Home the demand of the President of the United States, that he immediately remove from a station within their jurisdiction, where he has violated, and continues to violate, their rights. The Governor is also desired to make known to Captain Home that, after forty-eight hours from the time this requisition shall be communicated to him, all intercourse between the citizens of the United States and the ship under his command will be forbidden.

Further, a full statement of the conduct of that officer will be transmitted to the minister of the United States at London, to be laid before the British Government for the purpose of obtaining reparation.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 158.

Mr. Pickering to the Governor of Rhode Island.

DEPARTMENT OF STATE, September 5, 1795.

SIR:

The President of the United States, ever desirous of manifesting the fairness and impartiality of his administration, was not in haste to decide upon the conduct of Captain Rodham Home, commander of the British ship of war *Africa*, for his violation of the sovereignty of the United States, as represented in the protest of Thomas Bliss, master of the sloop *Peggy*, sailing within the jurisdiction and under the flag of the United States; and for the menace

and insulting demands in his letter of the 31st of July, addressed to Thomas William Moore, Esq. His Britannic Majesty's vice consul in Rhode Island, and by him communicated to your excellency. Representations on this subject were made to His Britannic Majesty's minister, and since his departure, to his charge des affaires, with an intimation of the President's intention to wait a reasonable time for the counter representation of Captain Home, and such explanations from him and Mr. Moore as they should think proper to offer. That time has elapsed, and no satisfactory explanations have been given; on the contrary, it appears that Captain Home is continuing his aggressions. The President has therefore decided on the measures which his duty requires him to take, to vindicate the sovereignty and rights of the United States. In pursuance of this determination, I am now to desire your excellency to communicate to the said Captain Rodham Home the demand of the President of the United States, that he immediately remove from a station within the jurisdiction of the United States, where he has violated, and continues to violate, their rights; and that he forthwith liberate the three seamen, to wit: William Jones, John Caton, and George White, whom, with an armed force, he, on the 24th of the last month, seized and took from on board the ship *Anne*, John Tillinghast, master, then sailing within the jurisdiction of the United States, and carried on board the said ship *Africa*, where they are detained. I am also to request your excellency to make known to him, the said Captain Home, that after forty-eight hours from the time these requisitions shall be communicated to him, all intercourse between the citizens of the United States and the ship under his command will be forbidden. Those only can claim the rights of hospitality who respect the laws and rights of the nation on which the claim is made. To such, of whatever nation, the President desires, with perfect impartiality, to render and secure all those accommodations and advantages to which they are entitled from the United States.

I have the honor to enclose an act of the President, by which he has revoked the exequatur formerly granted to Mr. Moore as vice consul at Rhode Island, and to request your excellency to cause the same to be published.

I am, &c.

TIMOTHY PICKERING.

No. 159.

Mr. Pickering to Mr. Thomas William Moore.

DEPARTMENT OF STATE, September 5, 1795.

SIR:

It having been ascertained that, on the 2d of August, 1795, you transmitted to the Governor of the State of Rhode Island a letter, dated the 31st of July, addressed to you by Captain Rodham Home, commander of the British ship of war *Africa*, the contents whereof you saw were highly indecent and unjustifiable: as unrestrained by the respect you owed the Government by whose permission you exercised your office, you have thus co-operated with Captain Home in grossly insulting its authority, the President of the United States has judged it to be no longer proper that you should be permitted to exercise the functions or powers of a vice consul within the United States.

You will, therefore, receive enclosed a copy of the letters patent which have been issued for the revoking the exequatur heretofore granted to you, and which will be made public.

I am, sir, &c.

TIMOTHY PICKERING.

No. 160.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all whom it may concern.

Thomas William Moore, Esquire, having heretofore produced to me his commission as vice consul of His Britannic Majesty, within the State of Rhode Island, and having thereon received from me an exequatur, bearing date the 5th day of December, 1793, recognizing him as such, and declaring him free to exercise, within the said State, such functions and powers as may be given or permitted, by the laws of the land, to the consuls of nations, between whom and the United States no treaty or convention exists for permitting specific powers and functions to be exercised by their consuls reciprocally: And the said Thomas William Moore having, on the second day of August, 1795, transmitted to the Governor of the State of Rhode Island a letter, dated the 31st of July, 1795, addressed to him, the said Thomas William Moore, and written by Captain Rodham Home, commander of the British ship of war *Africa*, then lying at or near the port of Newport, in said State; which said letter is conceived in terms of menace and insult against the authority of the United States: And the said Thomas William Moore having participated in the commission of the said menace and insult, by transmitting the letter as aforementioned, having perfect knowledge of its contents: And it being no longer proper, and consistent with the respect due to the Government and authority of the United States, that the said Thomas William Moore should continue to exercise any of the functions or powers heretofore allowed, in virtue of his said commission as vice consul: These are, therefore, to declare, that I do no longer recognize the said Thomas William Moore as vice consul of His Britannic Majesty in any part of these United States, nor permit him to exercise any of the functions or powers heretofore granted; and I do hereby wholly revoke the said exequatur heretofore given, and do declare the same to be absolutely void from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of

[L. s.] America to be hereunto affixed. Done at the city of Philadelphia, the fifth day of September, one thousand seven hundred and ninety-five, and of the independence of the United States of America the twentieth.

G. WASHINGTON.

By the President's command:

TIMOTHY PICKERING.

No. 161.

Mr. Pickering to Mr. Monroe.

DEPARTMENT OF STATE, September 14, 1795.

SIR:

Before this letter reaches you, unofficial information will probably get to hand of the outrage committed by the British man of war the *Africa*, commanded by Captain Rodham Home, in his attempt to take Mr. Fauchet and his papers, on his passage from New York down the sound to Newport, where he was to embark for France in the frigate *Medusa*. The station taken by the *Africa*, in the waters of the State of Rhode Island, seems to have suggested to the people at Newport the idea that she intended to intercept Mr. Fauchet. An express was, therefore, sent to Stonington in Connecticut, where the sloop, in which Mr. Fauchet had embarked, was detained by contrary winds, to warn him of his danger. He then quitted the sloop, and taking his valuable papers with him, pursued his journey by land.

Captain Home made the expected attempt. The sloop was brought to, and two officers of the *Africa* went on board to search and take Mr. Fauchet, or his papers, or both—Captain Home, it seems, said the object was to take his papers only; and, accordingly, finding that those of value had been landed with Mr. Fauchet, the rest were returned unopened. The particulars of this action are stated in the deposition of Captain Thomas Bliss, the master of the packet in which Mr. Fauchet had embarked, of which a copy is enclosed. You will also find enclosed the copy of

an insolent letter from Captain Home for the Governor of Rhode Island, to be conveyed through the British vice consul, Mr. Moore, who was so indiscreet, and so little respected the dignity of our Government, as to send the Governor a copy of it.

The evidences of the outrage and insulting conduct of Captain Home, with the co-operation of Mr. Moore, were communicated to the British minister *chargé des affaires*, and the expectations of Government of reparation announced. For this purpose, and to give opportunity for counter-representations and explanations, time was necessary. Time accordingly was given: for justice as well as prudence required an observation of the maxim, *Audi alteram partem*.

After a reasonable time had elapsed, and no satisfactory explanations or counter proofs being offered, the President decided on the measures he would take. These you will find in the enclosed copy of my letter of the 5th instant to Governor Fenner. Besides which, the minister of the United States in London is charged "fully to represent these outrages of Captain Home, and to press for such reparation as the nature of the case authorizes the President to demand. What this should be, it was not necessary to specify. The President relies that His Britannic Majesty will duly estimate the injuries and insults proved to have been committed by Captain Home against the United States, and inflict upon him such exemplary punishment as his aggravated offences deserve; as the violated rights of a sovereign State require: and as it will become the justice and honor of His Majesty's Government to impose."

The letter beforementioned to Governor Fenner was sent from Philadelphia, by the post, on Saturday the 5th instant, when it bears date. On the *Monday following*, intelligence was received that the *Medusa* had sailed on the first, and that the *Africa*, in two or three hours afterwards, got under way to pursue her. I am particular in stating the days when the President's orders to Governor Fenner were despatched, and when the first information reached Philadelphia that the *Medusa* had sailed, because it is not improbable that the suspension of those orders may be represented as calculated to be inoperative; and it may be suggested that they were not issued finally until it was known that the *Africa* had left the waters of Rhode Island. But the facts are as I have stated them; and the true and only causes of the suspension are those which I have mentioned, and which you will see in the letter to Governor Fenner.

The circumstances, in respect to wind and weather, under which the *Medusa* sailed, joined with her swift sailing, enabled her to escape from the *Africa*, which has since returned to her former station at Rhode Island. The President's orders, prohibiting all intercourse with her, will now come into operation; and for her additional violation of the rights of a neutral nation, in immediately pursuing the *Medusa*, a new demand of satisfaction will be made on the British Government. A naval force to *compel* a due respect to our rights on the water you know we do not possess.

I have the pleasure to inform you that peace with all the Indians on our frontiers is at length accomplished. Georgia and the Southwestern territory have, for some months past, enjoyed tranquility; and the most prejudiced against the Creeks believe their pacification sincere. On the third of August, General Wayne concluded a treaty with all the Western Indians. This fact is declared in a letter of that date from the Quartermaster General at headquarters, to his deputy, Major Craig, at Pittsburg. So I rely upon it. I suppose General Wayne must have sent off the official account with the treaty by one of his aids, whose arrival I daily expect.

Quiet possession has been taken of Presqu' Isle, where some works are now erecting, for the protection of the inhabitants, and the security of our garrison.

But for the vexations on our commerce by the belligerent Powers, (for they are not confined to the British) we should enjoy perfect repose, amidst unexampled prosperity.

I am, very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 162.

NEWPORT, August 2, 1795.

SIR:

The following is a copy of a letter I received from Captain Home, of His Britannic Majesty's ship *Africa*, which I take the most early opportunity of forwarding to your excellency.

I have the honor to be, &c.

THOMAS WILLIAM MOORE.

His Excellency ARTHUR FENNER, Esq.

Governor and commander-in-chief of the State of Rhode Island, &c. Providence.

No. 163.

AFRICA, OFF RHODE ISLAND, July 31, 1795.

SIR:

I did expect to have the pleasure of seeing you on board the *Africa*, but as that is not the case, I am obliged to send an officer to you, under the present circumstances, and to desire that you will lay my letter before the Governor, or other chief magistrate of this island, which is to contain these several requests.

First, That there may be delivered up to me, immediately, an officer who was taken out of a British sloop, while in Newport, and confined on board the French frigate now in Rhode Island; this violent proceeding being contrary to the law of all nations in a neutral port. In the second place, that you may receive the aid of the civil power in this island, to send on board the *Africa* all British seamen, and others, who have been captured in any vessels, and set at liberty in these States: not a feigned and pretended aid, but such as our nation have a right to expect from the United States, with whom we are at peace and amity. And, thirdly, that I may be permitted to buy such refreshments as my ship's company are in need of; and that, in case I send my own boats on shore, my people and officers shall not be liable to insult from any of the inhabitants, or other, of whatever description, and to represent, in plain terms, to the Governor, that my officer, who carries this, or any other officer or people whom I may send on their just and lawful occasions, receive from any one individual, whether in the nature of a mob or otherwise, any affront or insult, I will immediately, on my part, come in with His Majesty's ship under my command, and protect my own people. And further, that if the Government or States here are, in such cases as I have mentioned, guilty of such a breach of neutrality, I will then look upon myself, in the same manner, as not bound to observe the neutrality of these ports; and that I am resolved to be treated in the same manner, in all respects whatever, as they do those of the French republic; and I am more plain in the nature of my present demands, as I have received a hint, that, if I send my people on shore, while the *Medusa* lies at Newport, they will be considered as spies. In this case I want to spy nothing. I am in full possession of every intelligence, regarding that ship, which I want to be possessed of. And I require a written answer from the Governor of Rhode Island to these demands, and that without loss of time.

I am, sir, &c.

RODHAM HOME.

To THOMAS WM. MOORE, Esq.

His Brit. Maj. Vice Consul, Rhode Island.

STATE OF RHODE ISLAND, &c.

The preceding contains a true copy of an original letter from Thomas Wm. Moore, and of a copy of Rodham Home's letter to him accompanying it, duly compared.

Witness,

HENRY WARD, Secretary.

[The following documents, although forming no part of those communicated to Congress by the preceding message, are inserted in this compilation for the purpose of supplying any omission, and developing, as far as practicable, the policy and measures of the respective Governments.]

INSTRUCTIONS.

PHILADELPHIA, June 10th, 1794.

SIR:

You have been nominated as the successor of Mr. Gouverneur Morris, in the office of minister plenipotentiary of the United States of America to the republic of France, from a confidence that, while you keep steadily in view the necessity of rendering yourself acceptable to that Government, you will maintain the self respect due to our own. In doing the one and the other of these things, your own prudence and understanding must be the guides; after first possessing yourself of the real sentiments of the Executive relative to the French nation.

The President has been an early and decided friend of the French Revolution; and whatever reason there may have been, under our ignorance of facts and policy, to suspend an opinion upon some of its important transactions, yet is he immutable in his wishes for its accomplishment; incapable of assenting to the right of any foreign prince to meddle with its interior arrangements; and persuaded that success will attend their efforts; and particularly, that union among themselves is an impregnable barrier against external assaults.

How the French Government, when it shall be no longer attacked by foreign arms, will ultimately settle, is a point, not yet reduced to any absolutely certain expectation. The gradation of public opinion, from the beginning of the new order of things to this day, and the fluctuation and mutual destruction of parties, forbid a minister of a foreign country to attach himself to any as such, and dictate to him not to incline to any set of men, further than they appear to go with the sense of the nation.

When the executive provisory council recalled Mr. Genet, they expressed a determination to render it a matter of eclat, as you have seen, and at the same time disavowed all his offensive acts. Nothing having been forwarded to us, relative to Mr. Morris, which requires a disavowal, you will, if you should be interrogated as to any particular feeling prevailing with the President upon the occasion, refer to the letter from the Secretary of State to Mr. Fauchet, as explanatory of the President's promptness to comply with their demand.

From Mr. Genet and Fauchet we have uniformly learned, that France did not desire us to depart from neutrality; and it would have been unwise to have asked us to do otherwise: for our ports are open to her prizes, while they are shut to those of Great Britain; and supplies of grain could not be forwarded to France with so much certainty, were we at war, as they can even now, notwithstanding the British instructions; and as they may be, if the demands to be made upon Great Britain should succeed. We have, therefore, pursued neutrality with faithfulness; we have paid more of our debt to France than was absolutely due, as the Secretary of the Treasury asserts; and we should have paid more, if the state of our affairs did not require us to be prepared with funds for the possible event of war. We mean to continue the same line of conduct in future; and to remove all jealousy with respect to Mr. Jay's mission to London, you may say, that he is positively forbidden to weaken the engagements between this country and France. *It is not improbable that you will be obliged to encounter, on this head, suspicions of various kinds. But you may declare the motives of that mission to be, to obtain immediate compensation for our plundered property, and restitution of the posts.* You may intimate, by way of argument, but without ascribing it to the Government, that, if war should be necessary, the affections of the people of the United States towards it, would be better secured by a manifestation that every step had been taken to avoid it; and that the British nation would be divided, when they found that we had been forced into it. This may be briefly touched upon as the path of prudence with respect to ourselves; and also with respect to France, since we are unable to give her aids of men or money. To this matter you cannot be too attentive, and you will be amply justified in repelling with firmness any imputation of the most distant intention to sacrifice our connexion with France to any connexion with England. You may back your assertions by a late determination of the President to have it signified abroad that he is averse to admit into his public room, which is free to all the world besides, any Frenchmen who are obnoxious to the French republic; although, perhaps, it may again happen sometimes, as many go thither, whose names and characters are utterly unknown.

It is very probable that our country will become the asylum for most of the French who expatriate themselves from their native land. Our laws have never yet made a distinction of persons, nor is such a distinction very easy. Hence some of those who are perhaps antipathetic in France, have thrown themselves upon the protection of the United States. This will not, as it surely ought not, to be misinterpreted into any estrangement from the French cause. You will explain this, whenever it shall be necessary.

If we may judge from what has been at different times uttered by Mr. Fauchet, he will represent the existence of two parties here, irreconcilable to each other. One republican, and friendly to the French revolution; the other monarchical, aristocratic, Britannic, and anti-Gallican: that a majority of the House of Representatives, the people, and the President, are in the first class; and a majority of the Senate in the second. If this intelligence should be used, in order to inspire a distrust of our good will to France, you will industriously obviate such an effect; and if a fair occasion should present itself, you may hint, that the most effectual means of obtaining from the United States, what is desired by France, will be by a plain and candid application to the Government, and not by those insidious operations on the people, which Genet endeavored to carry on.

The information which we possess of France, before and in the early stages of the Revolution, must be considerably changed at this day. You will, therefore, transmit to us, as soon as possible, an account of the navy, the agriculture, and the commerce of France. It is desirable, too, to know upon what footing religion really stands. These, however, are general objects. But we are particularly concerned to understand the true state of the different sects of politicians. Are there any of the old friends to the ancient regime remaining? Are any new friends created by the course of things? Are the Brissotines extinguished? Are the Dantonists overwhelmed? Is Robespierre's party firmly fixed? Is he capable, from talents and personal fortitude, to direct the storm? Is his character free from imputation, as to money? Is he friendly to the United States? How is the executive power administered now? What new accession of authority may have lately accrued to the committee of public safety? What relation do the twelve commissions of administration, which have been lately established, bear to that committee? What is the true cause of the various changes, which have lately taken place, by one party rising upon the ruins of another? What assurance can be had, that any party can so long maintain itself, as to promise stability to the Government? Are the people sincerely affectionate to their present Government; or are they restrained by the terror of the revolutionary tribunal, or by the danger of having their country dismembered by the coalesced princes? What species of executive will probably be at last adopted? What characters bid fair to take the helm of affairs, after the great destruction and banishment of able men? These and many other questions of the same nature ought to be solved, to enable us to see things in a true light. For without doubting the solidity of the French cause, we ought not to be unprepared for any event. If, therefore, any very momentous turn should arise in French affairs, upon which the conduct of our Government may depend, you need not hesitate at the expense of an advice boat, if no other satisfactory opportunity should occur. But it is the wish of the President, that, at the end of every week, you commit to a letter the transactions of it, and embrace every proper conveyance, by duplicates, and, in great cases, even by triplicates.

Should you be interrogated about the treaty of commerce, you may reply that it has never been proposed to us by Mr. Fauchet. As to any thing else concerning it, you will express yourself not to be instructed; it being a subject to be negotiated with the Government here.

In like manner, if a treaty of alliance, or if the execution of the guarantee of the French Islands, by force of arms, should be propounded, you will refer the republic of France to this side of the water. In short, it is expected, with a sure reliance on your discretion, that you will not commit the United States, by any specific declarations, except where you are particularly instructed, and except too in giving testimony of our attachment to their cause.

There is reason to believe that the embargo, when it was first laid, excited some uneasy sensations in the breast of the French minister. For it so happened that, at the moment before its operation, pretty considerable shipments

of flour were made to the British West Indies, and a snow, called La Camille, laden with flour, for France, was arrested near Newcastle, on the Delaware, after she had quitted the port of Philadelphia. But you know enough of the history of this business to declare that the embargo was levelled against Great Britain, and was made general merely because, if it had been partial against her, it would have amounted to a cause of war; and, also, that it was not continued, merely because it was reputed to be injurious to France. My letters to Mr. Fauchet will explain the case of La Camille, and all his complaints about the embargo.

Should our embargo be brought up, the way will be easy for our complaint against the embargo of Bordeaux. At any rate, you will remonstrate against it, and urge satisfaction for the sufferers. You will receive all the papers which have come into the Department of State relative to those matters; and you will, besides, open a correspondence with the captains and persons interested at Bordeaux, in order to obtain more accurate information.

But you will go further, and insist upon compensation for the captures and spoiliations of our property, and injuries to the persons of our citizens, by French cruisers. Mr. Fauchet has been applied to, and promises to co-operate for the obtaining of satisfaction.

The dilatoriness with which business is transacted in France will, if not curtailed in the adjustment of these cases, produce infinite mischief to our merchants. This must be firmly represented to the French republic; and you may find a season for intimating how unfortunate it would be if so respectable a body as that of our merchants should relax in their zeal for the French cause, from irritation at their losses. The papers on this head are a statement of French cases, Mr. Fauchet's letters to me, and the documents themselves.

You know the extreme distress in which the inhabitants of St. Domingo came hither, after the disasters of the Cape. Private charity, and especially at Baltimore, most liberally contributed to their support. The Congress at length advanced fifteen thousand dollars, with a view of reimbursement from France. This subject has been broken to Mr. Fauchet here, and he appears to have been roused at the idea of supporting, by French money, French aristocrats and democrats indiscriminately. Both he and his nation ought to be satisfied that, in the cause of humanity, oppressed by poverty, political opinions have nothing to do. Add to this, that none but the really indigent receive a farthing. It was the duty of the French republic to relieve their colonists laboring under a penury so produced; and, as it would have been too late to wait for their approbation before the payments were decreed, it will not be deemed an offensive disposal of French money that we now make a claim for repayment. If Mr. Fauchet has power upon the subject, an attempt will be made for a settlement with him here; but that being very doubtful, it will forward the retribution by discussing it in Europe.

You will be also charged with the demands of several American citizens for bills of exchange drawn in the French West Indies on France. The report of a committee of them, Mr. Fauchet's letter, and the vouchers, which you will carry, leave no doubt of your success. But if there should be any difficulty, do not fail to communicate it to the Secretary of State instantaneously. The sooner, therefore, the affair is entered upon, the better.

It is important that no public character of the United States should be in France which is not acceptable. You will inquire into the consuls, and inform how they are approved, and whether they be deserving. *Although the President will avoid, as much as possible, to appoint any obnoxious person, consul, it may happen otherwise, and must be considered as accidental.* Mr. Alexander Duvernay goes for Paris in the quality of vice consul, and Mr. Fauchet said that he had nothing to object to him.

Consulates are established in every port of France where they are conceived useful. But perhaps you may find it advisable to mark out some other places for such offices.

It is recommended that no business of consequence be carried on verbally, or in writing, but in your own language.

The minister of each nation has a right to use his national tongue, and few men can confide in their exactness when they do business in a foreign one. But great care is necessary in the choice of interpreters when they are to be resorted to.

It is a practice of great utility to note down every conversation of consequence which you hold, immediately after retirement; and the Executive will expect to receive copies of what shall be thus written.

A communication with our other ministers in Europe, under proper caution, may be advantageous.

Let nothing depend upon verbal communication which can be carried on in writing.

To conclude. You go, sir, to France, to strengthen our friendship with that country; and you are well acquainted with the line of freedom and ease to which you may advance without betraying the dignity of the United States. You will show our confidence in the French republic, without betraying the most remote mark of undue complaisance. *You will let it be seen that, in case of war with any nation on earth, we shall consider France as our first and natural ally.* You may dwell upon the sense which we entertain of past services, and for the more recent interposition in our behalf with the Dey of Algiers. Among the great events with which the world is now teeming, there may be an opening for France to become instrumental in securing to us the free navigation of the Mississippi. Spain may, perhaps, negotiate a peace, separate from Great Britain, with France. If she does, the Mississippi may be acquired through this channel, especially if you contrive to have our mediation in any manner solicited.

With every wish for your welfare, and an honorable issue to your ministry, I am, sir, &c.

EDMUND RANDOLPH.

From the Secretary of State to Mr. Monroe.

PHILADELPHIA, July 30th, 1794.

Sir:

I have applied to Mr. Fauchet for the adjustment of the fifteen thousand dollars, voted by Congress for the relief of the St. Domingo people. His answer is not yet received, although I can be at no loss to anticipate it. For I recollect, when he first came, he felt uneasy that Congress should be granting (as he called it) French money against the will of the republic; and even after I had pressed upon him the obligation of his Government to support its indigent citizens; the heavy tax which these unhappy fugitives had been upon us, and the impossibility of seeing them starve in our country, no other impression was made upon him than to narrow his objection to the disbursement of French money for the support of aristocrats as well as democrats. You will, therefore, proceed to bring this article immediately into view; and as it is short in its principle so will it be sufficient for us to obtain a short decree, that such parts of the fifteen thousand dollars as may have been expended upon the succor of the indigent inhabitants of St. Domingo, who took refuge here after the disasters of the Cape, be credited to the United States in their account with the French republic.

We have heard, with regret, that several of our citizens have been thrown into prison in France, from a suspicion of criminal attempts against the Government. If they are guilty, we are extremely sorry for it; if innocent, we must protect them. It is the desire, therefore, of the President, that you should, without delay, collect intelligence of every American citizen under confinement, and of his case; and whatsoever ought and can be done, to do promptly and decisively; taking care to see that your path is clear, and affording no pretext for being charged with demands against the law of nations. Among these persons are Archibald Hunter, and Shubael Allen; concerning both of whom papers are enclosed, and who ought to be immediately assisted, as far as may be right; since their sufferings are known. I consign them to your earliest attention and warmest activity.

Mr. Macarty, whose letter is enclosed, has been lately appointed consul for the United States, in the Isle of France, from whence he dates. The circumstances which he relates are serious and important; and it is wished that you lose no time in having every thing rectified and compensated, as to past instances, and to prevent a repetition of future.

The enclosed letter, from one Binard, of Brest, speaks of his having been appointed vice consul of the United States there, by Mr. Burrall Carnes, our late consul at Nantes. In this he is mistaken, as Mr. Carnes had no right

to appoint a vice consul under himself, and probably went no further than to constitute him an agent, as consuls may lawfully do. Mr. Dobree, having succeeded Mr. Carnes, will probably take similar measures with respect to an agent; but it is desirable that you should immediately examine this matter well, and cause to be done what shall appear beneficial to our trade.

If a vice consul should appear to be really necessary, you will inform me by the first opportunity.

Mr. G. Morris having recommended Mr. Francis Coffyn to be our consul at Dunkirk, a temporary commission is sent to him, and will be submitted to the Senate for renewal; unless, from a view of all circumstances relative to his situation, (he being understood to be now in confinement for some cause or other) you should think it improper that he should be employed in the service of the United States.

Mr. G. Morris will have probably communicated to you the steps which he has lately taken to accomplish a peace with Algiers, and the liberation of our fellow-citizens in captivity. But, lest he may have accidentally omitted to mention them, I forward a copy of his letter which describes his measures. As he had received no particular powers upon this head, and is not minute in that letter, as to the instructions which he has given, we are left to conjecture what course has been pursued. You will, therefore, inform the proper authority that the President learns, with great satisfaction, the new testimony given by the French republic of attachment to the interests of the United States; not doubting, at the same time, that it must prove beneficial to the supplies of France from hence; that the powers derived from Mr. Morris to the agent who was to accompany, on our part, the French commissioner, though they are, as yet, unknown to us, have, no doubt, been judicious, and the acts, in conformity with those powers, will be confirmed, if they shall be found to come within the spirit of the plan hitherto adopted; that Colonel Humphreys, our minister at Lisbon, has been long ago specially appointed to this business, possesses a full knowledge of our views and our means, and has been particularly conversant in our attempts for peace with Algiers; that he will, if he should think it necessary, instruct the agent appointed by Mr. Morris; that we trust the auspices of the French republic will be continued to the efforts under the guidance of Colonel Humphreys; and that, as an evidence of our confidence in the French Government, you are empowered, if you conceive it to be advisable, to impart the terms upon which we expect to buy peace; but the circumstances and consequences of such communication are to be well weighed before it be made.

The cases of spoliation and vexation from the French cruisers on our trade, I again most earnestly recommend to your anxious attention. Mr. Fauchet has promised to forward a recommendation of them to his Government. You will do well to press the *principle* without delay; and if doubts are entertained as to facts, put the subjects into a train for the most early decision. The French republic will surely never suffer us to be plundered by their citizens; and that we have greatly suffered by their plundering, the papers accompanying this letter, if they be true, manifest. We are no less disturbed at the conduct concerning the embargo at Bordeaux. If the account brought hither lately, by one of the captains who were detained there, be genuine, the promise of compensation has been illusory only. You are, therefore, again charged to make this also your special and immediate business; and to press the rights of our citizens in a manner which indicates that we cannot waive the justice due to us. In short, sir, it is the express instruction of the President that you diligently inquire into every inconvenience to which our trade has been subjected; and to remonstrate strongly upon them, and represent the facts to us fully and minutely. Had not Mr. Morris so strenuously pressed the affair of the ship *Laurens* of Charleston, which is committed to your care, I would here repeat all the circumstances. But these may be obtained as well from Mr. Morris as from the French archives. The decrees upon which the conduct of the French republic was founded, in this case, which I note particularly, on account of these decrees, have also been remonstrated against by Mr. Morris; and I question whether much matter can be added to his observations. But such of those decrees as tend to the condemnation of the *Laurens* are gross violations of our rights. You, no doubt, will have resumed this subject immediately on your arrival; and you are at liberty to speak in a firm and decisive tone, taking care to avoid offence, or, in any degree, to weaken the friendship between the two countries. As you carried with you a statement from this Department relative to the spoliations of our trade, and copies of Mr. Fauchet's letters respecting them, I do not repeat them here. But these will assist you in the demands which you are to make on the French Government.

I am, &c.

EDM. RANDOLPH, *Secretary of State.*

Mr. Monroe to the Secretary of State.

PARIS, August 11, 1794.

SIR:

On the 31st ultimo I arrived at Havre, and, on the 2d instant, at this place. Mr. Morris was, upon my arrival, from town, but he came in as soon as advised of it. By him I was presented to the commissary of foreign affairs, who assured me that, as soon as the form of my reception should be settled, he would apprise me of it, but that this would unavoidably create a delay of some days, as well from the present derangement of their affairs, on account of the late commotion of Robespierre, as from the necessity of making some general regulation in that respect, it being the first instance in which a minister had been addressed to the republic. I assured him I should wait, with pleasure, the convenience of those whom it concerned, and since which I have not seen him; but hear that the subject is under consideration of the committee of public safety, and will probably be concluded in a day or two.

I heard, at Havre, of the crimes and execution of Robespierre, St. Just, Couthon, and others of that party, and should have written to you on the subject, from that port, but that I knew I could give only the current report, varying, perhaps, in every sea port town, and which might reach you before my letter. I hastened, therefore, to Paris, in the hope of acquiring there immediately more correct information of facts, as well as of the causes which gave birth to them; but, even yet, I suspect I am on the surface only, for it will take some time to become well acquainted with the true state of things on a theatre so extensive and important.

That Robespierre and his associates merited their fate is a position to which every one assents. It was proclaimed by the countenances and voices of all whom I met and conversed with from Havre to Paris. In the latter place, where the oppression was heaviest, the people seemed to be relieved from a burthen which had become insupportable. It is generally agreed that, from the period of Danton's fall, Robespierre had amassed in his own hands all the powers of the Government, and controlled every department in all its operations. It was his spirit which ruled the committee of public safety, the Convention, and the revolutionary tribunal. The Convention was soon found, after the abrogation of the constitution, to be too unwieldy and slow in its deliberations to direct the great and complicated mass of executive business; this had given birth to two committees, the one of *salut public*, the other of *sureté generale*, into whose hands the whole was deposited. To the former was assigned the management of foreign affairs, the direction of the armies, &c.; to the latter the interior administration; and they were respectively enjoined to render an account, monthly, of their transactions to the Convention. It was intended that these committees should be independent of each other, and both under the immediate control of the Convention; but, by the distribution of their powers, this design was defeated, for such an ascendancy was thereby given to the committee of public safety that the other became its instrument, acting only under its authority. The principal members of the Convention were placed in these committees, and Robespierre, who was by far the most influential one, was assigned to the committee of public safety. It soon happened, in the course of the administration, from the very extensive patronage, comparative weight of character, and immense power, that this committee gained likewise an entire ascendancy in the Convention, and controlled all its measures. Nor was the organization of the revolutionary tribunal more favorable to the independence of that branch, and, of course, to public and personal liberty. It was equally dependent on, and the creature of, this committee. Robespierre, therefore, had become omnipotent. It was his spirit which dictated every movement, and particularly the unceasing operation of the guillotine. Nor did a more bloody and merciless tyrant ever wield the rod of power. His acts of cruelty and oppres-

sion are, perhaps, without parallel in the annals of history. It is generally conceded that, for some months before his fall, the list of prisoners was shown him, every evening, by the president of the revolutionary tribunal, and that he marked those who were to be the victims of the succeeding day, which order was invariably executed. Many whole families, those under the age of sixteen excepted, were cut off, upon the imputation of conspiracies, &c. but for the sole reason that some members had been more friendly to Brissot, Danton, &c. or had expressed a jealousy of his power. His oppression had, in fact, gained to such a height that a convulsion became unavoidable. The circumstances which immediately preceded and brought on the crisis are differently recounted. Some make him the active party, and believe that he had arranged with the commune and the guards of the city the plan of a general massacre of his enemies in the Convention. But I am of opinion that these projects, for they were certainly contemplated, proceeded from despair, and were adopted at the moment only as the means of defence. The time and manner of the explosion, which was in the Convention, support this idea. It had been intimated, some days before, by him or St. Just, that other conspiracies threatened the safety of the republic, and which ought to be laid open. The communication was given in such a manner as to satisfy the audience that he meant Tallien and some other members of the house. And, in the moment of the explosion, St. Just had commenced a development of this pretended conspiracy, leading to a denunciation of these members. If the power of Robespierre remained, it was well known that death and denunciation went hand in hand. To repel it by a counter one was the only remaining hope. It could, in no event, produce a worse effect. Tallien, therefore, rose, and interrupted St. Just, demanding: "How long shall we be abused with denunciations of pretended conspiracies? 'Tis time to draw the veil from perfidy so flagrant." St. Just was silenced, and driven from the tribune. Robespierre ascended, and made many efforts to speak, in vain. The whole Convention rose, and cried out, with one voice, "Down with the tyrant!" He stood like one amazed and stupefied, staring at the Convention, with a countenance equally bespeaking indignation and terror; deprived of the power of utterance, but yet afraid to descend. As soon as the Convention saw its strength, he was arrested, and sent a prisoner to the committee of public safety; but, by this time, his immediate coadjutors had taken the alarm, and were endeavoring to excite commotions in the city in his behalf. Henriot, the commander of the guard, with a few followers, pursued and rescued him from the committee. He then took his station with the commune, heretofore the theatre of his power, and began to harangue the people, and with some effect; whilst Henriot, in the character of general, was busied in assembling the guards in the place before the hall of the Convention, with intention to fire on it. There was, at this moment, an awful pause in the affairs of the republic. Every thing was suspended, and the public mind greatly alarmed and agitated. The situation of the Convention was truly interesting. They knew that all the appointments were conferred by Robespierre, that he had been long deemed a patriot, and still possessed, by means of affection or terror, a wonderful influence over the citizens at large; and, more immediately in their presence, they saw Henriot, at the head of a respectable force, menacing an attack. But that body was not unmindful of its dignity or its duty upon that great occasion. On the contrary, it displayed a degree of fortitude and magnanimity worthy of those who aspire to the exalted character of defenders of their country. It calmly entered upon the subject of defence; declared Robespierre, St. Just, Couthon, Henriot, and the commune, without the protection of the law; appointed a commandant of the guard, and sent deputies to the sections to admonish them of their danger, and warn them to stand at their posts in defence of their country. A moment's reflection settled the public mind. The people beheld, on the one side, the Convention laboring to save the republic, and, on the other, Robespierre and his associates in open rebellion. Hesitation was at an end. The citizens rallied immediately to the standard of their sections, and Robespierre and his associates were taken at the same time to prison, and, on the next day, to execution, amidst the rejoicing and acclamations of the people.

Many believe that Robespierre aimed at despotic power, and sought to establish himself upon the throne of the Capets, in the character of protector, or some such character; and, in pursuit of this idea, say, that he counted upon the support of the armies, and particularly the army of the north, and had otherwise arranged things in such order as to favor the project. What his views of ambition and carnage were, I know not: that they had been great was certain; but that he had concerted any plan of permanent establishment for himself, or been promised such support, even where his influence was greatest, cannot be true, nor is it warranted by circumstances. If he was not promised the support, it is not probable he had such a scheme; and that it was not promised, must be obvious to those who take into view all the circumstances which merit consideration. It will be observed, by those who wish to form a just estimate of the future course and fortune of this revolution, that, from its commencement to the present time, no person ever raised himself to power but by the proof he had furnished of his attachment to the cause, by his efforts to promote it; and that, from the moment doubts were entertained of the solidity and purity of his principles, did his influence begin to decline in equal degree. This was seen in the instances of Lafayette, Dmouriez, Brissot, Danton, and finally, Robespierre himself; two of whom, though popular generals, were abandoned by the armies they commanded; the former compelled to seek refuge in a foreign country, and the latter in the camp of the enemy; and the others, though eminent in the civil department, were, upon like charges, condemned by the public voice to the same fate. In fact, the current of sentiment and principle has been such, that no character or circumstance has been able to obstruct its course: on the contrary, it has swept every thing before it. Can it be presumed, then, and especially at this moment, when the ardor of the nation, inflamed by conquest, is at the height, that any respectable number of citizens, of any description, would turn aside from the great object of the revolution, to countenance, in any individual, schemes of usurpation and tyranny? Did not the late event, even in Paris, disprove it, where Robespierre had most influence? There was no opposing force but what depended on public opinion, and every thing tended to favor his views.

From due consideration of all circumstances, I am led to ascribe the sanguinary course of Robespierre's proceedings to a different cause. I consider the contest between him and Danton as a contest for power between rivals having the same political objects in view. The former was jealous of the latter; and having gained the ascendancy, and the defective organization of the Government permitting it, by means of his influence in the judiciary, he cut him off. But the arrestation and condemnation were regular, according to the forms prescribed by law, and were, on that account, submitted to. The public, however, saw into the oppression, and disapproved of it; for, at the moment when Danton was led to execution, there was a general gloom upon the countenances of the citizens. They all attended at the place, in hope of hearing the explanation: they heard none, and retired dissatisfied. Robespierre saw this, and in it the foreboding of his own ruin. From that moment he saw nothing but conspiracies, assassinations, and the like. He was surrounded by informers, and had spies and emissaries in every quarter. By means of severity he sought his safety, and therefore struck at all his enemies in the hope of extirpating them. But it happened in this as it always happens in like cases, every new execution increased them tenfold. It progressed thus till it could be no longer borne, and terminated as I have already stated.

It may be asked: Is there any reason to hope that the vicious operation of the guillotine will be hereafter suspended? May not factions rise again, contend with and destroy each other as heretofore? To this I can only answer, that the like is not apprehended here, at least to the same extent; that the country from Havre to Paris, and Paris itself, appears to enjoy perfect tranquility; that the same order is said to prevail in the armies, who have addressed the Convention, applauding its conduct, and rejoicing at the downfall of the late conspirators. Some circumstances, it is true, have been seen indicating a suspicion that all Robespierre's associates had not suffered the fate they merited, and ought not to escape; but latterly this has abated, though it is possible it may revive again. In general, it may be remarked that, until peace and a well organized Government shall be established, no sure calculation can be formed of what may happen in this respect. I am happy, however, to observe, that the subject of reform in the committees and revolutionary tribunals (and which was taken up immediately after the late commotion subsided) is now under discussion, and that the propositions which are depending are calculated to preserve, as far as possible, the control of the Convention over the former, and promote the independence, and otherwise improve the organization, of the latter.

But are not the people oppressed with taxes? worn out by continual draughts to reinforce the armies? Do they discover no symptoms of increasing discontent with the reigning Government, and of a desire to relapse again under their former tyranny? What will become of the army at the end of the war? Will it retire in peace, and enjoy in

tranquillity that liberty it has so nobly contended for; or will it not rather turn its victorious arms against the bosom of its country? These are great and important questions, and to which my short residence here will not permit me to give satisfactory answers. Hereafter I shall be able to give you better information in these respects. At present I can only observe, that I have neither seen nor heard of any symptom of discontent showing itself among the people at large. The oppression of Robespierre had indeed created an uneasiness, but which disappeared with the cause. I never saw in the countenances of men more apparent content with the lot they enjoy, than has been shown every where since my arrival. In the course of the last year the Convention recommended it to the people, as the surest means of support for their armies, to increase the sphere of cultivation, and from what I can learn, there never was more land under cultivation, nor was the country ever blessed with a more productive harvest. Many fathers of families, and a great proportion of the young men, are sent to the frontiers, and it was feared it would be difficult to reap and secure it; but the women, the boys, and the girls, even to tendage, have supplied their places. I saw this with amazement upon my route from Havre to this place, and am told it is generally the case. The victories of their armies are celebrated with joy and festivity in every quarter, and scarcely a day has latterly passed without witnessing a deputation to the Convention, and often from the poorest citizens, to throw into its coffers some voluntary contribution for the support of the war. These are not symptoms of disgust with the reigning Government, and of a desire to change it!

With respect to the present disposition of the army, or what it may be at the end of the war, I can say less, as I have not seen it. At present the best understanding subsists between it and the Convention. It is possible that, in the course of service, if the war should last long, many of its members may acquire habits unfriendly to retirement; but in an army composed of the yeomanry of the country, as this is, that sentiment will be less apt to gain ground than in any other. Besides, is it not presumable, that the spirit which has raised and influenced this, will continue to produce some effect, even in its final disposition? If, however, there should still remain a considerable force on foot, which could not be prevailed on to retire; fond of conquest, of rapine, and of plunder; can it be supposed that its parent country will furnish the only and most grateful theatre to act on? Will no other portion of Europe present before it a more productive field, whereon to gratify ambition, avarice, or revenge? There must always remain in the breasts of the soldiers some sentiment in favor of their relatives; and the fortunes of the wealthy will be pretty well broken and dissipated here by the course of the revolution. The example of the Roman empire is always before those whose apprehensions are greatest upon this head: they see there nothing but kindred armies fighting against each other, and tearing the commonwealth in pieces; but they make no allowance for the great difference in the state of things. The armies of the empire were raised in the conquered provinces, and composed of foreigners. They, therefore, had no attachment to Rome. The state of the country and the spirit of the age, are likewise different. The dissensions of Rome were the convulsions of a corrupt and worn out monarchy, verging rapidly to a decline. But here the case is different; the armies are otherwise composed, and the spirit of the age, that of a rational and philosophical reform, seeking to establish the public liberty, and sweeping before it old and corrupt institutions which were no longer tolerable.

I have thus gone into this interesting subject from a desire to give the best view in my power of the late commotions and present state of the internal affairs of this country, because I well know its importance to my own. It will be my object to improve my knowledge of it, and keep you correctly informed in every particular, and as regularly as opportunities offer.

With respect to the state of the war, I can only say, in general, that the armies of France have prevailed over the combined forces every where. The commencement of the campaign was favorable to them; but the action which took place in July, near Charleroy, on the plains of Fleurus, between Cobourg, at the head of about one hundred thousand men, and Jourdan, with an inferior force; and which terminated, after the severest conflict and great slaughter on both sides, in favor of the French arms, has evidently given them the superiority ever since. This was certainly one of the most important and bloody actions which has been fought in the course of the present war. Cobourg, unwilling to retire before the republican troops, had gathered together all his forces, with design to hazard a general action, and in the hope of regaining Charleroy. He attacked them at every point, about five in the morning, formed in the field, and ready to receive him. Three times he drove them back within their entrenchments, reluctant to yield the day: but they sallied out a fourth time, with still greater impetuosity, shouting through all their ranks, "*we will retreat no more!*" and singing the Marseilloise hymn, and other patriotic songs, advanced with an ardor which was irresistible. The attack succeeded. Cobourg, with his routed army, fled before them, leaving on the field, according to the French accounts, about ten thousand slain. The French, it is supposed, lost about fifteen thousand men. They have taken, in the course of the present campaign, Ostend, Mons, Tournay, Namur, Tirlemont, Landrecy, Anvers, Ghent, Charleroy, Brussels, Quesnoy, Louvain, Liege, Nieuport, Cadsand, (at the mouth of the Scheldt) with some other places lying in that quarter. Cobourg at present occupies the ground in the neighborhood of Maestricht, and endeavors to cover the frontier of Holland. It is, however, daily expected another action will take place, which may settle the fate of the Low Countries. Condé and Valenciennes, you observe, are left in the rear; they are yet possessed by the combined forces, but are invested, and it is thought will soon fall.

Their success in Spain has likewise been great. They are in possession, at present, of the whole of the province of Guypuscoa, Bilbao excepted. Many prisoners and immense parks of artillery have been taken from the Spaniards. The detail I cannot give you with any kind of accuracy, but will endeavor to comprise it in my next.

There has been but one sea action, and which was between the French and English fleets, in the course of the present summer. The French had twenty-six ships, and the English twenty-eight. The English, having the wind, bore down on the French, and separated seven ships from their main force. Of these they took six and sunk the other. It is said there never was a more bloody, or better fought action on both sides. It lasted three days. On the fourth, the British filed off with the ships they had taken, and sailed into port. The French, having offered to renew the combat, likewise retired afterwards to Brest, whither they conducted the merchantmen convoyed from America, and which was the object of the contest, safe.

I shall write you again in a few days, and I hope to inform you of my reception. For the present, therefore, I shall conclude, with assurances of the great respect and esteem with which I am, &c.

Mr. Monroe to the Secretary of State.

PARIS, August 25, 1794.

SIR:

In my last, of the 11th instant, I mentioned to you that I had been presented to the commissary of foreign affairs, for reception, and was assured he would lay the copy of my credentials, which I left with him, before the committee of public safety, under whom he acted, and to whom it more particularly belonged to appoint the time and regulate the mode. After this, I waited eight or ten days without progressing an iota; and as I heard that a minister from Geneva had been here about six weeks before me, and had not yet been received, I was fearful I might remain as long, and perhaps much longer, in the same situation. It was obvious that the public boards had been so much shocked by the late disaster, that, from a variety of considerations, some public and others private, they could scarcely move forward upon any subject. At the same time, I had reason to believe it was the general desire that I should be received as soon as possible, and with every demonstration of respect for the country I represented. Upon the most mature consideration, therefore, I thought it incumbent on me to make an effort to break through these difficulties, and expedite my reception. The Convention, I knew, possessed the sovereign authority of the nation; and I presumed that, by addressing myself to that body, and especially in the present state of things, I should not only avoid the censure of any subordinate department, but perhaps relieve it from an unpleasant dilemma, and at the same time, make an experiment of the real disposition of this country towards my own. The latter consideration I deemed of some importance, as it would ascertain to me a fact which might have influence upon my conduct on other occa-

sions. I therefore addressed a letter to the President of the Convention, of which the enclosed, No. 1, is a copy, and was happy to find it was well received: for it was immediately taken, by a member present, to the committee of public safety, by whom a report was made in two hours afterwards to the Convention, and a decree adopted by the latter body, of which No. 2 is a copy, for my reception by the Convention itself two the following day. I deemed it my duty to avail myself of this opportunity to dissipate, if possible, by the documents in my possession, impressions which had been made, and were still making, of the unfriendly disposition of the American Government towards the liberty and happiness of the French nation. At the same time, therefore, that I presented my credentials, I laid before the Convention the declarations of the Senate and House of Representatives, as conveyed by the President through the Secretary of State, with an assurance that I was authorized to declare that the President was actuated by similar sentiments. The communication was received in a manner very interesting, and which furnished, at the same time, the strongest proof of the affection entertained by the French nation for the United States of America. The enclosed, No. 3, is a copy of my address to the Convention, and of the President's answer. Every department has since shewn the strongest disposition to prove its attachment to their ally, by embracing every opportunity which the slightest incident has offered. A few stores brought for the accommodation of my family, in the ship which I sailed, were arrested in Havre, because no declaration was rendered of them by the captain. This was casually heard by the committee of public safety, and, without any intimation from me, by their order restored. But being desirous more formally to testify their regard, the commissary of foreign affairs announced to me yesterday, that he was instructed, in the name of the republic, to appropriate a house for my use, as minister of the United States, of such accommodations and in such part of the city as I would designate. The enclosed No. 4 is a copy of his letter and of my reply. These latter acts, it is true, may be deemed in some measure acts of ceremony. So far, however, as they furnish any indication of the disposition of this country towards our own, it is a favorable one.

I found here many of my countrymen, captains of vessels, who were taken at sea and brought in, in derogation of the treaty of amity and commerce. I intend immediately to make an effort to have that order rescinded, and compensation rendered for the injury sustained. I have written to Mr. Fenwick, who is best acquainted with the affair of the Bordeaux embargo, to request his attendance here, or to forward such documents as will enable me to pursue, with suitable information, the interest of those who were affected by it. And I shall likewise bring forward, at the same time, the claims of others of our citizens for supplies rendered to the Government of St. Domingo.

The position of the armies is nearly the same as when I wrote you last. No action has been fought, nor any other material change taken place since.

A perfect tranquillity, too, continues to reign throughout the republic. The execution of Robespierre and his associates has produced the same effect every where. Every person seems to be freed from an oppression which was really terrible, and the more so, because it was sanctified by the authority of the people, and covered with the mask of patriotism. It is, however, said, that others, who have been equally guilty, (for Robespierre, who was a timid man, could not have made the majority of the committee vote against their own opinion) will, probably, yet be brought to justice. Of this I shall be able to give you better information in my next.

The reform, which I suggested in my last, contemplated in the organization of the committees and revolutionary tribunal, is now completed, or nearly so. I will enclose you copies of the decrees in my next. A great number of prisoners have been discharged, who were confined here and in other parts of the republic, in consequence of a decree that those should be liberated who were committed upon suspicion only. It was, however, greatly unfortunate that Robespierre was not cut off sooner, for it is most certain that his last days were stained with some of the most innocent blood of the republic.

The vice consul has not yet arrived, and, to be candid, I doubt, when he does, whether he will be received or not. A native of this country is, at the present moment, unable to render any service to our own, although he may have always resided here, and his political principles been unquestionable. But one who has been absent is considered, if not an emigrant, at best indifferent, and perhaps unfriendly, to the revolution, and therefore odious. If this gentleman has arrived, I think it probable he is confined at the port where he landed. I deem this unfortunate, for there is much business which properly belongs to the consular department here; as all the commercial affairs of the republic are transacted here.

No. 1.

Mr. Monroe to the President and Representatives of the French People in Convention assembled.

PARIS, August 14th, 1791.

CITIZEN PRESIDENT:

Having lately arrived here, with authority from the President of the United States of America to represent those States in quality of minister plenipotentiary with the French republic, and not knowing the competent department, nor the forms established by law, for my reception, I have thought it my duty to make known my mission immediately to the representatives of the nation. To them it belongs to fix the day, and prescribe the mode, by which I shall be acknowledged as the representative of their ally and sister republic. They will, therefore, have the goodness to designate to me the Department to which I shall present myself, to be recognized in the character I bear.

I make to you this communication with the greater pleasure, because it gives me an opportunity, not only to testify to the representatives of the free citizens of France, my own devotion to the cause of liberty, but of assuring them, at the same time, and in the most solemn manner, of the profound interest which the Government and People of America take in the liberty, the success, and prosperity, of the French republic.

No. 2.

The following decree was passed by the Convention:

ART. 1. The minister plenipotentiary of the United States shall be introduced into the bosom of the Convention, to-morrow, at two o'clock, P. M.; he shall then explain the object of his mission, and, after which, the President shall salute him fraternally, in testimony of the friendship which unites the American and French people.

ART. 2. The President of the Convention shall write a letter to the President of the United States, and transmit to him the process verbal of this sitting.

No. 3.

The following address was presented by Mr. Monroe, the day following:

Citizens President and Representatives of the French People:

My admission into this assembly, in presence of the French nation, (for all the citizens of France are represented here) to be recognized as the representative of the American republic, impresses me with a degree of sensibility which I cannot express. I consider it a new proof of that friendship and regard which the French nation has always shewn to their ally, the United States of America.

Republics should approach near to each other. In many respects they have all the same interest; but this is more especially the case with the American and French republics. Their Governments are similar; they both cherish the same principles, and rest on the same basis—the equal and unalienable rights of man. The recollection, too, of common dangers and difficulties, will increase their harmony and cement their union. America had her day of oppression, difficulty, and war; but her sons were virtuous and brave, and the storm which long clouded her political horizon, has passed, and left them in the enjoyment of peace, liberty, and independence. France, our ally and our friend, and who aided in the contest, has now embarked in the same noble career; and, I am happy to add, that, whilst the fortitude, magnanimity, and heroic valor of her troops command the admiration and applause of the astonished world, the wisdom and firmness of her councils unite equally in securing the happiest result.

America is not an unfeeling spectator of your affairs at the present crisis. I lay before you, in the declarations of every department of our Government, declarations which are founded in the affections of the citizens at large, the most decided proof of her sincere attachment to the liberty, prosperity, and happiness, of the French republic. Each branch of the Congress, according to the course of proceeding there, has requested the President to make this known to you in its behalf; and, in fulfilling the desires of those branches, I am instructed to declare to you that he has expressed his own.

In discharging the duties of the office which I am now called to execute, I promise myself the highest satisfaction; because, I well know that, whilst I pursue the dictates of my own heart, in wishing the liberty and happiness of the French nation, and which I most sincerely do, I speak the sentiments of my own country; and that by doing every thing in my power to preserve and perpetuate the harmony so happily subsisting between the two republics, I shall promote the interest of both. To this great object, therefore, all my efforts will be directed. If I can be so fortunate as to succeed in such manner as to merit the approbation of both republics, I shall deem it the happiest event of my life, and retire, hereafter, with a consolation which those who mean well and have served the cause of liberty, alone can feel.

The following communications from the Department of State were, at the same time, delivered by Mr. Monroe:

To the Committee of Public Safety of the French republic.

PHILADELPHIA, June 10th, 1794.

The undersigned, Secretary of State of the United States of America, has the honor of communicating to the committee of public safety for the French republic that, on the 24th day of April, 1794, it was ordered by the Senate of the United States that the letter of that committee, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered on behalf of the Senate, in such manner as shall manifest their sincere friendship and good will for the French republic.

In executing this duty, which has been allotted by the President to the Department of State, the liberal succors which the United States received from the French nation in their struggle for independence, present themselves warm to the recollection. On this basis was the friendship between the two nations founded; on this basis, and the continued interchange of regard since, has it grown; and, supported by these motives, it will remain firm and constant.

The Senate, therefore, tender to the committee of public safety, their zealous wishes for the French republic; they learn with sensibility every success which promotes the happiness of the French nation; and the full establishment of their peace and liberty will be ever esteemed by the Senate as a happiness to the United States and to humanity.

EDM. RANDOLPH, *Secretary of State.*

To the Committee of Public Safety of the French republic.

PHILADELPHIA, June 10th, 1794.

The undersigned, Secretary of State for the United States of America, has the honor of representing to the committee of public safety for the French republic, that, on the 25th of April, in the present year, it was unanimously resolved, by the House of Representatives, as follows:

“That the letter of the committee of public safety of the French republic, addressed to Congress, be transmitted to the President of the United States, and that he be requested to cause the same to be answered on behalf of this House, in terms expressive of their sensibility for the friendly and affectionate manner in which they have addressed the Congress of the United States, with an unequivocal assurance that the Representatives of the People of the United States have much interest in the happiness and prosperity of the French republic.”

The President of the United States has consigned this honorable and grateful function to the Department of State. In no manner can it be more properly discharged, than by seizing the occasion of declaring to the ally of the United States, that the cause of liberty, in the defence of which so much American blood and treasure have been lavished, is cherished by our republic with increasing enthusiasm; that, under the standard of liberty, whosoever it shall be displayed, the affection of the United States will always rally; and that the successes of those who stand forth as her avengers, will be gloried in by the United States, and will be felt as the successes of themselves and the other friends of humanity.

Yes, representatives of our ally, your communication has been addressed to those who share in your fortunes, and who take a deep interest in the happiness and prosperity of the French republic.

EDM. RANDOLPH, *Secretary of State.*

Answer of Merlin de Douai, President of the Convention, to Mr. Monroe.

The French people have not forgotten that it is to the American people they owe their initiation into the cause of liberty. It was in admiring the sublime insurrection of the American people against Britain, once so haughty, but now so humbled; it was in taking, themselves, arms to second your courageous efforts, and in cementing your independence by the blood of our brave warriors, that the French people learned, in their turn, to break the sceptre of tyranny, and to elevate the statue of liberty on the wreck of a throne, supported, during fourteen centuries, only by crimes and by corruption.

How, then, should it happen that we should not be friends? Why should we not associate the mutual means of prosperity that our commerce and navigation offer to two people freed by each other? But it is not merely a diplomatic alliance—it is the sweetest fraternity, and the most frank, at the same time, that must unite us—this it is that indeed unites us; and this union shall be forever indissoluble, as it will be forever the dread of tyrants, the safeguard of the liberty of the world, and the preserver of all the social and philanthropic virtues.

In bringing to us, citizen, the pledge of this union, so dear to us, it could not fail to be received with the liveliest emotions. It is now five years since an usurper of the sovereignty of the people would have received you with the pride which belongs alone to vice; and he would have thought it much to have given to the minister of a free people some tokens of an insolent protection. But, to-day, the sovereign people themselves, by the organ of their faithful representatives, receive you; and you see the tenderness, the effusion of soul, that accompanies this simple and touching ceremony. I am impatient to give you the fraternal embrace, which I am ordered to give in the name of the French people. Come and receive it in the name of the American people, and let this spectacle complete the annihilation of an impious coalition of tyrants.

No. 4.

The Commissary of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 4th Fructidor, 2d year of the republic.

CITIZEN:

After having received the representative of our ally with the most distinguished marks of affection, the Government of the republic desires to do every thing which depends on it to make his residence in France agreeable to him. With this view the committee of public safety authorizes me to offer you, in the name of the republic, a national house for your accommodation. I pray you, therefore, to make known to me your intentions in this respect; as, likewise, to designate the quarter which will be most agreeable to you.

The Minister Plenipotentiary of the United States of America to the Commissary of Foreign Relations for the French republic.

PARIS, August 22, 1794.

CITIZEN:

I was favored yesterday with yours of that date, informing me that the committee of public safety had authorized you, in the name of the republic, to appropriate a house for my use, as minister of their ally, the United States of America, and in such part of the city as I should designate. I have received this communication with peculiar satisfaction, because I consider it as a proof of the sincere regard which the committee entertain for their ally, whose servant I am. But, upon this occasion, I am not permitted to indulge, in any respect, my own opinion or feelings. The constitution of my country, an extract from which is heretofore annexed, has prescribed a line of conduct to me, and which it is my duty to follow. The committee of public safety, and you, citizen, respect too highly the fundamental laws of your own country not to approve my reason for declining the kind offer you have made me. I shall, however, immediately communicate it to our Government, and doubt not it will produce there the good effect it merits.

Extract from the Constitution of the United States.

"No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State."

Mr. Monroe to the Secretary of State.

PARIS, September 15, 1794.

SIR:

As soon as I could command a moment's leisure, I applied myself to the immediate duties of my station. I found many of my countrymen here, laboring under embarrassments of a serious kind, growing out of the war, and was soon furnished with like complaints from others in several of the seaports. Correct information upon every point was my first object: for, unless I knew the nature and extent of the evil, I could not seek a remedy. I encouraged, therefore, by my letters, these representations, as the only means by which I could acquire it. Nor was it difficult to be obtained: for the parties interested had been too deeply affected, and long delayed, to be remiss upon the present occasion. In the course of a few weeks, I believe most of the complaints which had been occasioned by the war, and especially where the parties were present, either in person or by attorney, were laid before me. By analyzing them, I found they might be classed under the following heads:

1. Those who were injured by the embargo at Bordeaux.
2. Those who had claims upon the republic for supplies rendered to the Government of St. Domingo.
3. Those who had brought cargoes in for sale, and were detained by delay of payment, or some other cause.
4. Those who had been brought in by the ships of the republic, in derogation of the treaty of amity and commerce, and were subjected to like detention and delay.
5. Those who had been taken at sea, or elsewhere, and were confined, in derogation of the treaty of amity and commerce, or rights of citizenship in the United States.

Upon the two first heads, and indeed upon the two next following, so far as compensation to the injured parties was in question, I had no difficulty how to act. Your instructions had fully marked the course to be taken. I therefore required that compensation be made as soon as possible, and upon just principles, according to the contract, where such was the case, and the fair estimated value, where it was not. But the two latter* involved in them something more than the mere adjustment of existing claims, and which closed the scene when that was made. They grew out of measures, which, if suffered to continue, might create like injuries every week, and which would require a like interposition on my part. I therefore considered it my duty, not only to require a full indemnity to the claimants, as in the other instances, but to mount to the source of the evil, and seek a remedy commensurate therewith.

I found that the delays above spoken of did not proceed from interest or design on their part; from interest they could not: for they not only disgusted, and often injured the claimants, but likewise exposed the Government to considerable loss, upon account of demurrage; and if there was no motive of interest, there could be none for design. They proceeded, in fact, from the system of trade adopted here, by which the whole commerce of the country was taken into the hands of the republic itself. The regulation was such, that none but the officers of Government could purchase, nor could any contract be concluded and executed in any of the seaports, or elsewhere, than in Paris. This threw every case into the hands of a board of commissaries, in this city, who were otherwise borne down with an immense weight of the most extensive and complicated duties. The defect in our own arrangements too, here, increased the embarrassment: for, as we had no consul here, every captain, or supercargo, became his own negotiator; and as they were generally ignorant of the city, the language, and of the prices last given, they were badly calculated for the purpose. Every new cargo formed a distinct negotiation; and, as there was no system on the part of the venders, who wished, as was natural, to make the most of their voyage, they usually asked an extravagant price for their merchandise in the first instance. This occasioned a kind of traffic between the parties, and which frequently terminated in the disgust of both, and particularly of the venders, who, after they were wearied out with the clerks in the Department, and whose duty it was to receive them, generally assigned the business over to some agent, and who, as he was not clothed with any public character, could neither be much respected by the French Government, nor possessed in any high degree of the confidence of his employers. Such was the state of our trade in this republic, and such the cause of the delay. As soon, therefore, as I became sufficiently well acquainted with the subject, I thought it my duty to bring it before the Government, and desire, on its part, a suitable remedy; and if the person lately appointed does not soon arrive, I shall deem it equally necessary to nominate some one as consul, provisionally, to take charge of the business on ours; and if he does arrive, I am by no means certain it will remedy the difficulty, for reasons I shall hereafter explain.

I had more difficulty in determining how to act on the fourth point. I was not instructed to desire a repeal of the decree, and did not know but that it had been tolerated from the soundest motives of political expedience. This republic had declined calling on us to execute the guarantee, from a spirit of magnanimity, and a strong attachment to our welfare. This consideration entitled it to some attention in return. An attempt to press it within the pale of the stipulation contained in the 23d and 24th articles of the treaty of amity and commerce, might give birth to

* The third and fourth are meant.

sentiments of a different kind, and create a disposition to call on us to execute that of the treaty of alliance. The subject was, therefore, of the utmost delicacy, and I saw that I could not enter on it without the greatest care. But yet I was persuaded that France gained nothing by the departure, and had reason to believe, if it were otherwise, that she would, at the present time, concede it for our accommodation; and I knew its importance to our commerce, and especially as it would deprive the cabinet of St. James of the smallest pretext for continuing the violation on its part. Upon full consideration of all these circumstances, the paper presented was drawn, and I trust, whatever may be its effect, it will have the approbation of the President, since it may produce a beneficial one, and has in no respect compromised him. My note was presented a few days since, and I expect an answer as soon as circumstances will permit, paying due regard to the immense weight of business before that Department.

Upon the article respecting citizenship, I have as yet said nothing. I did not wish to complicate the subjects which I presented before them, too much at any one time. It is, however, an important one, and shall be soon attended to, as shall likewise the claim for reimbursement of 50,000 dollars, advanced to the French emigrants from St. Domingo.

Nothing of great importance has lately taken place in the public councils. The remaining spirit of ancient party has, it is true, occasionally shown itself, but not with its former vigor: for it seems in a great measure to have withdrawn, and to lurk in the bosoms of the more inveterate only. Happily a different spirit, more congenial with the temper of the nation, and which inclines to humanity, to peace, and concord, seems to pervade the great mass of the Convention. I think this latter will soon prevail, so as not only to prevent, at least for the present, further enormities, but to heal, in some degree, the wounds which have already been inflicted. Some latter circumstances authorize this expectation. Barriere, Collot d'Herbois, and Billaud de Varennes, of the committee of public safety, and several of the committee of *sûreté generale*, were suspected by many of having countenanced and supported the measures of Robespierre; and it was apprehended that, after the perfect and preternatural calm which ensued his execution should subside, some discussion on that subject would ensue. Accordingly they were lately denounced by Lecointre de Versailles, who brought forward a long list of charges against them. But it was immediately seen, that the party in favor of the denunciation, though violent, was weak. The convention heard the accusation with patience, and rejected it with disdain, and Lecointre himself was eventually censured as a disturber of the public repose. Many of this party were now in their turn alike agitated and alarmed, because they thought they saw, in the rejection of the motion, the invincible strength of the other party, and the certainty of their own fate; but they were superficial observers of the course of the revolution, and of the theatre on which they acted. They did not perceive that there was a force in the Convention, actuated by more humane and dignified principles; able to control both, and render their extravagant and pernicious efforts abortive and harmless. This latter fact was farther demonstrated by an event which followed immediately after. Under the organization of the committee of public safety, it became necessary to re-elect its members; and, if the influence of those lately denounced had preponderated, they would of course have been re-chosen. But the contrary was the case, for they were every one rejected, and others preferred in their stead. I have mentioned this incident, because I deem it an important one in the character of the present moment, tending to prove the certainty with which the revolution progresses towards a happy close. Since the preponderance of those councils, which are equally distinguished for their wisdom, temperance and humanity continues to increase.

Nor is fortune less propitious to the affairs of this republic in the field than in the cabinet. Within a few days past, Condé and Valenciennes have surrendered to its victorious arms. About 6,000 troops were taken in these garisons, with 1100 emigrants, and which latter were immediately put to the sword. The rigor with which the emigrants have been pursued continues nearly the same, and seems still to be dictated equally by the sentiment of the public councils and the people at large; it will not, therefore, be easily or soon removed.

The surrender of these garisons has relieved from a state of inactivity about 50,000 men, who were immediately added to the armies upon the Meuse, and on the frontier of Holland. These armies are at present of great strength, and certainly, upon the ordinary rules of calculation, not to be resisted by the force now embodied against them. In point of numbers, they are by far superior, and they possess the means by which this superiority may be increased at pleasure, and to any amount. Their discipline, too, is exact, their spirits high, and enterprise astonishingly great; whilst on the other side, every thing wears a more gloomy aspect. Their troops are dispirited, and daily wasting away by the events of war, and reinforcements have been for a long time past with difficulty obtained, and seem now to be exhausted, or at least at a stand. And to increase the embarrassment on their part, it is said a dispute has taken place between Cobourg and York for the command, in case they should unite their forces; the latter having set up a claim in consequence of the great force of Prussians, &c. in British pay.

Cobourg occupies at present a position near Maestricht, and York one in the neighbourhood of Bergen-op-zoom. It is thought the French will direct their principal force towards those posts, since their conquest will not only lay open the whole country to the Rhine, but likewise deprive Holland of its chief barrier. They are strong and well provided, but deemed by no means impregnable to the ardor and enterprise of the French troops. It is therefore probable some severe rencounters may soon take place in each quarter: for surely nothing but absolute despair will induce the combined Powers to abandon them, and which they must otherwise do, in case the French continue to exert themselves with their usual vigor.

Mr. Monroe to the Committee of Public Safety.

PARIS, September 3, 1794.

There are some subjects to which I wish to call your attention, and which I deem of equal importance to both republics. They have grown out of the occurrences of the present war, have pressed particularly hard upon the United States, and will, I doubt not, be immediately rectified in a manner becoming the character of the French nation, and of course satisfactorily to us.

The first respects the departure, on the part of France, from the 23d and 24th articles of the treaty of commerce subsisting between the two republics.

The second, the embargo of our vessels at Bordeaux, and the injuries arising from it to those whom it concerns.

The third respects the claims of some of our citizens for supplies furnished to the government of St. Domingo, authenticated by bills upon the minister of the republic in Philadelphia, by bills upon France, and by mandates, and other instruments usual in such cases.

By the 23d article of the treaty of amity and commerce, it is stipulated that free ships shall make free goods, and that all goods shall be free, except those which are termed contraband; and that no dispute might arise as to *contraband*, all those which should be deemed *such* on the one hand, and which should be deemed *free* on the other, are particularly specified in the 24th.

It is necessary for me, in bringing this subject to your view, briefly to observe, that these articles have been dispensed with on your part; that our vessels, laden with merchandise, not only the property of your enemies, made free by these articles, but likewise of our own citizens, the latter of which was always free, have been brought into your ports, detained for a great length of time, their cargoes taken, and the captains and proprietors otherwise subjected to great embarrassments, losses, and injuries. But I will not dwell upon this subject in this view, because I frankly own to you, it is painful for me thus to contemplate it. I wish to reserve my free comments for the other side of the picture, when I shall favorably explain the motives of the act, in communicating to my country what I hope you will enable me to communicate, and upon this friendly intimation only, the ready acquiescence with which the decree was rescinded.

It may be said that Great Britain has rendered us the same injury, and that, when she shall change her conduct in that respect, France will likewise follow her example. But the case is widely different. Britain may dispute the law of nations, however clear its doctrine, even with respect to contraband; but with France it is in both respects

regulated by treaty. Besides, we are the allies, and, what is more interesting, the friends of France. These considerations naturally inspire in the councils of the two countries different sentiments in regard to us; and if Britain proves true to those which belong to her situation, shall we, on the other hand, find France reluctant to cherish such as are friendly to us, and correspondent with hers? Will she say that the injuries of Britain furnish a justificatory example for her to render us like injuries? Will our ally contend with that nation in rivalry, which shall harass our commerce most, and do us the greatest detriment? This is surely not a relation for the two republics to bear towards each other. Other sentiments will, I hope, inspire their common councils—sentiments more congenial with their mutual interests, and consonant to the dispositions of the citizens of both countries.

If the French republic gained the smallest benefit from the regulation, there might be some motive for adhering to it. But this cannot, it is presumed, be the case. The most to be derived from it is the occasional seizure of a straggling vessel, destined for the ports of Spain and Portugal; for they are excluded from the ports of England, except under particular circumstances, and which rarely happen. It must be obvious, if the price was higher here, this would be their destination; add to which, the charges attending the seizure and conducting of vessels from their course must be great, and make it not only an uncertain, but unprofitable mode of supply.

It may be apprehended that, if this decree should be rescinded, it will open a door, through which, under the protection of our flag, the commerce of Britain may be carried on with advantage to her, and detriment to France. But moment's reflection will demonstrate that this apprehension cannot, in any degree, be well founded; for the navigation act of England, whose great principles have been wisely adopted here, forbids almost altogether any such commerce. By this act, the manufactures of the metropolis cannot be carried to the colonies, nor can the productions of the colonies, nor the productions or manufactures of any other country, be carried in our bottoms to Great Britain. This restriction must, in a great degree, inhibit the use of our vessels in any but the direct trade between the two nations: for it is not probable that Great Britain will use the American vessels to export her cargoes to other countries to any amount, if at all; since, not being able to return, they would generally be left there empty and idle. On the contrary, we know that her practice in such cases has been, not to countenance the navigation of any other country at the expense of her own, but to protect the latter by convoys. But if this were otherwise, it is to be presumed that the fortune of the present war, in the triumphant success of the French arms, will have decisively settled itself, before that could have produced any material effect.

It must be obvious that the conduct of Great Britain, and especially in regard to the articles of contraband, must depend, in a great measure, upon that of France in this particular: for if France declines to rescind this decree, Great Britain most probably will, unless, indeed, she should make a merit of receding at the expense of France. But if France should comply in the first instance, she will put Great Britain in an embarrassing dilemma: for if she refuses afterwards, it will not only tend to cement our union with France, but combine all America in the condemnation of the conduct of Britain; and if they should then comply, to France will the credit be given of having forced her into it.

At the same time I express to you a desire that this decree be rescinded, and the parties heretofore affected by it compensated for the injuries they have received. I consider it likewise my duty to add some observations upon the state of our trade, in general, in the republic. When an American vessel arrives in any port of France, it is immediately in the hands of the Government. The captain or supercargo cannot sell the cargo to any other person, nor can he get more for it than the public agents will give, nor sail elsewhere without permission. Oftentimes it happens that great delays take place, from the necessity of communicating from the seaports with the metropolis, and other inconveniences detrimental to the parties. A regulation of this kind, in its fullest extent, must prove very injurious to both countries, and especially to France. Trade cannot exist under it. It will soon happen that not a single adventurer will seek the French ports; no merchant will enter them but by constraint. The consequence must be, that the commerce of America, so extensive and productive, and especially in those articles in greatest demand here, will be either exterminated, thrown into other channels, or forced here by public funds, and under the direction of public agents—a resource which, however productive, should not be the sole one, for many reasons; but, more especially, because the produce of the country, having thus become the property of France, will be liable, by the law of nations, equally in yours and in our vessels, to seizure and condemnation by your enemies; and, because, if we succeed in securing the respect which is due to our flag by other nations, and which would enable our citizens in their own bottoms to supply, in abundance, your markets, (and in which I trust we shall succeed) it would be of no use to you; and, lastly, because the competition of private adventurers would thus be destroyed—a competition which, with suitable encouragement, would not only supply the defect of these agents, and satisfy the demand of the market, but, by making known constantly and regularly the prices in America, form a check on their conduct, and furnish the best test of their integrity.

You will observe I do not complain that the public are the sole purchasers, and regulate, at pleasure, what shall be exported, provided the venders are paid for their cargoes in some commodity or specie, at their option; or that agents of the public are appointed in the United States, and as many as may be thought necessary, to purchase our productions on public account and send them here. These are subjects which the legislators of the republic will regulate, according as public exigencies may, in their judgment, require. What I wish is, that the ports of France may be opened freely to the enterprises of my countrymen, and which will be the case, provided they be permitted to leave them immediately, if they do not like the market, and despatched without delay in case they do. To accomplish the first point, a general order only will be requisite to the officers of the customs, or other persons in authority in the several ports; and the latter, a regulation of the prices to be immediately given by these officers upon all occasions, when a vessel should arrive, and which might be furnished, as often as any change should be deemed necessary. This would, I am satisfied, banish every cause of complaint; greatly increase the competition; and of course the supply of the market, and at a much less expense.

Upon the second subject, the Bordeaux embargo, I find the committee has already passed an arrêt, which secures to the persons interested an indemnity for the delay and other injuries sustained; it only remains, therefore, to adjust the amount of the claims, and pay the parties entitled to it.

The third, which respects the claims for supplies, rendered by our citizens to the Government of St. Domingo, is likewise a matter of account, and which it is earnestly hoped will be immediately adjusted and paid. A person authorized will appear in support of the claims, with the evidence, before any board or tribunal which shall be appointed for that purpose.

I have to observe that I shall be happy to give every aid in my power to facilitate the adjustment and subsequent payment of these several classes of claims. So far as they are well founded, I doubt not they will be allowed by the French republic; and, where this is not the case, they will not be supported by me. In an aggregate view, they respect the great mass of American merchants. It is of importance for France to cultivate that interest; and the present is, for many reasons, a critical moment to make an impression on it. I hope, therefore, it will not be neglected.

It is my duty to observe to you that I am under no instruction to complain of, or request the repeal of, the decree authorizing a departure from the 23d and 21th articles of the treaty of amity and commerce; on the contrary, I well know that if, upon consideration, after the experiment made, you should be of opinion that it produces any solid benefit to the republic, the American Government, and my countrymen in general, will not only bear the departure with patience, but with pleasure. It is from the confidence alone, which I entertain, that this departure cannot be materially beneficial to you, and that the repeal would produce the happiest effect, in removing every possible cause of uneasiness, and conciliating, still more and more towards each other, the affections of the citizens of both republics, and thereby cementing more closely their union, that I have taken the liberty, as connected with the other concerns, to bring the subject before you. To cement that union, in other situations, has long been the object of my efforts: for I have been well satisfied that the closer and more intimate it was, the happier it would be for both countries. America and France thus united, the one the greatest Power in the European world, and the other rapidly repairing the wastes of war, and rising to the first rank in the scale of nations; both bounded by, and measuring an immense space along, the Atlantic; abundant in productions suiting the demand of each other; and, above all, both republics have nothing to fear from foreign danger, and every thing to hope from the happiest and

most beneficial domestic intercourse;—by a generous and liberal policy, France has it at the present moment much in her power to promote this more intimate union; and, in the hope she will avail herself of it, I have thought proper thus to develop the subjects which I have submitted to your consideration.

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, September 25, 1794.

SIR:

My letter of the 30th July last having been repeated by duplicate, I shall only recommend to your particular and immediate attention the subjects of it.

The spoliations and vexations which are imputable to the French cruisers, and among them, the injuries to our rights by treaty, in the case of the ship *Laurens*, together with the severe effects of the embargo at Bordeaux, have excited, in the individuals interested, a flame, which now and then bursts forth in violent expressions, and which, you, therefore, cannot quiet too soon by a proper adjustment. You will find in the enclosed copy of Mr. Fauchet's letter to me, of the 1st August, the strong assurances which he has given on this head.

Another collection of depredation papers, conformable with the list which accompanies them, is placed under the care of Mr. Boland, who goes to seek compensation on account of the ship *Fame*. It is a strong case, and will back your remonstrances, however pointed they may be. I do not state the minutiae, as his documents speak explicitly, and he himself will be on the spot, ready for further explanation. There is nothing in which you can render yourself so acceptable to an important part of our community as on these occasions. Indeed, I flatter myself with the expectation of hearing shortly of considerable advances towards final success on your part.

Mr. James Anderson has been highly recommended, and his letters have shown him to deserve some degree of notice from our Government. He was not suggested to the President in the late appointment of French consuls; because it was presumed from some information, which was received, that the places for which consuls were designated at the last session, were not suitable to his views. You will therefore take the earliest opportunity of inquiring into his character and respectability, and inform us.

A claim of Mr. Cruger is also forwarded to you, in order that you may pursue the same measures relative to it, as in the others of a similar kind.

Mr. Boland has promised to deliver to you your quota of newspapers. From the beginning of August to this day, they contain the late interesting transactions of the four western counties of Pennsylvania. These would have been communicated to you, as they arose, if conveyances to France were not, of all others, the most difficult to be obtained. You will recollect the murmurs which have long prevailed there against the excise. At length the house of General Neville, the inspector, was attacked by a large party of armed men, in the day, and burnt to the ground, together with most, if not all, the out houses. Foreseeing that Government could not be inattentive, and mixing, perhaps, some preposterous views of ambition and personal aggrandizement, the leaders, to render themselves formidable, contrived to give an appearance of an universal commotion, and association of sentiment. A large body appeared in arms on Braddock's field, and appointed the 14th of August for the meeting of deputies from all the townships at Parkinson's ferry, inviting the Virginia counties to send deputies also. The President despatched Senator Ross, Judge Yates, and our Attorney General Bradford, as commissioners; having first required twelve thousand five hundred militia to be held in readiness, in certain proportions, in New Jersey, Pennsylvania, Maryland, and Virginia. A committee of the insurgents were nominated to confer with them, and to report to a second meeting, to be held at Redstone at a later day. Our commissioners unanimously prevailed upon those with whom they conferred, to agree to urge the people to peace. But the Redstone opinions were not so propitious as those of Parkinson's ferry. The people there assembled were dissatisfied with the conduct of the former committee of conference, and appointed another, which, like the former, were unanimous for acquiescence. Still the people themselves were to be consulted, and the 11th September fixed for the taking of their votes. The result has been, that every leading man has subscribed to the terms required by the commissioners; that near three thousand men above the age of sixteen have submitted; that there is no real danger of an opposition in the field. However, the militia having been on their march for some time, and it being certain that, although open resistance will not be found, the laws cannot be executed unless some degree of military force be at hand to support the officers, their movements have not been countermanded. The command is intended for Governor Lee, of Virginia; but the President goes on towards Carlisle on Monday, where, after every proper arrangement of the troops destined to that place of rendezvous, he will decide whether to proceed or return. The principal information, which is to be procured from the newspapers, will be the first and second proclamation, the representation of the Secretary of the Treasury to the President, and the proceedings of the commissioners. In a day or two their report will be concluded, which will condense the whole state of this business into a small compass. I have not adverted to Judge McKean and General Irvine, two State commissioners, who went upon the same expedition, because their functions were necessarily limited to the mere act of pardon, the great offences being against the United States, not the individual State of Pennsylvania. However, you may be assured that the insurrection will very quickly be subdued, and you cannot err in any political calculation built on this event.

The spirit which the States have manifested is astonishing. Throughout Virginia, to favor the insurgents would be disgrace, and actual personal danger. Some of their emissaries produced a momentary disturbance in Fredericktown, in Maryland, but it was soon hushed by the rapid approach of the militia. In Pennsylvania, from some mismanagement, the call of the militia was not hastily obeyed. But such an enthusiasm has now grown up and been raging for a considerable time, that the very Quakers have entered the ranks and marched to Pittsburg. New Jersey seems to be a nursery of warriors, determined to support the constitution. Even the democratic societies have launched out into a reprobation of the insurgents. All these circumstances combined, while they afford an ample range for speculation on the remote consequences, furnish a conviction that the energy of the Government is, and will be, greatly increased.

I suspect that Europe will resound with the idle clamors which circulate here, that the yellow fever has again appeared in Philadelphia, Baltimore, and New York, and that quarantine will be again inflicted on our vessels. But the general and sincere opinion is, that if there be any examples of it within the city, they are too paltry to alarm even the old women or children.

My anxiety to hear from you is multiplied tenfold by my knowledge, that all the sentiments of Mr. Fauchet were deposited in the memory of Mr. Le Blanc, and not committed to writing. That which could not be hazarded upon the possibility of detection must be of an important cast. One thing only is certain, that he supposes a British tendency to prevail in some members of our Government, and that the supposition is a copious theme with him. You are possessed of all the means of confronting this idea. You know how Mr. Jay is restricted; and I must acknowledge to you, that, notwithstanding all the pompous expectations announced in the gazettes, of compensation to the merchants, the prospect of it is, in my judgment, illusory; and I do not entertain the most distant hope of the surrender of the western posts. Thus the old exasperations continue, and new ones are daily added. Judge, then, how indispensable it is, that you should keep the French republic in good humor with us.

Spain has, by a conduct similar to that of Great Britain towards us, imposed the necessity of sending an envoy extraordinary thither, also, for the negotiation is at a stand, on the most unaccountable pretenses. My conviction is firm, that the courts of Madrid and London are cordial in nothing but a hatred against the United States, and a determination to harass them through the Indians.

If, however, a report, which has come many ways, be true, that General Wayne, on the 20th August, left between one hundred and fifty and three hundred Indians dead on the field near the Rapids of the Miami, their extollation might have fallen, and they will soon be sick of war.

I am, &c.

EDM. RANDOLPH, Secretary of State.

Mr. Monroe to the Secretary of State.

PARIS, October 16, 1794.

SIR:

I gave you, in my last, a sketch of the embarrassments under which our commerce labored in the ports of the republic, and of my efforts to emancipate it, as shown by my letter to the committee of public safety, a copy of which was likewise forwarded. To this I have, as yet, received no answer, although I have requested it more than once. To my applications, however, which were informal, I was informally answered, that the subject was under consideration, and would be decided on as soon as possible.

But as these propositions were of extensive import, and connected with the system of commerce and supply which had been adopted here, it is probable I shall not be favored with an answer until the subject is generally reviewed. Nor shall I be surprised to find extraordinary efforts to protract a decision, and even defeat the object in view. But as the opposition will not be warranted by the interest, so I am well satisfied it will not be supported by the sense of the French nation, when the subject is well understood. To make it so, will be the object of my future, and I trust not ineffectual, endeavors.

You were, I doubt not, surprised to hear that the whole commerce of France, to the absolute exclusion of individuals, was carried on by the Government itself. An institution of this kind would be deemed extraordinary, even in a small State; but when applied to the French republic, it must appear infinitely more so. Nor were the circumstances which gave birth to it, more a proof of the calamities with which the society was inwardly convulsed, than of the zeal and energy with which it pursued its object. Through the channel of trade it was found, or suspected, that the principles of the revolution were chiefly impaired; that, through it, not only the property of the emigrants and the wealth of the country were exported, but that foreign money was likewise thrown in, whereby the internal dissensions were fomented, and, in other respects, the intrigues of the coalesced Powers promoted. For a considerable time it was believed, that most of the evils, to which France was a prey, proceeded from this source. Many remedies were, in consequence, applied, but still the disease continued. Finally, an effort was made to eradicate the cause, by exterminating private trade altogether, and taking the whole commerce of the country into the hands of the Government. A decree, to this effect, accordingly passed on the — day of October, 1793, and which has since continued in force.

But now many circumstances incline to a change of this system. The act itself was considered as a consummation of those measures which completed the ruin of the Girondine party, whose principal leaders had already fallen under the guillotine. By it, the commercial interest, as distinct from the landed, and dividing, in certain respects, with opposite views, the councils of the country, was totally destroyed. All private mercantile intercourse with foreign nations was cut off; and so severe were the measures, and great the odium, on the mercantile character, that none were pleased to have it attached to them. But when the apprehension of danger, from that source, was done away, the motive for the act itself was greatly diminished. Accordingly the public mind was seen vibrating back to its former station; and in which it was greatly aided by the fortune of the late dominant party, whose principal leaders had now, likewise, in their turn, settled their accounts with the republic, at the receipt of the guillotine. Thus we find, and especially in great commotions, that extraordinary measures not only bear, in general, the strong character of their author, but frequently share his fate. The fall of the Brissotine party extirpated private trade; the fall of Robespierre's may probably soon restore it.

At present many symptoms indicate that a change is not distant; though none seem willing so prominently to take the lead as to make themselves responsible for the consequences. The only active interest that I can perceive against it, consists of those who have managed the public trade and been intrusted with the public moneys for that purpose. They readily foresee that a change will not only take from them the public cash, but likewise lead to an adjustment of their accounts for past transactions. It is, however, generally the fortune of an opposition of this kind, to precipitate the adoption of the measure it wishes to avert: for as every one suspects that its motive is not sound, and which is proportionally increased by the degree of zeal shown, so every one feels an interest in defeating it.

I have endeavored in my propositions to confine them entirely to external objects, by suggesting such remedies as might be adopted without any interference with the interior general system of France. By so doing I hoped that the injuries of which we complain might be sooner redressed, and not made dependent on the great events which happen here.

I soon found that the extraordinary expedient, to which this republic had had recourse, of excluding individuals from trade, and conducting it themselves, would require, in a great measure, a correspondent regulation on our part. For, if the conduct of the public servants, on the one side, was not in some measure supervised, and which it could not be, but by public agents, on the other, the impositions which might be practised on our improvident countrymen would be endless. In every contest between a public officer here, and the citizen of another country, in the purchase of supplies for the republic, or the execution of a contract, the bias of the Government and of the people would be in favor of the former. The consulate, under the superintendence of the minister, forms their natural bulwark, in the commercial line, against impositions of every kind. Indeed it is the only one which can be provided for them. But to guard them against those proceeding from the source above described, it should be organized with peculiar care. I was sorry, therefore, upon inspecting into our establishment, to find, that, whatever might be its merits, in other situations, it was by no means, in general, endowed with sufficient strength or vigor for the present crisis. American citizens alone can furnish an adequate protection to their countrymen. In the hands of a Frenchman, or other foreigner, the consular functions lie dormant. In every litigated case the former shrinks into the citizen, and trembles before the authority of his country; and the latter, especially if the subject of one of the coalesced Powers, finds our commission only of sufficient force to exempt him from the decree, which would otherwise doom him to a prison. I annex, at the foot of this, a list of our consuls and consular agents, with a note of those who have been actually under arrestation and confinement, and by which you will be better enabled to comprehend the justice of these remarks.

My situation was, therefore, in every view, beyond measure an embarrassing one. But as there was no consul or agent, of any kind or country, here, where the whole business was concentrated, and every transaction closed, it became, on that account, infinitely more so: for I was, in consequence, not only daily surrounded by many of my countrymen, complaining of delays and injuries, and entreating my intercession for redress, but applied to by them from every quarter and upon every difficulty. I could not settle their accounts with the departments, nor could I interfere in any other respect, in particular cases, where there were more of the same description. I could not even go through the forms in the offices which were necessary to verify facts, and which, if true, furnished ground for complaint; nor could I demand redress of the Government upon any supposititious case, and which every one must be, until verified. I remained thus, for some time, in expectation of the arrival of Mr. Duvernay; although I was apprehensive such an event, in consequence of the general objection above stated, and the decree, which applied particularly to his case, instead of affording relief, would plunge me into a new embarrassment. But finding that he had not arrived, and that I could make no progress in the public business here without the aid of a consul, I finally nominated my secretary, Mr. Skipwith, provisionally, consul for this city, on the — day of —, and notified it to this Government; a copy of which, and of the answer of the commissary of foreign affairs, I herewith enclose you. To him I have since assigned the interesting duty of developing and demonstrating the cause of these difficulties, by an appeal to authentic facts; and, the better to enable him to perform this service, I have instructed our consuls and agents, in the several ports, to render him a statement of those within their particular jurisdictions. Thus enlightened, he will make a report upon the whole subject to me, and which I will immediately lay before the committee of public safety, in illustration of my former comments, and with such others as may be found necessary.

At present I can say nothing decisively upon the subject of a general arrangement of the consulate. What I have said may furnish some hints that may be useful. But I wish, before any thing is definitively done in that respect, to give you the result of my further remarks on it. Mr. Fenwick will be here in a few days, and from whom, I doubt not, I shall derive much useful information. In the interim Mr. Skipwith will perform the duties of the office in which I have placed him. But as he undertook it without the prospect of emolument in the official line, (for, in truth, the duties required of him are not strictly consular, but novel, and growing out of the emergence of

the time) and more from a regard for the public interest, and to accommodate me, than himself, although I was thereby deprived of his services in the immediate station in which he had accompanied me, yet I could not bereave him of the appointment I had personally conferred, nor divert from him the salary belonging to it. By permitting things to stand where they are for a few weeks longer, the public will derive no detriment, and I shall be able to acquire, and give, such information as will enable you to proceed with more propriety afterwards—a consideration which will induce me to bear the inconvenience, to which I shall be personally subjected, with pleasure.

I found, upon my first arrival, that I should have much difficulty upon the subject of passports. The jealousy of this Government was immediately discovered, with respect to those who, being subjects of England, or any other of the coalesced Powers, had passed over to America since our Revolution, become citizens of some one of the States, and returned to their proper country, where they now resided. It was suggested to me, by the commissary of foreign affairs, that if these people were covered by my passports, I should immediately spread through France, in the armies, and in presence of the public councils, a host of spies, who would report the circumstances of the country to their enemies. It was likewise urged that I had no right to do it: for, although this description of persons had acquired, for the time, the right of citizenship with us, yet they were more attached to other countries, since they resided, and had their property, there. I was likewise told of instances wherein this privilege had been abused by such persons, two of whom were said to be then confined at Dunkirk as spies. The subject was, in point of principle, difficult, and I was really embarrassed how to act in it, so as to satisfy this Government, and do justice to the parties concerned: for, if citizens of America, it seemed difficult to distinguish between such and any other citizens. And yet the argument was equally strong on the other side: for, if the subject of another Power, it was equally difficult to distinguish between such and any other subject of the same Power, especially in this region, where the right of expatriation is generally denied. But, in point of expedience, there was less difficulty in the case. Citizenship is, in its nature, a local privilege. It implies a right within the Government conferring it. And, if considerations of this kind are to be regarded, I can see no reason why it should not, in the present instance, be construed strictly: for, if a temporary emigrant, after availing himself of this benefit for a few years, and for the purposes of trade, in our indulgent country, chooses to abandon us, and return from whence he came, why should we follow him, on this side the Atlantic, to support, in his behalf, a privilege which can now only be claimed, at best, for private, and perhaps dishonorable purposes? Can any motive be urged of sufficient force to induce us to embark here in this kind of controversy, at the hazard of our national character, and the good will of the nation believing itself injured by it? Will the refusal to grant passports to such persons check emigration to our country? I am satisfied it will not, of the kind that merits encouragement: for it will rarely happen that a single member of that respectable list of philosophers, artists, and yeomen, who seek an asylum with us, from the troubled governments on this side the Atlantic, will ever re-cross it. These observations apply only to those who settled with, and abandoned, us since the peace; for I consider those, be they of whatever country they may, and especially if of the British territory, (who were, of course, in the common character of British subjects, equally members of our Revolution) who threw their fortunes into our scale, as being as much Americans as if they were born with us. After some discussion with the commissary on the subject, it terminated by an assurance, on my part, that I should be particularly cautious as to such characters, and refuse my passports to all of that description (except in particular cases of hardship, and upon which he should be previously consulted) who were not actually resident within the United States. This arrangement was satisfactory to the Government, as you will perceive by the commissary's letters to me, copies of which are herewith transmitted. I shall, however, be happy to be instructed by you on that head.

The councils of this republic still continue to present to view an interesting, but by no means an alarming spectacle. Instances of animated debate, severe crimination, and even of vehement denunciation, sometimes take place; but they have hitherto evaporated without producing any serious effect. It is obvious that what is called the mountain party is rapidly on the decline, and, equally so, that, if the opposite one acts with wisdom and moderation, at the present crisis, it will not only complete its overthrow, but destroy the existence (if possible in society) of all party whatever. The agitation which now occasionally shows itself proceeds from the pressure of this latter party on the mountaineers, and who, in their defence, sometimes make a kind of incursive or offensive warfare upon their enemy: for having, since the fall of the Brissotines, wielded the councils of the nation, and been accustomed to a pretty liberal use of their authority over the remaining members of that party, they bear, with pain, and not without apprehension of danger, their present decline. The tone of the discussion, therefore, frequently exhibits to view the external of a violent controversy between two rival parties, nearly equally balanced, and which must terminate, under the preponderance of either, in the extirpation of the other. But this I deem only the external aspect; and upon considerations, in my judgment the most solid, I have observed, generally, that the first indications of warmth have proceeded from the weaker party, and from its less important members, who occasionally break through the restraint imposed on them by their leaders, (if, when a force is broken and routed, there can be any leader) and sally forth into extravagancies, which provoke resentment, where they should only endeavor to excite pity; and whilst a different conduct is observed by the leaders themselves: for neither Barrere, Billaud de Varennes, nor Collot d'Herbois, ever take part in these discussions, otherwise than to explain some severe personal attack, and to which they confine their comments strictly, and with all suitable respect for their opponents. I observe, also, it rarely happens that any very distinguished member in the preponderating party takes share in these discussions; though the field invites, and much might be said with truth, and of course with effect. From these considerations I infer not only that the party of the plain has already acquired the complete preponderancy, but also that its motive is rather to save the republic than to persecute its enemies. There is, likewise, something in the origin and spirit of these debates, which authorizes a belief they portend nothing alarming: for they generally proceed from a review of past enormities, which most deny, and few justify. But the scene through which they have passed cannot always be covered with a veil; on the contrary, it frequently breaks in upon their discussions, and always excites, like the ghost of Hamlet, whenever it appears, the horror of the innocent, and the terror of the guilty spectators. The debates, therefore, which ensue, though violent, are more of the exculpatory, than of the assailing and sanguinary kind. Each party endeavors to vindicate itself from the charges alleged against it; sometimes by absolute denial, and at others by a counter crimination of its adversary. Hitherto the business has ended by a general reference of the depending motions to the committee of public safety solely; or to it associated with the two other committees of general surety and legislation, and who have had sufficient wisdom, either to keep up the subject till it was forgotten, or to report such a general essay upon the state of affairs, the views of the coalesced Powers, trade, finance, and the like, as always to obscure, and sometimes to throw it entirely out of view.

By this, however, I do not wish to be understood as intimating that, in my opinion, none of the members of the Convention will, in future, be cut off. On the contrary, I think otherwise: for it cannot be possible that some of those who have perpetrated such enormities in their missions in the several parts of the republic, and particularly at Nantes, should escape the justice of their country.

In the movements of the present day the jacobin society has, as heretofore, borne its part. The history of this society, from its origin to the present time, is of importance to mankind, and especially that portion upon which Providence has bestowed the blessing of free government. It furnishes a lesson equally instructive to public functionaries and to private citizens. I am not yet fully possessed of the details, although I have endeavored to acquire them; but the outline, I think, I now understand. In its history, as in that of the revolution itself, there are obviously two great eras. The first commenced with the Revolution, and ended with the deposition of the King. The second fills the space between that event and the present day. The former of these is still further divisible into two parts, upon each of which distinct characters are marked. The first commenced with the Revolution, and ended with the constituent assembly, or adoption of the constitution. The second comprises the administration under the constitution. During the first of these, the jacobin society was composed of almost all the enemies to the ancient despotism: for, in general, those who were friends of the public liberty, and wished its establishment under any possible modification, became, at this time, members, and attended the debates of this society. But with the adoption of the constitution many were satisfied and left it. After this, and during the second part of this era, it was

composed only of the enemies to hereditary monarchy, comprising the members of the three succeeding parties, of Brissot, Danton, and Robespierre. During the whole of the first era, therefore, or until the deposition of the King, this society may be considered as the cradle of the Revolution: for, most certainly, the republic would not have been established without it. It was the organ of the public sentiment, and, by means of discussion and free criticism upon men and measures, contributed greatly to forward that important event.

But from that period, and through the whole of the second era, the society has acted a different part and merited a different character. The clergy, the nobility, and the royalty, were gone; the whole Government was in the hands of the people, and its whole force exerted against the enemy. There was, in short, nothing existing in that line which merited reprehension, or with which the popular sentiment, virtuously inclined, could take offence. But it had already gained a weight in the Government, and which it had now neither sufficient virtue nor inclination to abandon. From this period, therefore, its movements were counter-revolutionary, and we behold the same society, which was heretofore so formidable to the despotism, now brandishing the same weapon against the legitimate representation of the people.

Its subsequent story is neither complicated nor various. As the Revolution was complete, so far as depended on the interior order of things, it had no service of that kind to render, nor pretext to color its movements. It was reduced to the alternative of either withdrawing from the stage, or taking part in the ordinary internal administration, and which it could not do otherwise than by becoming an instrument in the hands of some one of the parties against the other. This station, therefore, it immediately occupied, and has since held it to the present time. It became the creature of Robespierre, and under his direction the principal agent in all those atrocities which have stained this stage of the Revolution. It was by means of this society that he succeeded in cutting off the members of the two succeeding parties of Brissot and Danton, and had finally well nigh ruined the republic itself.

It is an interesting fact, and very deserving of attention, that, in the more early and latter stages of this society, the best men of France were seeking an admittance into it, but from very different motives. In the commencement and until the establishment of the republic, it was resorted to by them for the purpose of promoting that great event. But in the latter stage, and until the fall of Robespierre, it was resorted to by them merely as a shelter from danger. Virtue and talents, with every other great and noble endowment, were odious in the sight of that monster, and were of course the object of his persecution. Nor was any man of independent spirit, possessing them, secure from his wrath. The Jacobin society could alone furnish any kind of protection, and to this circumstance it was owing that many deserving characters were seen there, apparently countenancing measures which in their souls they abhorred. It is therefore only justice, that the present preponderating party in France, and the world at large, should now look with indulgence, and indeed with forgiveness, upon the conduct of many of those who seemed at the time to abet his enormities. Unfortunately for them and for their country, their presence secured only a personal exemption from danger. The preponderating influence had long been in the hands of those of a different description.

In the last scene which was acted by Robespierre, and in which he placed himself at the commune in open rebellion against the Convention, it is said that this society arranged itself under his banner against that assembly. But after his fall, and which was instantaneous, it immediately endeavored to repair the error of this step, by charging it upon some who were admitted to be bad members, and others who were said to have forced themselves, at that tumultuous moment, unlicensed, into the society, and who were not members at all. It even went into high crimination of Robespierre himself. But the principles of the controversy were too deeply rooted in the minds of all to be so suddenly eradicated. It was obvious that a crisis had arrived which must eventually settle the point, whether the Convention or this society should govern France, and equally so, that the public mind was, and perhaps long had been, decisively settled in favor of the former. As the catastrophe was approaching, this society, as heretofore, used at one time, an elevated or commanding tone, and at others a humiliating one. But the Convention acted with equal dignity throughout. Whether it contemplated to strike at its existence by an overt act, or to seek its overthrow by contrasting the wisdom, the justice, and magnanimity of its own present conduct, with the past and recent enormities of this society, is uncertain. The leading members of the preponderating party seemed doubtful upon this point. But, finally, the rash and outrageous extremities of the society, which was secretly exciting commotions through the country, forced the convention into more decisive measures. By its order, the secretary of the society at Paris was arrested, and all the deputies from those associated with it through France, and who had arrived to deliberate upon the state of their affairs, were driven from the city, under a decree which exempted none, not inhabitants of Paris, except our countrymen. Of all France, Marseilles was the only district in which its efforts produced any effect. A small commotion, excited there, was immediately quelled by the ordinary police, and who, after making an example of the leaders, reported it to the Convention.

What further measures may be adopted by the Convention, in regard to this society, is uncertain: the subject is now under discussion, and I shall, I presume, be able in my next to give you the result.

The same success continues to attend the arms of the republic, and in every quarter. They have taken, since my last, in the North, Juliers, Aix-la-Chapelle, Cologne, and Bois-le-Duc, and in the south, Bellegarde, with immense stores of cannon, provision, &c. in each, and particularly in Juliers and Bois-le-Duc; at both of which latter places a general action was hazarded by the opposite generals, and in which they were routed with great loss. It is said, indeed, that the action which achieved Juliers, was among the most important of the present campaign, since they consider it as deciding eventually the fate of Maestricht, Bergen-op-zoom, and of Holland itself. Maestricht is now closely invested, and must fall in the course of a few weeks, since the Austrian general has obviously abandoned it to its fate. Holland must fall immediately afterwards: for there is, in truth, nothing to prevent it. Indeed I think it probable they will previously detach twenty or thirty thousand men to take possession of it: for it is generally believed it may be easily accomplished.

What effect these events may produce in England it is difficult for me to say. That Austria, Prussia, and Spain, have been for some time past wearied with the war, and have wished to withdraw from it, is certain. That they will withdraw from it soon, is more than probable, and upon the best terms they can get. England, therefore, will have to maintain the contest alone: for Holland will be conquered, and subject to the will of the conquerors. This, however, is not the only danger which impends over her. Denmark and Sweden, offended at the unlawful restraint imposed by her on their trade, in the arbitrary rule of contraband, have, for near three months past, united their fleet, to the amount of about thirty sail, for the purpose of vindicating their rights: and Spain, equally unfriendly, and irritated with that Power, has, I have reason to believe, serious thoughts, not only of abandoning the war, but of acceding to this combination. The lapse of a few weeks, however, will, no doubt, unfold these subjects more fully to view.

Mr. Monroe to the Secretary of State.

PARIS, November 7, 1794.

SIR:

I have been favored with yours of the 30th of July, original and duplicate, and had the pleasure to receive them unopened.

In my two last letters, which were of the 15th September, and 16th October, I informed you of the several subjects which I had brought before the committee of public safety, as also of the ill success which had attended my efforts to obtain an answer upon any one; and I am sorry to be under the necessity now to add, that although I have pressed a decision with the utmost possible zeal, yet I have not been able to accomplish the object.

Being wearied with the delay, I notified to the committee, soon after the date of my last letter to you, that I should be glad to confer with them, or some few members, on the subject; provided it comported with their rules in such cases, and would otherwise be agreeable. The proposition was immediately assented to, and the evening of the same day appointed for the interview. I attended in their chamber; we had some discussion, and which ended in a request, on their part, that I would present in writing the sum of what I had said, or wished to say, either on the points depending, or any others I might find necessary to bring before them, and which I readily promised to do.

By this time I had obtained from Mr. Skipwith a comprehensive statement of the embarrassments attending our trade here; as well those which proceeded from the cruisers of the republic, and applied to what was destined or cleared out for foreign countries, as those which proceeded from the commercial system of France and applied to the direct commerce between the two republics. As his report to me specified not only each particular cause of complaint, but likewise furnishes facts to support them, I thought it best to make that report the basis of this my second communication on that head. I accordingly laid it before the committee, with such comments as appeared to me suitable; and I now transmit to you a copy of it, that you may be apprized how fully the subject is before them. I was assured that it exhibited a picture which shocked them: for these evils, progressing with the course of their own affairs, were long accumulating, and had probably attained a height of which they had no conception.

As I had reason to suspect that the chief opposition proceeded from those who conducted the public trade, and who were attached to that mode from motives not the most patriotic, I thought it proper to examine the question, whether it were best for the republic to encourage the competition of individuals in neutral countries, for the supply of its markets, or depend on agencies employed in or sent to those countries for that purpose. This subject had been incidentally touched in my first note; but I thought some benefit might be derived from a more thorough development of it. With this view I sent in, at the same time, the paper, entitled "Supplemental Observations on the American Commerce."

I felt extremely embarrassed how to touch again their infringement of the treaty of commerce; whether to call on them to execute it, or leave that question on the ground on which I had first placed it. You desired me in your last, to contest with them the principle, but yet this did not amount to an instruction, nor even convey your idea, that it would be advisable to demand of them the execution of those articles. Upon full consideration, therefore, I concluded that it was the most safe and sound policy to leave this point where it was before, and in which I was the more confirmed by some circumstances that were afterwards disclosed.

The day after this last communication was presented, I received a letter from the committee, assuring me that the subject engrossed their entire attention, and that an answer should be given me as soon as possible; and a few days after this, I was favored with another, inviting me to a conference at twelve the next day. I attended and found only the three members of the diplomatic branch of the committee present, Merlin de Douay, Thuriot and Treillard. Merlin commenced by observing, that I had advised and pressed them to execute the 23d and 24th articles of the treaty of amity and commerce: That they were persuaded their compliance would be useful to us, but very detrimental to them: It would likewise be distressing for Frenchmen to see British goods protected by our flag, whilst it gave no protection to theirs; and, after making other comments, he finally came to this point: "Do you insist upon our executing the treaty?" I replied I had nothing new to add to what I had already said on that head. Treillard seemed surprised at the reply, and expressed a wish that I would declare myself frankly on the subject. I told him I was surprised at his remark, since I had not only declared myself frankly, but liberally. We then passed from the point of demand to a more general discussion of the policy in France to execute the treaty, and in which I urged, that if she considered her own interest only, she ought not to hesitate, since it gave her the command of neutral bottoms, and, under the protection of their own flag, to supply her wants; with other considerations, which had been before pressed in my notes that were before them. I was, however, brought back twice again to the question: "Do you insist upon or demand it?" I found that a positive and formal declaration on this point was the sole object of the interview; and as I perceived that something was intended to be founded on it, either now or hereafter, if given in the affirmative, I was the more resolved to avoid it, and to adhere to the ground I had already taken. I therefore repeated my declaration, and in the most explicit terms, that I was not instructed by the President to insist on it, nor did I insist on it; that their compliance would certainly be highly beneficial to my country, but that in my observations I had considered the proposition merely in relation to France, and wished them to do the same, since I was satisfied that the true interest of France dictated the measure. They all expressed an attachment to us, spoke much of the difficulty of their situation, and of the peculiar delicacy in adopting, in the present state of the public mind, any measure which might be construed as eventually favoring England; and thus the conference ended.

In revolving the subject over since, I have been doubtful whether the solicitude shown, to draw from me a decisive answer to the question "Whether I insisted or demanded of them to execute the articles of the treaty," was merely intended as the basis of their own act, complying with it, and a justification for themselves in so doing, or as a ground to call on us hereafter, in the prosecution of the war against England, to fulfil the guarantee. I was, at the moment of the discussion in the committee, of the latter opinion; but I must confess, upon a more general view of all circumstances that have passed under my observation since my arrival, that I am, at present, inclined to be of the former. I rather think, as there is an opposition to the measure, and it would commence an important change in their system, and might also be construed into a partiality for England, (a nation by no means in favor here) that the dread of denunciation, in the course of events, suggested it. Be this as it may, I am perfectly satisfied it would be impolitic to demand it; since the refusal would weaken the connexion between the two countries, and the compliance, upon that motive, might, perhaps, not only produce the same effect, but likewise excite a disposition to press us on other points, upon which it were better to avoid any discussion. I hope, however, soon to obtain an answer, and a favorable one. If the subject was before the Convention in the light it stands before the committee, I am convinced it would long since have been the case. But it is difficult to get it there: for, if I carried it there myself, it would be deemed a kind of denunciation of the committee. Yesterday there was a change of several of the members of that body; and which I deem, from my knowledge of those elected, favorable to our views. Be assured that I shall continue to press this business with all suitable energy, and in the mode that shall appear to me most eligible; and, in the interim, that I will do every thing in my power to prevent abuses under the existing system.

Upon the subject of the fifteen thousand dollars advanced for the emigrants from St. Domingo, I have made no formal demand, because I wished the other points, which were depending, settled first, from an apprehension that, if they granted several little matters, it would fortify them in a disposition to reject those that were important. I have, however, conferred informally upon it, and have no doubt it will be peremptorily allowed. I think, therefore, this should be calculated on by the Department of the Treasury. I shall certainly bring it before them shortly, as I shall immediately the affair of the consul in the Isle of France; upon which latter point, however, permit me respectfully to add that the appointment of a person not an American, perhaps an Englishman, to the office of consul, has not only been the cause of the disrespect shown to our authority, but even of the embarrassments to which our countrymen were exposed there.

With respect to the business with Algiers, I have not known how to act. It will be difficult for France, in the present state of affairs, to support the measures of our resident in Portugal, or for them to concert any plan of co-operation. It seems, however, in every view, proper to rid ourselves of the person in Switzerland, who, I understand, has been in readiness to prosecute the business for some time past. I have, in consequence, written him a letter, in conformity to your idea, of which I enclose you a copy, and which, I presume, he will consider as a respectful discharge. I am inclined to think France will co-operate with us upon this point, and, if any plan can be adopted by which she may forward the measure of Colonel Humphreys, I will endeavor to avail him of it. But certainly, if it is expected that her aid will be efficacious, or that she will embark with zeal in the business, the whole should be concerted and executed from this quarter. Perhaps, as I have heard nothing from Colonel Humphreys, the business is now done, or he is pursuing it without calculating upon any aid from France. A letter which was presented me by Mr. Cathalan, our consul at Marseilles, (and who is now here, as are Mr. Fenwick, Dobrée, and Coffyn, a son of Mr. Coffyn, consul, and who came here to represent his father) from Captain O'Brien, and which I now enclose, will show you the state of the business in August last. Be assured I shall be happy to render my country any service, in this distressing business, in my power, even by visiting Algiers, if it were necessary.

I have inquired into the character of our consuls at the several ports: I mean those who are Frenchmen: for Mr. Fenwick is well known: viz. La Motte, at Havre; Dobrée, at Nantes; Coffyn, at Dunkirk; and Cathalan, at Marseilles; and find them likewise all men of understanding, and of excellent reputation, attached to our country, and

grateful for the confidence reposed in them. If displaced, it will subject them to some censure: I do not, therefore, wish it; though I most earnestly advise that, in future, none but Americans be appointed.

I was extremely concerned, upon my arrival here, to find that our countryman, Mr. Paine, as likewise Madame Lafayette, were in prison; the former of whom had been confined near nine months, and the latter about two. I was immediately entreated by both to endeavor to obtain their enlargement. I assured them of the interest which America had in their welfare, of the regard entertained for them by the President, and of the pleasure with which I should embrace every opportunity to serve them; but observed, at the same time, that they must be sensible it would be difficult for me to take any step officially in behalf of either, and altogether impossible in behalf of Madame Lafayette. This was admitted by her friend, who assured me her only wish was that I would have her situation in view, and render her, informally, what services I might be able, without compromising the credit of our Government with this. I assured him she might confide in this with certainty, and, further, that, in case any extremity was threatened, that I would go beyond that line, and do every thing in my power, let the consequence be what it might to myself, to save her: with this she was satisfied. She still continues confined, nor do I think it probable she will soon be released. I have assured her that I would supply her with money and with whatever she wanted; but, as yet, none has been accepted, though I think she will soon be compelled to avail herself of this resource.

The case was different with Mr. Paine. He was actually a citizen of the United States, and of the United States only: for the Revolution which parted us from Great Britain, broke the allegiance which was before due to the crown, of all those who took our side. He was, of course, not a British subject, nor was he strictly a citizen of France: for he came, by invitation, for the temporary purpose of assisting in the formation of their Government only, and meant to withdraw to America when that should be completed. And what confirms this, is the act of Convention itself arresting him, by which he is declared to be a foreigner. Mr. Paine pressed my interference. I told him I had hopes of getting him enlarged without it; but, if I did interfere, it could only be by requesting that he be tried, in case there was any charge against him, and liberated, in case there was none. This was admitted. His correspondence with me is lengthy and interesting, and I may probably be able hereafter to send you a copy of it. After some time had elapsed, without producing any change in his favor, as he was pressing and in ill health, I finally resolved to address the committee of general surety in his behalf, resting my application on the above principle. My letter was delivered, by my secretary in the committee, to the president, who assured him he would communicate its contents immediately to the committee of public safety, and give me an answer as soon as possible. The conference took place accordingly between the two committees, and, as I presume, on that night, or on the succeeding day: for, on the morning of the day after, which was yesterday, I was presented by the secretary of the committee of general surety, with an order for his enlargement. I forwarded it immediately to the Luxembourg, and had it carried into effect, and have the pleasure now to add that he is not only restored to the enjoyment of his liberty, but in good spirits. I send you a copy of my letter to the committee of general surety, and of their reply.

Since my last, the French have taken Coblenz, and some other post in its neighborhood; they have likewise taken Pampeluna, and broken the whole of the Spanish line through a considerable extent of country. About twenty standards taken from the routed Spaniards were presented to the Convention a few days past.

I likewise send, in the enclosed papers, a decree respecting the Jacobins, by which all correspondence between the different societies is prohibited, as likewise is the presenting a petition to the Convention in their character as such, with some other restraints I do not at present recollect.

From Mr. Monroe to the Committee of Public Safety.

PARIS, October 18th, 1794.

Upon the several subjects on which I addressed you on the 17th Fructidor, (September 3d) viz: the embargo of Bordeaux; the supplies rendered to the Government of St. Domingo; and the departure by France from the 23d and 24th articles of the treaty of amity and commerce subsisting between the two republics, I have but little to add at present. The two former were matters of account only, and could of course involve no topic for discussion between the committee and myself. I had only to ask for such despatch in the adjustment and payment as the exigence of the parties and the circumstances of the republic would admit of. Nor shall I add any thing upon the third point to change the principle upon which I rested it. The committee will, therefore, be pleased to decide upon each under the considerations which have been already urged.

I likewise stated in that note, generally, the embarrassment under which our commerce labored in the ports of the republic. A general view was all I could then give. But the appointment of a consul for this city has since enabled me to obtain a more circumstantial and accurate statement on this head. This officer has already examined it with great attention, and reported the result to me, a copy of which I now lay before you. It presents to view a frightful picture of difficulties and losses, equally injurious to both countries, and which, if suffered to continue, will unavoidably interrupt, for the time, the commercial intercourse between them. I trust, therefore, the causes will be immediately removed, and suitable remedies adopted; and in this I am the more confident, because those which would be deemed adequate will not, in any degree, interfere with the internal police or regulations of the country.

I also suggested in my former note that, however necessary it might be for France to avail herself of agents in America at the present crisis, for the purchase and shipment of supplies thence, here, it should not be relied on as a principal resource. The more attention I have since paid to this subject, the better satisfied I have been of the justice of that remark. I have, therefore, thought it my duty to add some further observations on it, and which I now beg leave to submit to your consideration in the annexed paper.

You will observe the consul has likewise comprised in his report the cases of many seamen and other persons, citizens of the United States, taken at sea or elsewhere, and who are now held as prisoners in confinement. I hope an order will be issued for their immediate enlargement; and, as it is possible many others may be in like situation, that it may be made to comprehend all the citizens of the United States, not charged with any criminal offence against the laws of France, and of which latter description I hope there are none. The committee will, I doubt not, designate such species of evidence necessary to establish the right of citizenship in doubtful cases, as it will be practicable for the parties to furnish.

Permit me to request an early decision upon these subjects, that I may immediately communicate it to our Government. The Congress will commence its session in a few weeks, and it is the duty of the President to lay before that body, and at that time, the state of public affairs, comprising, as the most interesting particular, the conduct and disposition of other nations towards the United States. Information upon these points will, of course, be expected from me, and I should be mortified not to be able to give such as would be deemed satisfactory.

JAMES MONROE.

Supplemental Observations to the note of the 3d of September, upon the American Commerce.

That France will have occasion, whatever may be the crop, for the present year, for supplies of provision from foreign countries for the next, is certain. These must be obtained from the neutral countries, and chiefly from the United States of America. It is important for her to ascertain how they shall be obtained, and brought into her ports with greatest certainty and least expense.

There are but two possible ways or modes by which these supplies, or any others, can be brought here, which are: first, by public exertion, or by agents in those countries, whose duty it is to purchase the articles in demand, and send them here on public account: and secondly, by the enterprise of individuals. Both shall be impartially examined.

First, as to the certainty; and which will depend upon prompt purchases, safe carriage, and integrity of the agents. As soon as agents arrive in America, it will be known to the commercial interest in every quarter. Whenever they appoint sub-agents, this will likewise be known. When it is intended to make purchases and shipments, this will be known. The movement of vessels to take in cargoes will be observed. Immediately a combination will be formed among the merchants of the place, who will buy up all the flour, &c. with a view of taking an advantage of the emergency, and this will raise the price and create delay. A monopoly naturally revolts the society against it, and this will add a new stimulus to the otherwise sufficiently active one of private interest, to speculate and prey upon these agents, and, of course, upon the embarrassments of their country.

But the purchase is finally made and shipped for France; the ships are at sea; the property belongs to France; and the ships, though American, give no protection by the ancient law of nations, which is in force where not otherwise regulated by treaty, and of course with England. The cargo of every vessel which shall be taken will be condemned; and will not many be taken? The movements of this agency will be well known to the British administration, and it will be employed to counteract it in the purchase and upon the sea. It will be apprised of the ports from whence shipments will be made, and have vessels of war stationed to seize them.

It is the nature of an agency to be at war with every other mode of supply. The amount of its profits will depend upon the exclusion of every other: for every cargo which shall arrive from another source, will take from it so much. It will, therefore, see with jealousy the commencement of enterprises of this kind, and deem each in the degree a robbery of its own resources. It will fear that not only the amount of its profits will be diminished, but that the funds upon which they are to be made, will be exhausted. It will, therefore, discourage these enterprises, by hinting that the republic does not want them; that it has no money to pay for them; that the captains and supercargoes are ill treated in France by delay, &c. It will be the interest of the agency to crush every other mode of supply, and it will accomplish it, unless the wisest precautions are used to prevent it.

These latter observations apply to the motive of interest only, supposing the agency disposed to discharge the trust as faithfully as it could, making, at the same time, the greatest profit for itself, and which would generally be done. But let it be supposed that it was capable of defrauding the public as much as possible, without being detected. In that case it would have additional motives for discouraging private adventurers; because, as these would flock to the market, and bid one against the other, they would keep the price at its proper level, and thus check its conduct; for if it charged more than they (allowing for the difference of the commission) it would of course be convicted of fraud; and, if capable of fraud, other and numerous temptations to seduction might be counted. The chief agent would be known to the British administration. Suppose France in great distress for bread, and without any other resource. The withholding it might bring on a crisis in her affairs, and which might terminate in an arrangement that would applaud the agent for his perfidy. Would he not be an object for the British administration to assail? And would it be proper that France and the French revolution should be thus made dependent on agents in foreign countries?

As to the comparative expense, there can be no question upon that point. The commission itself will be a considerable thing, in addition to which the freight will be increased: for if American vessels are employed, the owners will charge more, on account of the hazard, than if there was none, and which would be the case if the property was their own; nor to repeat the increased price which would be demanded by the agents, in consequence of the combination among the merchants to take advantage of circumstances which would be known to them; nor to suggest that, under any probable modification, it would be the interest of the agents to give the highest price possible.

Besides, funds must be raised somewhere, to answer the draughts of these agents. Will it be in the sea ports? In Paris, Hamburg, or some other neutral town? The former, as heretofore, will probably be in a great measure declined; and if the latter is adopted, how will they be raised there? By the exportation of the productions or other commodities of the country; incurring thereby the expense of double commissions, storage, the hazard of the sea, and of the enemy, together with the further inconvenience of overstocking the market, and raising, at the same time, such town to grandeur, by making it the entrepot of French provisions, whilst her own were impoverished?

Every thing that has been said, or can be said, against a chief dependence on agencies, forms an argument in favor of encouraging the ordinary private trade by individuals, and shows that the supply by that mode might be made more sure and cheap. If France would regulate things so that the parties bringing provisions into her ports were paid immediately and despatched, she might command, if necessary, the whole produce of America. Nor would it be necessary that the payment be always in specie. On the contrary, return cargoes would more frequently be taken of productions, manufactures, and of prize goods.

The above is a short sketch of the conveniences and inconveniences which attend the two modes of supply. The one which commences in a monopoly will be attended with all the inconveniences which belong to monopolies in general—greater expense, disgust to all parties affected by it, &c. &c., with others which are peculiar to it: for other monopolies of foreign trade are confined to luxuries of little importance, and of countries whose citizens cannot send them to market; whereas, the present one is a monopoly of the necessities of life in great demand here, to be obtained from countries whose citizens can best supply them, and at a crisis of affairs when the failure may hazard every thing valuable to France, and when of course it should be most avoided. Whilst, on the other hand, the latter, which is a system of free trade, will not only be free from these objections, but enjoy some benefits which are peculiar to it. It will leave commerce in the hands of individuals, and under the protection of the flags of both countries. If it was made known that France would protect the neutral commerce, the merchants would have a new encouragement to enterprise, and the neutral Powers would be more decisive in vindicating their own rights. The French flag would be deemed the guardian of trade, and the assertor of the freedom of the seas. The American merchants would behold it with pleasure, because they would find under its banner not only the friendly welcome of their ally, but likewise a safety from the pirates of the ocean. If the demand in France was great, it would be known in the United States, whose merchants would immediately supply the demand. And if it was interrupted on the sea by the vessels of another Power, what would be the obvious effect of such an interruption? Might not France oppose it, and conduct the vessels safe to her ports? and would it not rouse the nation injured to vindicate its rights, and protect its own commerce?

Unhappily, France has adopted a different policy towards us, heretofore. Instead of encouraging individuals to supply her market, she has given them every possible discouragement which could be devised. Instead of protecting our commerce at sea, and leaving us to seek reparation for the injuries which were rendered us by other Powers, she has rendered us like injuries, and thus embarrassed our councils. But it is not too late to change this system of policy. The Americans have lamented it not more on their own account than that of France. It has, as yet, left no unkind impression behind it; and if the necessary regulations are made, commerce will soon resume its ordinary course.

I do not, by this, object to the plan of supplying by agency altogether. On the contrary, I deem it necessary; because I think it proper for France to avail herself at the present crisis of every resource within her reach. I only wish that it be not relied on as the sole one, and which it will certainly be, if the wisest measures are not adopted at home, to encourage the ordinary private trade, and to restrict and otherwise guard against any misconduct in the agency abroad.

The Committee of Public Safety to the Minister Plenipotentiary of the United States of America.

PARIS, 30th Vendemiaire (October 21st, 1794.)
3d year of the republic.

We have received your letter of the 27th of this month, with the pieces annexed. They merit our profound attention. We will hasten to examine the complaints which are therein exposed, and we hope that the result of our deliberations will be as satisfactory to your fellow-citizens, as conformable to the principles of fraternity and attachment which have always guided the measures of the Government of the French republic towards its good and faithful allies, the United States of America.

MERLIN.
RICHARD.

TREILLARD.
DELMAS.

Mr. Monroe to the Secretary of State.

PARIS, November 20th, 1794.

SIR:

I was favored about five weeks past with a letter from Mr. Gardoqui, Minister of Finance in Spain, enclosing one for Mr. Otto, formerly in America, and at present chief of a bureau in the Department of Foreign Affairs, mentioning the decline of his health, and requesting my co-operation with Mr. Otto, in soliciting of this Government permission for him to visit certain baths within the republic. This application surprised me. The season, I knew, was too far advanced for him to derive any benefit from the waters, and I was not apprised that those suggested were better than others within his reach. Besides, Mr. Gardoqui and myself were, in consequence of a collision on the much litigated question of the Mississippi, not on the best terms while in America; certainly not on such as to authorize an application of this kind to me. The disguise was, therefore, too thin to hide from me the true object; I immediately inferred that it was the body politic of Spain that was disordered, and not the animal one of Mr. Gardoqui. As I did not wish to become the instrument of Spain in this business, or incur the slightest suspicion of the kind, since I well knew it would benefit Spain at the expense of the United States, I declined delivering his letter to Mr. Otto, or answering, for the time, that of Mr. Gardoqui to me. About three weeks afterwards, I received a second letter, which confirmed me in the opinion first taken up, that the object was to open the door, through me, to the commencement of a negotiation for peace. I found, therefore, that it became my duty to take some step in regard to this business, and was, in consequence, resolved to shape my course in such manner as to make the incident, if possible, productive of some good to the United States, if of none to Spain.

When I reflected that we had interfering claims with Spain, as well in respect to the boundaries as the Mississippi, and that we had a minister there negotiating upon those points; that the negotiation was closed without a satisfactory adjustment, and that Spain was probably, in concert with England, exciting the Indians against us; I was, from these considerations, inclined to deem this movement of Mr. Gardoqui an insidious one. I was the more so from the further consideration that he had made this application to me without the knowledge of Mr. Short, through whom it ought to have been made, had the proposition been a candid one, and founded on any claim of Spain upon the United States. I was, therefore, the more resolved to suffer myself to be restrained by no unnecessary and false motives of delicacy towards Mr. Gardoqui, in the manner in which I should treat the subject.

I was persuaded that a peace between France and Spain at the present moment, whilst our claims were unsettled, must be prejudicial to the United States. Such a peace would free Spain from a pressure which at present shakes her monarchy to the foundation. By continuing the war, it enables the United States, in case they should take decisive measures, to do what they please with that Power. For it is not reasonable to suppose, when the French troops are overrunning a great part of Spain, and her whole force is exerted for her protection at home, that she would be able to make a respectable opposition to any effort we might make on the other side of the Atlantic. But a peace with France would remove such pressure, and leave the Spanish Government at liberty to act with its whole force against us.

I was likewise persuaded it was the interest of France to have our accommodation in view, and to give her aid in forwarding our arrangement with Spain, at the same time that she adjusted her own: for if she should close a peace with that Power, whereby she left it at liberty to act against us singly, or jointly with England, in case of a war with the latter, she would not only expose us to great and unnecessary detriment, but likewise hazard the probability of being drawn into it again, in case it should take an adverse course in regard to us.

Upon full consideration of all these circumstances, I thought it best to lay the letters of Mr. Gardoqui before the committee, with my free comments upon them. I did so, and told them explicitly that, in my opinion, it was the wish of the Spanish court to commence a negotiation, and that it had addressed itself through me, to inspire a distrust in me, by creating a belief that the United States were more friendly to Spain and Britain than to France. I explained fully our situation with both those Powers, assuring them that we were threatened with a war from both. I also mentioned the indelicacy and artifice of Mr. Gardoqui, in applying to me without the knowledge of our minister at that court, and resting it upon a ground of ancient friendship, which never existed to any great degree. I assured them, at the same time, that if I could be of any service in forwarding their wishes in regard to peace, in the present or any other instance, it was the wish of the United States I should be, and would personally give me great pleasure to render it. I intimated also the danger which would attend a peace between the republic and Spain, unless our differences should be compromised at the same time. The communication was well received, and the business terminated in an arrangement, by which I was to answer Mr. Gardoqui's letters, declining any agency in the business myself; advising him, at the same time, to make his application directly (in case he continued indisposed) to the committee, and from whom I was persuaded he would obtain a satisfactory answer. This was accordingly done in a letter which was forwarded about five days past.

In the close of this affair, I was invited by the diplomatic members of the committee of public safety to a conference upon a new topic. I was informed that it was their intention to press the war against England in particular, but that they were distressed for funds, and was asked, could any aid be obtained from the United States? I told them I was satisfied, if it was in their power, it would be rendered; that I possessed no power on the subject, and could only advise of the probability, &c.; that, with their permission, I would put on paper such ideas as occurred to me in respect to that point, and upon which I would afterwards more fully confer. This incident furnished me with a new opportunity of pressing more forcibly the propriety of their securing for us the points in discussion with England and Spain, at the time their own peace should be made with those Powers. I send you a copy of the paper delivered to them to-day, and to which I have as yet received no answer.

Whether France will make any arrangement upon this point with us I cannot tell. When I mentioned, in the committee, the danger which menaced us of a war with Britain and Spain, and asked what reliance we might have on France in such event, I was answered, they should consider ours as their own cause. No other arrangement can well be made, than that of lending money to France, if in our power; it being understood that she will secure, at the time of her own peace, the complete recognition of our rights from Britain and Spain, and which she may easily do, in my judgment, and without prolonging the war a moment on that account.

On the other hand, if the United States ever mean to assert those rights, the present is, of all others, the most suitable moment. The fortune of France has risen to the utmost height of splendor, whilst that of her enemies has declined to the lowest state of depression. Her armies are every where triumphant, whilst theirs are every where routed and broken. Spain makes no head against her, but is trying, as already shown, to steal a peace in obscurity. And Britain is, perhaps, in nearly as bad a situation. Maestricht has lately surrendered, whereby eight thousand troops were yielded, with about three hundred pieces of cannon, two hundred and fifty-seven of which were brass, with other warlike stores, and in great abundance. Nimeguen was likewise taken a few days afterwards,

with considerable amount in stores; and, it is said, that commotions are taking place in five of the provinces, who have formally resolved to dismiss the Stadtholder, reform the Government by the republican standard, and ally with France. This must be felt in England, and will probably excite disturbance there. In any event it will produce such effect, that, if America strikes the blow her own interest dictates, and which every other consideration prompts, it must be decisive, and, if not ruinous to the fortunes of that proud and insolent nation, will certainly secure us the objects we have in view.

If I hear further from the committee about the proposition for a loan, &c. I will advise you of it by the French minister, who leaves this in about five days. By the paper which I send, you will understand how far the point has been discussed, of the propriety in France to support our claims against Britain and Spain; the opportunity for which was furnished by my friend Mr. Gardouqui, and you will soon be able to ascertain from the minister what his powers on that head are.

Within a few days past, two deputies were appointed by the committee of public safety, by consent of the Convention, to some important trust, but whose names and office are unknown. It is supposed they are commissioned to treat on peace with some one of the Powers, and which is most probable; but with which of the Powers, or whether this is the object, are only matters of conjecture.

I apprized you in a late letter, that I had written to Colonel Humphreys, and was endeavoring to concert with him, if possible, the mode by which the aid of this Government, if disposed to grant it, (and which I presume to be the case) may be given him in the negotiation with Algiers. As yet, I have not heard from him. As soon as I do, provided I find it necessary, I will apply for the support contemplated. Previous to this, it will be improper. Touching this subject, I send you a proposition from the Government of Malta, presented by its chargé des affaires here, to be forwarded for your consideration. You will give me, for that Government, such answer as shall be deemed suitable.

Within a few days past, the hall of the Jacobins was shut up, by order of the Convention. That body was constantly at work to undermine and impair the regular and constituted authority of the Government. Moderate measures to check its enormities were found only a stimulus to greater excesses. This last step was, therefore, taken, and there is reason to fear its dispersed members will still continue to provoke, by some rash measure, the indignation of the Convention to such a height, as to bring upon them a degree of severity, it were better to avoid. Within a few days past, also, the commission, to whom was referred the charge against Carriere, formerly representative at Nantes, has reported there was ground for accusation, and to-day, it is believed, the convention will approve the report, and consign him over to the revolutionary tribunal, who will, with equal certainty, and with the general plaudits of the nation, doom him to the guillotine.

From Mr. Monroe to the Committee of Public Safety.

PARIS, November 13, 1794.

I received, some weeks past, a letter from Mr. Gardouqui, Minister of the Spanish Finances, enclosing one to my care for Mr. Otto, then in the Department of Foreign Affairs, requesting me to present it to him. As I did not wish to be the channel of communication from Mr. Gardouqui to any citizen of France, whatever might be its object, and whether of a private or public nature, I resolved neither to deliver the letter, nor give an answer, for the time, to that which was addressed to me. And I was the more inclined to this from the persuasion that, if of a private nature, the delay could be of no great importance, and, if of a public one, and especially upon an interesting subject, that when it was found I attended only to the concerns of my own country, and did not choose to interfere in those of Spain, that he would take some course more direct for the attainment of the object in view. As some weeks had now elapsed, I took it for granted that this was the case. In this, however, I have been disappointed: for I was favored, within a few days past, with a second letter from Mr. Gardouqui, in which he enters more fully into the object of the first communication. Finding, therefore, that he still addressed himself to me, notwithstanding the discouragement already given, I deemed it necessary, not only to examine more attentively the object of this communication, but likewise to adopt, definitively, some plan in regard to it. Nor had I much difficulty in either respect: for, when I recollected that he was a minister of Spain, and observed that his letters, as well as to Mr. Otto, and which I have since examined, as those to me, expressed only a wish to be admitted within the Government of France to attend some baths, I could not but conclude that this was the ostensible motive, whilst some other, in reality, existed. And in this I am the more confirmed from a recollection of the relation in which Mr. Gardouqui and myself formerly stood, in America, to each other, and which, on account of my strong opposition in the Congress to his proposition for occluding the Mississippi, was not the most amicable one. From that consideration, I do not think he would solicit a correspondence with me for a trifling object. What other then must be the motive? In my judgment, there can be none other than the hope of thereby opening the door for the commencement of a negotiation for peace, and that the Spanish court has availed itself of this mode of making that wish known to you.

Presuming, then, that this was in truth the object, it remained for me only to decide what course I should take in regard to Mr. Gardouqui's communications; nor could I hesitate long upon this point, for I well knew it was of importance to you to become acquainted with the disposition of other Powers towards the French republic. I have, therefore, deemed it consistent with that sincere friendship which the United States bear towards you, and the interest they take, as your ally, in whatever concerns your welfare, as well as with that candor I mean to observe in all my transactions, to lay the letters before you; knowing their contents, you will be enabled to determine how to act in regard to them. As it respects the United States, whom I serve, or myself personally, it can be of no importance to me to be acquainted with the result; since I doubt not, that, under the wise counsels of the republic, the revolution will progress to a happy close; but permit me to assure you that, if I can be of any service to the French republic, in regard to the answer to be given to this communication, it will give me the highest satisfaction to render it.

Observations submitted by Mr. Monroe to the consideration of the Diplomatic Members of the Committee of Public Safety.

It is the wish of the French republic to obtain, by loan, a sum of money from the United States of America, to enable it to prosecute the war.

This is to be expected from three sources: the General Government, the State Governments, and from individuals.

The French cause and the French nation are greatly regarded in America, and I am persuaded some money may be obtained, and perhaps a very respectable sum, from the three sources above mentioned. For this purpose the minister should possess power to make loans from either of the above parties, and to give such security as the republic shall deem suitable.

The committee, however, should advert to the situation of the United States in regard to England and Spain. Both those countries have encroached upon our rights; the one holding the western posts, in violation of the treaty of peace of 1783, whereby she harasses our frontiers, by means of the Indians; and the other, by shutting the Mississippi, and likewise exciting the Indians against us to the south: so that the United States are in a kind of hostility with both Powers. There is likewise reason to believe that a convention subsists between Britain and Spain, defensive, and probably offensive, against us, in support of their respective claims.

In this situation, would it be proper for France to make peace with either of those Powers, whilst our claims were unsettled with either, and whilst both encroach on our territory? Would it not leave those Powers free to

attack us united, and, in that situation, would not France be forced again to embark in the war, or tamely look on and see our dismemberment? Could the republic, in short, deem its own peace secure or durable whilst these points remained unsettled between the United States and those Powers, and should it not, therefore, seek an adjustment of the whole at the same time?

I have suggested these considerations in the hope that the committee will give the minister, about to depart for America, full power in relation thereto, and in the confidence that a satisfactory assurance on that head would greatly facilitate the object of the loan: for if the United States were assured that they would have no occasion for their own resources to support a war against those Powers, it would, of course, be more in their power to lend them to the French republic.

It must be obvious that France may not only secure these points for us, and without any difficulty, but with Spain, whatever else she pleased: for I am persuaded that the Spanish monarchy would even agree to open the islands to the world, and perhaps even to South America, to end a war which endangers the crown itself.

The mode would be by insinuating to both those Powers, when France commenced her negotiation, that they must also adjust, at the same time, their differences with the United States.

The sum which might be raised in America from the different sources above mentioned, upon an assurance of this kind, would, in my judgment, be considerable. In any event, however, I shall be happy to give the minister about to depart every information and aid in my power, in forwarding the object in view.

I submit to you, however, whether it would not be proper to enable me, in my letters on that subject, to declare what your sense is upon these points.

From Mr. Monroe to the Secretary of State.

PARIS, December 2d, 1794.

SIR:

I have at length obtained an answer from the committee of public safety, to the several propositions heretofore presented before it, in an *arrête* of the 18th ultimo, and which I now transmit to you. By this *arrête* the commission of marine is ordered to adjust the amount due to such of our citizens as were injured by the embargo of Bordeaux, and likewise to such others as have claims for supplies rendered to the Government of St. Domingo. By it, also, many embarrassments which impeded the direct trade between the two countries are removed. The arbitrary rule of contraband, which authorized the seizure of our vessels laden with provisions destined for other countries, is done away; and the stipulation of the treaty of commerce, which gives free passage under our flag to the subjects of any of the Powers at war with the republic, is likewise enforced. In short, every thing has been conceded that was desired, except the execution of that part of the treaty which gave freedom to goods in ships that were so.

I have, in consequence, notified to the commission of marine, that I had empowered Mr. Skipwith to take charge of these claims, and attend their adjustment on the part of our citizens, and I shall continue to give every aid in my power to obtain for them the justice to which they are entitled. In respect to the liquidation, unless, indeed, some difficulty should arise, as to the mode of payment, whether in assignats or specie, I presume all difficulty is at an end. But in regard to the payment, I think it probable, unless assignats are taken, and which are now depreciated, further delay will be desired, owing to the great expenditures of the Government at this very important crisis of its affairs. Upon this, however, I shall be able to give you more correct information in my next.

If the treaty could have been carried into effect by general agreement, I should have deemed it a fortunate thing; because it would have secured our commerce hereafter from the possibility of vexation, and upon any pretext whatever, by the French cruisers; and because it would have ranged the French republic, at an important period of its affairs, on the side of a principle founded in benevolence, and necessary to the freedom of the high seas. But as connected with other considerations more immediately applicable to ourselves, and especially, if the hope of forcing it upon other nations, as a law, is abandoned, I have deemed it of but little consequence. It certainly precludes the probability of our being called on hereafter to fulfil any stipulation whatever, and will, of course, gain us greater credit for any services we may render them, in case it should suit us to render them any. I am likewise persuaded, from the responsibility the *arrête* imposes, and the increasing partiality pervading all France towards us, and which is felt by the Americans, and observed by the subjects of other neutral Powers, that the execution will not vary much from the import of the treaty itself; for I cannot think that many of our vessels will hereafter be brought in upon the suspicion of having enemy's goods on board.

I informed you some time since, that I was persuaded, if the subject was before the Convention, it would readily be granted; and in this I have not only been since confirmed, but in the further belief, that a majority of the several committees was favorable to the object. The dread, however, of denunciation in the course of events, deterred them from adopting it. It was opposed, as was likewise every other change, by a party who would not fail to take advantage of it, should a favorable opportunity occur. The sordid spoilers of the public wealth never forgive those who detect and expose to view their iniquities. And this was the most vulnerable point upon which recrimination could hereafter act: for, as it is contemplated, when the other Powers are withdrawn, to prosecute the war against England, with the collected force of the republic, and this might be construed into a partiality for that nation, it was deemed too hazardous a measure, in respect to the personal safety of the members, to be encountered. In this decision too, it is probable they were the more confirmed, by the necessity of cultivating Denmark and Sweden at the present moment, from whence great resources are drawn in support of the war, whose councils are yielded by Bernstorff, a man believed to be well disposed to a reform in the existing Governments of Europe, and whose fleets are combined with no friendly disposition towards England. They would most probably have pressed to be put on the same footing, and the pressure could not easily have been resisted, after the example was given. As a proof, however, of the disposition of the committee upon the subject generally, I herewith transmit to you a copy of a report drawn upon my notes by Merlin de Douay, to whom they were referred, and which was informally given me by its diplomatic members.

I apprized you in my last, of the 20th instant, of Mr. Gardoqui's attempt to obtain permission to attend certain baths within the republic, ostensibly upon account of his ill health, but in my judgment to commence a negotiation for peace, (a finesse too often practised by a certain grade of politicians) and at the same time lessen any weight the United States might have upon that subject, in respect to their own affairs, by inspiring a distrust in me in the outset. I likewise stated to you in what manner I had acted upon that occasion, laying his original letters before the committee, with my free and candid comments upon them; as also the further discussion which took place between the committee and myself in regard to Spain, and to which an incident of a different kind gave birth, in which I exposed, as far as the nature of the case would admit of, the real situation of the United States with respect to Spain and Britain, menaced with war by both; showing how France would be affected by that event, and of course, the part she should take in our affairs at the present moment. To that communication, I have now nothing new to add, having since heard neither from Mr. Gardoqui on the subject of his proposition, nor the committee upon that, or the one which afterwards occurred. I omitted, however, at that time, to transmit to you a copy of my letter accompanying Mr. Gardoqui's to the committee, and which I now enclose for the purpose of presenting that business more fully before you.

I am convinced that this exposition of our situation with Britain and Spain, and to which the incident of Mr. Gardoqui furnished the first opening, has been useful: for before that exposition, I had reason to believe, that it was not only unknown, but that a very erroneous opinion was entertained by many, in the committee, upon that subject. I thought I had felt the effect of that opinion, created no doubt in the manner you suggest; but as it was not communicated in a way to enable me to take official notice of it, I was embarrassed how to act, or what measure to adopt in regard to it. For awhile, as it was circulated only in private, I thought it best to counteract it, by making

the necessary explanation only to those who mentioned it to me. Finally, as I knew the campaign was progressing towards a close, and that the winter was the season for negotiation; and more especially, as I feared its commencement with either of those Powers, with such improper opinion of our situation with each, because I well knew they would improve it with great dexterity to their advantage, I deemed it my duty to make an extraordinary effort to remove it. With this view, I appointed a rendezvous with the diplomatic members of the committee, and which took place accordingly. I was resolved, however, not to meet the imputation as a charge supposed to exist, or which I was bound to answer, in case it did. A denial of a charge might beget a suspicion where there was none. I took different ground, by informing the committee that the war in which they were engaged, like all other wars, must have a termination: That *most* were concluded by the friendly mediation of third Powers: That I was well convinced the United States would be happy to render the French republic any service in their power, in that respect, to bring the present war to a happy close: That it was not their interest to interfere, even by mediation, nor, in my judgment, would they, otherwise than at the instance and by the request of the French republic, in the hope of promoting thereby the success of their revolution. I observed further, that I wanted no answer to this, and had only given the information, that they might retain it in memory for the purpose of availing themselves of it hereafter, in case it should be found expedient. It was received respectfully, but calmly. By one of the members it was observed: "That having beaten their enemies completely, it belonged to those enemies to determine whether they wished peace or not; and if they did, they would, no doubt, be able to find a way whereby to make it known to the republic." By another, I was asked: "Whether Mr. Jay was still in London, and whether he intended to come over to Paris, as had been published in an English paper?" This was the very suspicion I wished to combat and remove, though, indeed, I did not expect it would have been avowed in so abrupt a manner. I replied, I could not tell whether he had returned or not, but that it was impossible the paragraph in the English paper should be true, as he was sent to England upon an especial business only—to demand reparation for injuries, and to which his authority was strictly limited. I then repeated what I had before said of the friendly disposition of the United States towards the French republic, in all cases, and of the pleasure with which they would, in my judgment, serve it upon the present one, if in their power: That I was persuaded they would listen to no proposition upon the subject of mediation from any other Power; for as it was a business which could not possibly benefit them, they would, of course, embark in it only upon account of their ally. I likewise added, that I knew nothing of the disposition of any Power upon the subject of peace, but presumed the success of their armies had disposed them all well towards it; and thus I left them to reflect at leisure upon what I had said, in the belief, however, that the communication must produce a good effect. As this took place prior to the affair of Mr. Gardouqui, and which was more particularly detailed in my last, I have thought proper to communicate it to you, that you may be possessed of every, the minutest circumstance relative to our affairs upon this very important theatre.

If the subject of a loan is mentioned again here, or in America, that of securing for us the points in question must likewise be; but as I have said every thing on that head that I can say, having only a right to conjecture, I am not anxious to revive it here. I am, however, persuaded it will be revived with you: for so vast are their armies, and extensive their operations, that they must be distressed for money, and forced to gain it from whence they can. And I sincerely wish we may assist them, if possible, and which I presume it will be, especially if not comprised in the war, and which I think cannot be, although we should immediately wrest from Britain and Spain the rights they have usurped from us. The credit of the United States is such in Europe and America, and their means of reimbursement so unquestionable, especially in the particular of the Western territory (an object viewed at present with great cupidity on this side of the Atlantic) that I am persuaded the amount expected might be obtained by loan; and I am equally so, that the people would cheerfully bear a tax, the product of which was to be applied in aid of the French republic. Upon these topics, however, I have only a right to conjecture, and as such you will be pleased to consider what I have said.

The day after my remarks upon the subject of a loan were handed in, I was favored with yours of the 25th of September, and which I beg leave now to acknowledge. Finding that my idea of our situation with Britain and Spain was correct, I was extremely happy that I had given that representation of it. The motive for strong union here, on our part, is the greater, and nothing tends so effectually to promote that object as the belief that we are not cordial with England. In consequence, I waited on the committee again, and told them I had received a despatch from you since our last conference, and that our dilemma with those two Powers was even more critical than I had before intimated. Facts of this kind go further in removing doubts, than any assurances I could otherwise give them. These discussions have enabled me to examine attentively whether it was their real wish that we should embark with them in the war, and I can assure you, that whatever it may have been at any previous stage, upon which I can give on opinion, that, at present, I am persuaded they would rather we would not; from an idea it might diminish their supplies from America. But such is their disposition towards us, that I am inclined to think, if the point depended on them, they would leave us to act in that respect according to our own wishes. And I am likewise persuaded, if we do embark in the war, that they will see us through it; and have some hope if we do not, and especially if we aid them in the article of money, that they will support, as far as they will be able, our demands upon Spain and England.

I intimated in my last, that we could not have asked from fortune a more seasonable opportunity for possessing ourselves of those rights, which have been long usurped by Britain and Spain, and that, if it was the sense of America ever to possess them, it should not be pretermitted. Britain is certainly not in a condition to embark in a war against us, though we should dispossess her of Canada: she would of course be less apt to do it, if we only placed her troops beyond the lakes. Her own land force was scarcely felt in the present war against France; nor has she been otherwise regarded than on account of her fleet and pecuniary resources, by which she subsidised Prussia and other Powers. But that force, small as it was, is greatly diminished, and the combination in which she has been associated appears, not only to be completely soiled, but in a great measure broken. The prospect now before her is, that Prussia, Austria, and all the other Powers, will extricate themselves from the war; upon the best terms they can, and leave her singly to support it against France; and that the latter will be aided by Spain unless a particular combination against us should prevent it; and likewise by Denmark and Sweden, if not directly, yet in a manner to produce a serious effect. The preponderance of her fleet, and the wanton and licentious use made of it, have excited the disgust of all nations who would be pleased to see it reduced, and the present is considered as a favorable time to reduce it. She likewise knows, or confidently believes, that it is the intention of France to prosecute the war against her, for the purpose of breaking her maritime strength, and ridding the ocean from such a tyrant. At home, too, she cannot be free from disquietude. The total failure of her operations in this quarter (what they are in the West Indies is better known to you) has excited some uneasiness in the public mind, and proportionally lessened the weight of the court. This was lately shown in a prosecution against a Mr. Hardy, and in which a verdict was given for the defendant. And should the French take Holland (which nothing but an inundation already commenced can prevent, if even that can) this sensation will of course be increased. Thus circumstanced, what have we to fear from her? Will she, in her decline, bring upon herself another enemy, who can wound her so vitally? For let her merchants and politicians boast as they will of her resources, yet it is well known, if the American demand was cut off, upon which she thrives so much, that it would greatly diminish her revenue and impair her strength. How is she enabled to support her engagements and carry on her operations, but by commerce; and lessened as this already is by the war, how could she sustain such a stroke at the present crisis? From her friendship we have nothing to hope. The order of the 6th November was war, in *fact*, and that has since been modified according to circumstances. Be assured she is infinitely less disposed for such an event at the present, than at any preceding period. On the contrary, if we only took possession of what we are entitled to, she will readily join with us in reprehending the conduct of her own officers for having transcended their orders. With respect to Spain, I have nothing new to add, since my last, except that in two days' successive actions, two complete victories were obtained over her troops by those of this republic; unless, indeed, some ingenious sophist, jealous of the honor of Spain, should contend, that as they were completely routed on the first, and maintained only a straggling battle on the second, it ought to be called but one. Certain it is, that in the two days' conflict, several thousands were slain, and upwards of two thousand taken prisoners, with their camp on each day, and on one, tents for fifty thousand men.

I promised you, some time since, my comments upon the subject of a consular arrangement for the ports of this republic. The consuls have been here to confer with me upon the subject of trade, and I have obtained from them their ideas on that of the arrangement which I now enclose you. I will add my own comments on it in my next, and will subjoin the names of some Americans now here, that may be deemed worthy your attention. I think proper, however, now to mention, that Mr. Skipwith will accept the office of consul for this city, and that I think him worthy of it. He is, in my opinion, a sensible man, of strict integrity, and well acquainted with the duties of the office. The duties of consul here will be those of consul general, and, in strictness, the commission should be correspondent. They may, however, be performed under that of consul only: for I presume *those* in the ports will respect him equally in either character.

From the Commission of Foreign Relations to the Minister Plenipotentiary of the United States of America.

PARIS, 3d Frimaire, 3d year of the republic, (November 24th, 1794.)

You will find within, citizen minister, the copy of an arrêté, taken on the 25th Brumaire last, (18th November) by the committee of public safety, relative to the conduct which shall hereafter be observed in the ports, and by the vessels of the republic, towards neutral vessels and their cargoes. This arrêté furnishes an answer to the memoir which you presented on the 17th of Fructidor (September 3d.) You will doubtless be fully satisfied with the dispositions which are there announced. You will consider them as a new proof of the desire of our Government to maintain and strengthen the good intelligence which now so happily reigns between our two republics.

MIOT.

Extract of the Register of Arrêts of the Committees of Public Safety, Finance, and Supplies, 25th Brumaire, (November 18, 1794) 3d year of the republic.

The Committees of Public Safety, Commerce, and Supplies, order as follows:

ARTICLE I. The vessels of the United States of America, and those of other neutral Powers, shall be permitted to enter freely into the ports of the republic, and retire from them when they please: nor shall it be permitted to any constituted authority to retard their departure, or to oblige the captains to sell their cargoes against their will.

ART. II. When the captains or owners of neutral vessels are disposed to sell their cargoes to the public, they shall be paid for them according to the bargain which they make.

ART. III. It is enjoined to all the commandants of naval armaments, fleets, divisions, and squadrons, of the republic, to respect, and cause to be respected, upon their responsibility, in favor of the neutral and allied Powers, the rights of nations and the stipulations of treaties, conforming themselves strictly to the terms of the decree of the Convention of the 27th of July, 1793.

ART. IV. In consequence, they are expressly prohibited from turning these vessels from their course; taking from on board of them their captains, sailors, or passengers, other than soldiers or sailors actually in the service of an enemy Power; or of seizing the effects or merchandise which shall be found in them.

ART. V. Are excepted from the prohibition contained in the preceding article—

1. Merchandises belonging to the enemies of the republic, until such enemy Powers shall have declared that the merchandises of the French shall be free on board neutral vessels.

2. Such merchandises of the neutral Powers also as are deemed contraband of war; and under which are comprised all arms, instruments, and munitions of war, and every kind of merchandise and other effects destined for an enemy's port, actually seized or blockaded.

[ART. VI. VII. VIII. and IX. regulate the manner of proceeding where neutral vessels are brought in, upon a presumption of having enemy's goods on board.]

ART. X. The commission of marine shall present, without delay, a statement of the individuals, born subjects of the Powers with whom the republic is at war, who were taken before the present day, upon neutral vessels, that particular arrêts may be taken in each case.

ART. XI. The indemnities which are due to the captains of neutral Powers who were detained by an embargo at Bordeaux, shall be liquidated without delay by the commission of marine and colonies, conformable to an arrêté of the committee of public safety of the 17th of Germinal; and this commission shall render an account, in the course of ten days, of the actual state of these demands.

ART. XII. The commission of marine is specially charged to receive and adjust the accounts which shall be presented to it by an agent of the United States, for such supplies as the Americans have furnished to the administration of St. Domingo; and it shall take the necessary measures to procure to the parties interested the most prompt justice, and shall also present to the committees of public safety, of finance, commerce, and supplies, the results of its operations in these respects.

ART. XIII. The commission of foreign relations is instructed to deliver a copy of this arrêté to the minister plenipotentiary of the United States of America, in answer to his memorial of the 9th of Fructidor (September 3d) last.

MERLIN,
THURIOT,
CAMBACÈRES, &c.

The Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, December 2, 1794.

SIR:

On the 27th instant,* I had the honor of receiving the duplicate of your letter, No. 3, of the 15th of September last, being the first and only official notification of your having entered upon the duties of your mission.

Alexander Duvernet, who was appointed vice consul of Paris, during the last session of the Senate, loitered here so long, without a suspicion being entertained of his default, that the President has superseded him by commissioning Joseph Pitcairn, of New York, who goes off for his residence immediately.

With the frankness of my friendship, I must discharge the obligation of my office, by communicating to you the opinions which we entertain here concerning the speech which you made on your introduction into the National Convention.

When you left us, we all supposed that your reception, as the minister of the United States, would take place in the private chamber of some committee. Your letter of credence contained the degree of profession which the Government was desirous of making; and though the language of it would not have been cooled, even if its subsequent publicity had been foreseen; still it was natural to expect that the remarks with which you might accompany its delivery would be merely oral, and therefore not exposed to the rancorous criticism of nations at war with France.

It seems that, upon your arrival, the downfall of Robespierre, and the suspension of the usual routine of business, combined, perhaps, with an anxiety to demonstrate an affection for the United States, had shut up for a time the diplomatic cabinet, and rendered the hall of the National Convention the theatre of diplomatic civilities. We should

* Instant in the original, ultimo no doubt intended.

have supposed that an introduction there would have brought to mind these ideas: "The United States are neutral—the allied Powers jealous—with England we are now in treaty—by England we have been impeached for breaches of faith in favor of France—our citizens are notoriously Gallican in their hearts—it will be wise to hazard as little as possible on the score of good humor—and, therefore, in the disclosure of my feelings, something is due to the possibility of fostering new suspicions." Under the influence of these sentiments we should have hoped that your address to the National Convention would have been so framed as to leave heart-burning no where. If private affection and opinions had been the only points to be consulted, it would have been immaterial where or how they were delivered. But the range of a public minister's mind will go to all the relations of our country with the whole world. We do not perceive that your instructions have imposed upon you the extreme glow of some parts of your address; and my letter in behalf of the House of Representatives, which has been considered by some gentlemen as too strong, was not to be viewed in any other light than as executing the task assigned by that body.

After these remarks, which are never to be interpreted into any dereliction of the French cause, I must observe to you, that they are made principally to recommend caution, lest we should be obliged, at some time or other, to explain away, or disavow, an excess of fervor, so as to reduce it down to the cool system of neutrality. You have it still in charge to cultivate the French republic with zeal, but without any unnecessary eclat; because the dictates of sincerity do not demand that we should render notorious all our feelings in favor of that nation.

In your letter you say that you have not been instructed to desire a repeal of the decree which violated the 23d and 24th articles of the treaty of commerce; that you did not know but it had been tolerated from the soundest motives of political expedience, lest the demand for the rescinding it might produce a call for the guarantee. Indeed, you have gone further; having declared in your memorial, that you were under no instructions to *complain* of, or request the repeal of, the decree authorizing a departure from those articles; and that if, upon reconsideration, after the experiment made, the committee of public safety should be of opinion that it produces any solid benefit to the French republic, the American Government, and your countrymen in general, would not only bear the departure with patience, but with pleasure.

The fourth head of injury, stated in your letter, shows that you were possessed of cases which turned entirely upon the impropriety of the decree; and such, too, was certainly the fact. Now, without the abrogation of the decree, so far as it respected those cases, the redress which you were instructed to demand, could not be obtained: in truth, there was no cause or pretence for asking relief, but upon the ground of that decree having violated the treaty. Does not this view lead to the inevitable conclusion, that the decree, if operative in future instances, would be no less disagreeable; and, consequently, that its operation in future instances ought to be prevented—a circumstance, which could be accomplished only by a total repeal. The papers of the ship *Laurens* contained a reference to one or more representations of Mr. Morris against the decree; so that the business had been actually broken to the French Government.

Neither these representations, nor yet your application, appears to have suggested a requisition of the guarantee. The omission to demand its fulfilment up to this day, is a proof that *their* policy did not approve of such measure: and in this they were wise, since we should have been less advantageous to them by associating in the war, than we have been in our neutral character. If I am not mistaken, this sentiment has been delivered often by Mr. Fauchet. Besides, you might have very readily repelled any serious allusion to the guarantee, by saying, as your instructions indicate, that you were directed to send that subject on this side of the water. I must add another observation; that I do not see how, if you are to be deterred by the guarantee, you can ever claim compensation for an infraction of the treaty, since you will always be in danger of having it brought up to you.

But, my good sir, let these things be as they will, was it necessary to intimate that an indifference prevailed in our Government as to these articles, by a declaration that you were not instructed to complain of the decree? I confess that I am unapprised of the data upon which such an opinion could be founded; and undoubtedly the President himself would not undertake, that the People of the United States would bear with patience a departure from stipulations which are generally believed to be important to us. But if, from our friendship to the French republic, we might sustain a mischief with pleasure, still, we should not choose that the assumption of one of our rights, without consulting us, should become a precedent for the assumption of any other.

Let me, therefore, entreat you, if my letter of July 30th has not already stimulated you to remonstrate against the decree, to do so without delay. We do not wish you to swerve from the line of conciliation which is marked out in the last paragraph of your letter. On the contrary, conciliation, which does not detract from the dignity of his Government, its rights, and his own self-respect, is a valuable quality in a minister. We only hope that the committee of public safety may not continue in the belief that the Executive are of opinion that it will be satisfactory to dispense with the articles.

I am extremely happy in assuring you that many of Mr. Fauchet's discontents have been removed. The documents concerning the failure to salute the *Semillante*, and the supposed insult to the *Favorite*, are enclosed to you, that you may be able to evince our solicitude to cement our good will on every occasion which is offered.

Colonel Alexander Anderson, of this city, who has a claim for compensation, and whose agent will call upon you, requests me to forward the enclosed papers. I also transmit some imperfect preparatory information in the case of Mr. A. Gracie.

A fresh collection of spoliation papers is sent, according to the list subjoined. The newspapers, &c. accompany this letter.

I am, &c.

EDM. RANDOLPH,
Secretary of State.

French Spoliations, December 2d, 1794.

1. Ship Commerce, Enoch Preble; additional.
2. Schooner Polly, Price; additional.
3. Sloop Matsy.
4. Brig Nancy, Dunning.
5. Sloop Jenny.
6. Danish ship Krageroe.
7. Brig Hector; additional.
8. British ship Mary Ann, and the ship John and James.

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, December 5th, 1794.

SIR:

Since my letter of the 30th ultimo, which will be conveyed by the same vessel with this, I have had the honor of receiving your very interesting letters of August 15th and 25th. They are the more acceptable, as affording an earnest of your attention to the kind of intelligence which is, to us, very important.

We are fully sensible of the importance of the friendship of the French republic. Cultivate it with zeal, proportioned to the value which we set upon it. Remember to remove every suspicion of our preferring a connexion with Great Britain, or in any manner weakening our old attachment to France. The caution suggested in my letter of the 30th ultimo arises solely from an honorable wish to sustain our character of neutrality, in a style which may be a pattern for the morality of nations. The republic, while they approve of the purity of your conduct, cannot but be persuaded of the purity of our affection.

The President approves your conduct as to the national house offered for your residence. Your interpretation of the constitution is correct. But you are charged to make known his sense of this evidence of respect.

The affair of the consul is noticed in my letter of the 30th ultimo.

I have the honor to be, &c.

EDM. RANDOLPH,
Secretary of State.

From Mr. Monroe to the Secretary of State.

PARIS, January 13th, 1795.

SIR:

I have the pleasure to inform you that, upon the report of the united committees of public safety, legislation, commerce, and finances, a decree has passed the Convention, since my last, whereby it is resolved to carry into strict execution the treaty of amity and commerce between the United States and this republic. I beg leave to congratulate you upon this event, and particularly the unanimity with which it passed the Convention, since it demonstrates the good disposition of that body, and of the nation generally, towards us. I was always satisfied, as heretofore intimated, that if I could have brought the subject, in the first instance, before the Convention, I should have succeeded immediately in the object in view. But as the committee was the department organized for such business, this was impossible, without commencing a species of warfare upon it, and which was equally improper, as it might tend to increase their own dissensions, and embark me afloat upon the fortune of those dissensions. Happily, by pursuing the object patiently with the committee, removing doubts, and obviating objections, aided by occasional changes of the members, this has not only been avoided, but I have additional pleasure to assure you that it was finally accomplished, without the least difficulty, and without exciting the animosity of any one.

After my late communications to the committee of public safety, in which were exposed freely the object of Mr. Jay's mission to England, and the real situation of the United States with Britain and Spain, I had reason to believe that all apprehension, on those points, was done away, and that the utmost cordiality had now likewise taken place in that body towards us. I considered the report above recited, and upon which the decree was founded, as the unequivocal proof of that change of sentiment, and flattered myself that, in every respect, we had now the best prospect of the most perfect and permanent harmony between the two republics. I am very sorry, however, to add, that, latterly, this prospect has been somewhat clouded by accounts from England that Mr. Jay had not only adjusted the points in controversy, but concluded a treaty of commerce with that Government. Some of those accounts state, that he had also concluded a treaty of alliance, offensive and defensive. As I knew the baneful effect which these reports would produce, I deemed it my duty, by repeating what I had said before of his powers, to use my utmost endeavors, informally, to discredit them. This, however, did not arrest the progress of the report, nor remove the disquietude it had created: for I was finally applied to, directly, by the committee, in a letter, which stated what had been heard, and requested information of what I knew in regard to it. As I had just before received one from Mr. Jay, announcing that he had concluded a treaty, and which contained a declaration that our previous treaties should not be affected by it, I thought fit to make this letter the basis of my reply. And as it is necessary that you should be apprized of whatever has passed here on this subject, I now transmit to you copies of these several papers, and which comprize a full statement thereof, up to the present time.

I cannot admit, for a moment, that Mr. Jay has exceeded his powers, or that any thing has been done which will give just cause of complaint to this republic. I lament, however, that he has not thought himself at liberty to give me correct information on that subject: for until it is known that their interest has not been wounded, the report will certainly keep alive suspicion, and which always weakens the bonds of friendship. I trust, therefore, you will deem it expedient to advise me on this head, as soon as possible.

I apprized you, in my two last letters, of an informal communication between the diplomatic members of the committee and myself, upon an interrogatory of theirs, whether it would be possible for France to obtain aid from, or within, the United States, for the purchase of supplies; and of my effort upon that occasion to interest this Government in support of our claims with Britain and Spain, and to which I was stimulated by intelligence that Mr. Jay's negotiation had failed, and that we were on the point of war, or actually engaged in it, with Britain, as likewise by the knowledge that Spain was covertly seeking a separate peace. I was satisfied that, if France would embark in our cause, in the present state of things, and which I found her well disposed to do, and without the prospect of much aid in return, that the object in each instance would be secure. I therefore thought it eligible, in that state of things, and with that view, to leave the door open for a communication on the subject with you. But as soon as I understood that Mr. Jay had adjusted the points in controversy with that nation, the object, on my part, was at an end. I was aware that, if the adjustment was approved, we could render no such service. Indeed, I doubted whether, in peace, the Government possessed the power to render it. I called, therefore, immediately upon those members with whom the previous communication had been, and suggested the same to them. They had anticipated the idea, and were prepared to answer it by a peremptory assurance that it was not their wish to create embarrassment in this or any other respect. On the contrary, that regard should be shown in all cases to our actual situation; and, with respect to the point in question, that the minister about to depart should be instructed not even to mention it, if you forbade it. So that this business stands upon a footing, as indeed it always did, whereby, under a particular state of things, some benefit may be derived from it, and no detriment under any.

The operations of this Government continue to progress in the same course they have done for some time past. During the time of Robespierre, a period of the administration which is emphatically called the reign of terror, much havoc was made, not only on the rights of humanity, but great confusion was likewise introduced, in other respects, in the affairs of the Government. It has been the systematic effort of the administration to repair this waste, and heal the bleeding wounds of the country; and in this, great progress has been made. By the same report which proposed the execution of the violated articles of the treaty of amity and commerce with the United States, it was likewise proposed to open wide the door of commerce to every citizen, (excluding them from navigation only) and which was adopted: so that, at present, any person bringing productions into the ports of this republic, may sell them to whom he pleases, and generally with astonishing profit. The agents of the republic stand upon the ground of other persons; they are preferred only by out-bidding them. In my judgment, no region of the world presents such an opening to the enterprises of our countrymen as this does. The restraints upon their own navigation operate in the degree as a bounty to ours; and the Government and citizens of France seem equally pleased to see ours preferred to that of any other nation. The restraints, likewise, which are imposed in other countries, on account of the war, upon a commerce with the French citizens, produce, in other respects, the same effect. It is the interest of the latter to employ our countrymen in ordinary mercantile transactions, and especially with foreign nations, whereby they get into their hands a great proportion of the whole trade of the republic. The profits which those on this theatre have already made, and continue to make, surpass what you have any idea of. I sincerely wish that this was more generally known, that more might be induced to embark in it, not only for the purpose of diffusing more generally the immediate emoluments, but for the most important one of gaining an interest in the commerce of this republic, which may be of lasting advantage to the United States. Before the Revolution, the English possessed this advantage, as they did in most other countries. But now, that interest is annihilated; and if the Americans step in, aided as they will be by the preference of the Government and people in their favor, they may occupy the ground, and retain it for ever afterwards. Permit me to add that nothing will more essentially forward this object, than an extensive, and numerous appointment of consuls. In every port an agent should be placed; and I should suppose the object of sufficient importance to induce our countrymen to accept of those offices. If a prudent and creditable person, the appointment attaches to it confidence, and gives him the command of capital. I am satisfied that any young man of good character, having the appointment in any of the ports, might immediately connect himself advantageously with the first house there, and gradually command elsewhere what capital he pleased. I have examined into this subject, and have thought proper to give you the result of my researches into it.

Nor has this wise and humane system been limited to this object alone. It has already been extended to many branches of national policy, and promises to embrace the whole. A decree was not long since passed, by which the seventy-one members, formerly of the Brissotine or Girondine party, and who had been confined on that account, were set at liberty, and called into the Convention. And a few days afterwards, our countryman, Mr. Paine, was likewise restored to his seat in that body, with marks of the most respectful attention. These events have given satisfaction to the community at large. A decree, also, which had excluded the nobles and foreigners (the Americans excepted) from Paris and the seaports, has likewise been repealed. This latter act, though comparatively of apparent little importance, has, notwithstanding, produced an excellent effect: for, as it breathes a spirit of humanity, and on that account captivates all, so it has contributed, by passing in review many members of the ancient order of nobility, (and who have not forgotten, and never will forget, old habits) to present before the public, and much to the credit of the Revolution, the strong and interesting contrast between the manly character of the French nation at the present day, and the miserable effeminacy, loppety, and decrepitude, of former times.

A decree has likewise passed, by which a general amnesty has been proclaimed in the Vendée; and a report has been since received from the deputies who were sent to carry it into effect, that all those to whom it was announced had laid down their arms, and arranged themselves under the banner of the republic; and that they were likewise satisfied it would terminate the war—a war, heretofore, beyond example bloody and destructive, and whose origin, support, and means of continuance, appear even yet to be but little understood. Freed from this embarrassment, the republic will acquire new vigor in all its enterprises; it will certainly have under its command, for other purposes, a considerable force, which was heretofore employed there.

But in retracing the ground, to repair in detail the injuries which the reign of terror had inflicted, it was impossible to behold the havoc it had made, without feeling some indignation for the authors of such great and complicated misery. This propensity, however, and which was equally incited by the obligations of justice and humanity, was strongly opposed, from the period of Robespierre's death to the present time, by a sentiment of extensive impression, that it were better to prevent the further effusion of blood, and to cover with a veil the atrocities which had passed, so far as they could be covered, than to punish even those of greatest enormity. For some time this sentiment prevailed, and though often irritated and disturbed by the remaining leaders of the opposite party, who courted danger and provoked their own fate, yet it appeared probable it would finally preponderate, and confirm the administration within that limit. The trial, however, of the *Nantois*, a long train of respectable citizens at Nantes, who were arrested under the administration of Carriere, in his mission there, and brought lately before the tribunal of Paris, opened the scene again, and revived the sensation of horror, which had before in some measure subsided. Such enormities were disclosed in the course of this trial, that it was impossible otherwise to appease the public mind than by submitting Carriere, and his accomplices, to the tribunal, in their turn. Condemnation was the sure consequence of his trial; and it was expected, so clear was the case against him, that all those formerly of that party would now separate from and yield him to his fate. From such a line of conduct some merit might have been arrogated, and the public censure thrown in a great measure on him alone; by whose punishment, too, the public resentment might possibly have been satisfied. But Billaud de Varennes, Collot d'Herbois, and even Barrere, a man heretofore noted for skilful movements in critical conjunctures, acted otherwise. They obviously, and from the beginning, made Carriere's cause their own; not only by supporting him in the Convention, as far as it was possible, but by exciting the Jacobins to take part in his favor; thereby attaching themselves to the declining fortunes of that club, and likewise making some unseasonable motions which bore on their face the complexion of that party. The separation required at best a dexterous management; but by these means they presented themselves out as an object, invited the public attention, and, in the degree, the public resentment. Whether they will finally escape is now doubtful. Lecointre, who had shown himself sufficiently prone, upon a former occasion, to commence the attack, took advantage of one of these moments of indiscretion to renew it, and with better effect. His motion was sent to the commission of twenty-one, heretofore organized to report whether there was just ground of accusation, and there it now is.

Another final victory was obtained over the Spaniards, since my last, and in which the two commanding generals, with many men, were slain, and nine thousand taken prisoners. And in the North, since the ice, nearer approaches are made to Holland, which will most probably soon be taken. Within a few days past, deputies arrived from the Stadtholderian party, to negotiate a separate peace: but, at the same time, others came from the patriotic party, to oppose it, and who pressed the committee to order forward the troops immediately, to assail and enter Amsterdam; and to which effect orders were accordingly issued. I am satisfied that peace will not be granted to the Netherlands, although a revolution should take place there, on any other condition than that of their uniting in the war against England. It is conceived that a peace to that Power, on other terms, would be more favorable to England than its continuance in the war: for thereby the British troops might be withdrawn, and great advantage gained in other respects from its neutrality. This, it is thought, is the object of England in assenting to their peace; but, in rejecting the offer, France opens a trait in her views that will add much to the weight of the ministerial argument for a continuation of the war. No argument is so strong as that of necessity, and if France will not make peace it will be impossible for England to do it. In my judgment, it is the determination of this republic to pursue the war until the maritime strength of England is broken; and when the actual state of things is regarded, with that of the comparative population, force, and enterprise, of the two nations, I do not see how it can be prevented. A single victory at sea accomplishes the object, and the rapidity with which ships are built, and fleets equipped, here, is inconceivable. Within a few weeks past the Brest fleet has been out twice, (indeed it is now out) consisting of thirty-six ships of the line, fifteen frigates, fourteen sloops of war and cutters, giving the defiance to its antagonist, which continues close locked to the land. More latterly, however, some indications were seen on that coast, of a disposition to take the sea, and hazard the fate of the island on a battle, so that it is probable something decisive may take place soon.

With respect to the other Powers, nothing definitive has yet been done in regard to peace. It is certain that several wish it, and particularly Spain and Prussia; but yet some difficulties have occurred in regulating the commencement and manner of the negotiation. England opposes it, because she knows she will not be included; and they, on that account, wish it to be private, merely to avoid the imputations that would arise if it were known; and this cannot well be accommodated under the present organization of the French Government. It is said that a minister from Prussia is at Basle, in Switzerland, with power to treat; and that they all have agents there for the same purpose is likewise probable.

I will endeavor, if possible, to forward by this opportunity a report rendered to me by Mr. Skipwith, upon the subject of American claims. Be assured that every possible attention has been, and shall be, paid to this subject.

P. S. I had omitted to mention the official communication by the committee of public safety, of the decree of the Convention for carrying into effect the treaty of amity and commerce between the United States and France: the polite terms, however, in which it is expressed, merit attention.

From Mr. Monroe to the Secretary of State.

PARIS, February 1, 1795.

SIR:

I was lately informed by Mr. Jay, that it was his intention to communicate to me the contents of his treaty with the British administration, and as I know the good effect which correct information upon that point would produce upon our affairs here, (admitting it to be as heretofore represented) I thought it my duty to endeavor to avail myself of it as soon as possible. But as the communication promised was to be in cipher, and Mr. Morris had taken his copy with him, I knew that I should not be able to comprehend it, in case it was received. I therefore deemed the acquisition of it an object of sufficient importance to authorize the expense of an especial despatch to London, to obtain it, and have, in consequence, committed that trust to Mr. Purviance, of Baltimore; who left this immediately after the receipt of Mr. Jay's letter, and who was likewise instructed to bring me a copy of Mr. Pinck-

ney's cipher, for future use. By his return I hope to be able to remove all uneasiness upon that head, and in which I am the more confident, from a knowledge that the Government here is well disposed to view it with the utmost liberality.

I was also lately informed, by a letter from Mr. Fenwick, that he understood from Mr. Muscoe Livingston, who had lately arrived from Lisbon, that Colonel Humphreys had sailed thence for Algiers, upon the business, as was presumed, intrusted to him with that regency; and that, prior to his departure, he had committed to him a message for me, to be communicated in person. Mr. Fenwick adds, that Mr. Livingston was taken sick, and, in consequence, deprived of his senses, just as he was about to set out from Bordeaux for Paris; whereby he was not only rendered unable to proceed on his journey, but even to communicate to him the purport of his message for me. Thus I am left in perfect ignorance, equally of Colonel Humphreys' wishes, the time of his departure, and plan of operation. I intimated to you before, that, although I had written to Colonel Humphreys for information upon that point, and with the view of forwarding his wishes to the utmost of my power, yet I was fearful, in consideration of those embarrassments which were inseparable from the war, it would be difficult to concert any plan of harmonious operation, which should commence and proceed from such distant points, whereby the aid of this republic could be yielded us in that negotiation. Under present circumstances, therefore, you will readily perceive that it has become altogether impossible.

The French troops have at length entered Amsterdam; whereby the whole of the province of Holland was brought immediately under the power of this republic, as, indeed, the whole of the Seven United Provinces most probably soon will be. This was announced, a few days past, to the Convention, by a letter from the deputies in that quarter; two of whom, it is said, are on their way to render an account in detail of this very important acquisition. It is reported that Breda and Bergen-op-zoom have surrendered: indeed the general idea is, that no further opposition will be made there to the French arms, and, of course, that this republic will become possessed of the fleet and immense stores of every kind. The Prince of Orange, with his family, accompanied by several members of the States General, had made their escape; but by what route, and whether for London or Berlin, is unknown.

After the entry of the French into Amsterdam was certain, and, in consequence, the entire conquest of the Seven Provinces more than probable, an effort was made by the States General to yield the same thing, upon terms, for the purpose of putting the republic in possession of the country by treaty instead of conquest; and with this view an agent, who arrived here about a fortnight before that event, was despatched; and who offered, as I am well assured, to surrender all the important fortifications of the country, and to provide, at their own expense, and for the residue of the war, quarters and provisions for such force as should be deemed adequate to hold them. To yield immediately twenty-five sail of the line, and likewise to pay, at stated times, convenient for both parties, the sum of three hundred millions of florins. But it was known by the committee, that, without an accident, as much might be gained, and perhaps more, by conquest. That the latter mode, which knew of no condition, freed them from fetters, and of course from the possibility of any future imputation of breach of treaty, and of violated faith. The agent, however, who was an ancient minister of that Government here, was suffered to remain, and treated with respect, whilst orders were issued to the troops to advance, and which were obeyed.

There arrived, about the same time, a deputation from the patriots who, associating with Mr. Van Staphorst, and one or two others, of those who were banished from their country, in 1787, endeavored to counteract the movements of the agent from the States General, and to attract to the patriotic body the attention of the Convention. Before the entry into Amsterdam, they wished admittance to the bar, as well for that purpose, as to sound the disposition of the Convention in regard to the future fate of Holland. But, in *that* stage it was evaded, perhaps from policy; perhaps from the real impropriety of expressing any opinion upon that point, in the then state of affairs; or, perhaps, indeed, from the impossibility of forming one. But, since that event, they were admitted, and with an address founded on it, though, in other respects, adapted as was before intended. The answer of the President was respectful, but cautious: for whilst it breathed a spirit of patriotism, and of particular regard for the ancient virtues of the Belgic confederacy, and of course left them no cause of complaint, it carefully avoided all compromitment of the Government itself.

What will be the future fate of those provinces is altogether uncertain, and must be, in a great measure, dependent on events. At present I am satisfied there is no settled plan on that head, nor, indeed, is it possible there should be, within so short a space of time. Many members, and among them some of distinguished weight in the Convention, seem disposed to extend the future boundary of the republic to the Rhine; and, of course, to comprehend within its limits all that part of those provinces lying on this side of that river. This idea was lately avowed by Boissy d'Anglas, a member of the committee of public safety, in a speech delivered apparently by authority of that body, and for the purpose equally of sounding the Convention upon the conditions of peace, to ascertain what terms they would approve of, as to announce in that informal, and of course not obligatory manner, to the parties concerned, the ultimata upon which they might expect it. In this he proposes that the republic shall be hereafter bounded only "by the ocean, the mountains, and the great rivers." Be this, however, as it may, I think it certain, unless the fortune of the war should inspire other counsels, that the whole of these provinces will be retained in the hands of this republic until its termination, and be made, in the progress, as instrumental to that event, in its favor, as circumstances will admit of.

But, even in case they be not dismembered, a revolution in their Government seems to be unavoidable. Their strong posts, their harbors, perhaps their fleet, will be under the control of France, and of course their councils likewise will be so. Ancient forms may, for a while, remain, but it is not possible, under circumstances of this kind, that they should be more than forms. Half the political regulations of the country, perhaps the whole, will proceed from the representatives of this republic with the army. Nor will any of its inhabitants, other than those of decided patriotism, be employed by them, in any office of trust or profit. Thus the weight and authority of the Government will be gradually transferred to the popular scale. The people at large will soon take the admonition, and from that moment the ancient fabric, which was before tottering, will be levelled with the ground. The ordinary allurements of freedom are sufficiently great to the mass of mankind, to require no additional recommendation in its favor, and the hand of power must be strong where it is not pursued with effect; but, in the present instance, the additional inducement will be great: for, as it is well known that this republic can repose no confidence in the existing Government, and especially in the house of Orange, and which might not be the case, and most probably would not, with *that* which would succeed a revolution, so it must be equally obvious that its continuance will furnish a strong argument here for the dismemberment. This consideration, therefore, will add a new stimulus to all those who incline rather to preserve the independence of their country than become reduced into a few departments of France.

Before this great achievement, and which resembles more an exploit of the ancient Roman empire than those of modern princes, there was a collection of diplomatic characters, formal and informal, from several of the Powers at war, and others friendly to some of them, at Basle, in Switzerland, and who expected to be met there by some agent or agents from this republic, to commence negotiations for peace. But as soon as they heard of this event, that prospect vanished, and it is said that some of them have retired home, and others arrived here to confer more directly with the Government itself. Count Carletti, from Florence, and Baron Stael, from Sweden, men said to be friendly to the French revolution, are those only who are known, and the latter is supposed rather to expect, than to have brought, his credentials with him.

I herewith transmit to you some communications received from Mr. Skipwith, and which will show the state of the Bordeaux and St. Domingo claims; and I beg of you to be assured of the unremitted attention which I shall continue to pay to these concerns, and indeed to every other in which my countrymen are interested.

February 5th. P. S. Since the above was written, some details have been received of the success of the French in the United Netherlands, and by which it appears that every thing which was predicted, in that respect, has been verified. Williamstadt, Breda, Gorcum, Bergen-op-zoom, and the fleet, held by the ice in the Texel, are all taken. I enclose, however, the papers containing those accounts.

From Mr. Monroe to the Secretary of State.

PARIS, February 12th, 1795.

SIR:

I was honored with yours of the 2d December, three days since, and by which I find that my third letter only had then reached you, although the two preceding, with duplicates, were forwarded according to their respective dates, and by opportunities which promised security and despatch.

I read, with equal surprise and concern, the strictures you deemed it necessary to make upon some particulars of my conduct here, because I think it did not merit them, and trust, upon a further view of all circumstances, you will entertain the same opinion. Of these, by this time, you will possess a general view. A more particular detail, however, I think proper now to communicate.

It is objected, that I addressed the Convention with a glow of sentiment not warranted by my instructions. Secondly, that I made public what was intended, and policy dictated, should be kept private. And, thirdly, that I compromised the Government, by saying that it was willing to tolerate injuries, which it was not disposed to tolerate; whereby an important interest to our country was slighted or given up.

Whether my address contains a single sentiment or expression different from what my instructions and the declarations of the legislative branches contain, is to be determined by comparing the one with the other. I had them before me at the time, and drew it by them; of course I thought it did not, and I now think so. The force, however, of this objection, is, I presume, comprised in the second: for, if the communication had been in private, and not in public, the objection, most probably, would not have been made. Upon this point, therefore, a more thorough explanation is necessary, and, for this purpose, a full view of the circumstances and motives which influenced my conduct, equally so.

Upon my arrival here, I found our affairs, as it was known they were before I sailed, in the worst possible situation. The treaty between the two republics was violated. Our commerce was harassed in every quarter, and in every article, even that of tobacco not excepted. Our seamen, taken on board our vessels, were often abused, generally imprisoned, and treated, in other respects, like the subjects of the Powers at war with them. Our former minister was not only without the confidence of the Government, but an object of particular jealousy and distrust. In addition to which, it was suspected that we were about to abandon them for a connexion with England, and for which purpose, *principally*, it was believed that Mr. Jay had been sent there. The popular prepossession, too, in our favor, had abated, and was, in some measure, at a stand: for the officers of the fleets from America had brought unfavorable accounts of our disposition towards them. Thus the connexion between the two countries hung, as it were, by a thread; and I am convinced that, if some person possessing their confidence had not been sent, it would have been broken.

My first reception was marked with circumstances which fully demonstrated these facts, and showed how critical the ground was on which we stood: for it is unquestionably true, that, notwithstanding my political principles were subscribed to, the committee, or the governing party in it, were disposed to delay my reception, throw me entirely out of view, and destroy altogether the effect of my mission. It was said, that, as my principles were with them, I ought, on that account, to be the more dreaded: for, if they confided in me, I should only lull them asleep as to their true interest, in regard to the movements on foot; and, under this impression, I was viewed with a jealous eye, and kept at the most awful distance. This deportment towards me was so observable, that it attracted the attention of the representatives of other Powers here, and was, most probably, communicated elsewhere.

Into what consequences this policy, which was hostile to us, might lead, I could not readily perceive; but I was alarmed on that head: for I well knew that an avowed enmity by this Government against our Executive administration, and in which shape it threatened to break out, pursued with passion, as I had reason to apprehend it would be, would not only injure our national character, but likewise disturb our internal tranquillity, and, perhaps, involve us in war. The interval between such a step and the existing state of things was small, and, in the tide of their fortunes, which were prosperous, I was fearful it would be taken. Thus circumstanced, what course did policy dictate that I should pursue? Did it become me to look on as a tranquil spectator of machinations that portended so much mischief to my country? or, was it more wise, more consistent with the obligations of the trust I had accepted, to make a decisive effort to defeat them? And, adopting the latter counsel, in what line should that effort be directed, or by what means enabled to succeed? The doors of the committee, as already mentioned, were closed against me; and, had it been otherwise, knowing, as I did, the disposition of that body towards us, would it have been prudent to have deposited those documents under its care, since they furnished the only means by which I could counteract its views? Or was it to be presumed that the declarations of friendship which they contained would produce, in the councils of that body, any change of sentiment, advised as it had been, and armed as it was, with a series of contrary evidence, and in which it would place a greater confidence? I can assure you, and with great sincerity, that, after taking in my mind, so far as I was able, and with perfect calmness, (for the imputations against me were not of a nature to inspire zeal) that range of our affairs in their general relation to those of other Powers, and in which you deem my conduct defective, that the measure I adopted appeared to me not only the most eligible one, but that, in the then juncture of affairs, I thought it my indispensable duty to adopt it. Nor was I disappointed in any of the consequences upon which I had calculated: for, by this public demonstration of our regard for this nation and its *Revolution*, (though indeed the word was not used) the people at large were settled on the right side. The abettors of a contrary doctrine were, in a great measure, confounded; and as soon as the impression upon the public mind had time to react back upon the public councils, aided by the little incidents I caught at to inspire confidence, together with a change of the members of the committee, was the object, even in that body, though slowly, yet finally, completely accomplished.

But you intimate that I ought to have shunned this publicity, from the fear it might injure our depending negotiations with Britain and Spain. Had I seen cause to apprehend that consequence, I should certainly have been more averse to the measure. But that there was none, on the contrary that it would produce the opposite effect, was, in my opinion, certain. In demonstrating this, permit me to develop, according to my idea of it, the object of Mr. Jay's mission, and the contingencies upon which his success depended. This will show the relation which mine had to his, and more satisfactorily than I can otherwise do, the motives, in that respect, of my conduct.

I understood that the sole object of Mr. Jay's mission was to demand the surrender of the posts, and compensation for injuries, and was persuaded that his success would depend upon two primary considerations—the success of the French armies and the continuance of a most perfect good understanding between the two republics. If we were disappointed in either of these events, I concluded that his mission would fail: for we know that a long and able negotiation for the first object had already proved abortive, and we saw in the preceding year, when Toulon was taken, and fortune seemed to frown upon the arms of this republic, that an order was issued for those spoils of which we so justly complain. We likewise saw afterwards, when the spirit of this nation was roused, and victory attended its efforts, that that order was rescinded, and some respect shown to the United States. Thus it appeared that our fortune, at least so far as depended upon Britain, and of course the success of Mr. Jay's mission, depended upon that of France.

But the success of France could not redound to our advantage, and especially in the negotiation with Britain, without a good understanding and concert with the French Government: for without which, we could neither count upon success in negotiation, nor in case it failed, upon the fortunate issue of arms, if war should be appealed to. By negotiation we could not hope for success otherwise than from the apprehension, in the British cabinet, that, if we were not accommodated, we would join in the war against them: we could not accept it at the price of an equivalent, and thus pay again for what was already our due: nor could we expect it from the affection, the justice, or the liberality of that court: for we well knew that, if it had possessed those virtues, we should have had no cause of complaint. But we could not join in the war, nor even avail ourselves of that argument in negotiation, without a concert with France: for, without such concert, we might commence at the moment she was about to conclude; whereby we should be left alone to contend with that Power, who would probably be supported by Spain. If, then,

our good understanding with France was broken, or the necessary concert between us incomplete, Britain would only have to amuse us till the crisis had passed, and then defy us.

If this doctrine is true, and it is admitted that the success of Mr. Jay's mission depends upon a good understanding with the French republic, it follows that, the more cordial it was, and the more generally known, the happier the effect would be; and of course that, by exhibiting this public proof of it, instead of retarding, I forwarded essentially the object of that negotiation; and such, indeed, was my idea at the time; for I knew that the movement would be so understood on the other side of the channel; and in consequence, believed it would produce a good effect, and in which I was the more confirmed by the information of several of my countrymen, who were in England when the embargo was imposed, and who assured me that, if it had been continued, Mr. Jay's success would have been immediate.

That the English administration would complain of this movement, and of me, was what I expected; but I knew that I was sent here not to subvert the views of that administration, and trusted that, whilst I rested on my instructions, and performed my duty with integrity, although my judgment might occasionally err, as those of most men sometimes do, that no concession would be made to my discredit, in favor of that administration: on the contrary, that I should be firmly supported against its attacks by those who sent me here. I trust that this has been the case in the present instance, and upon which point I am more anxious upon public than private considerations; because I well know that, if any such concession has been made, it was immediately communicated by its instruments here, and for the purpose of weakening the confidence of this Government in our own—a practice systematically pursued heretofore, and with the hope of separating, or at least of preventing, any kind of concert between the two countries.

Had the fortunes of France been unprosperous upon my arrival here, the motive for greater caution would have been stronger. But the case was in every respect otherwise. Her fortunes were at the height of prosperity, and those of her enemies decisively on the decline. It was obvious that nothing was wanting to preserve tranquillity at home, and to ensure success in our foreign negotiations, but the good wishes and the good offices of this republic towards us. By the measure, therefore, I thought that every thing was to be gained and nothing to be lost.

Upon the third point but little need be said. I have some time since transmitted to you a decree which carried the treaty into effect, and yielded the point in question. Satisfied I am, too, it was greatly forwarded, if not absolutely obtained, by the manner in which it was urged: for a generous policy is better calculated to produce a good effect here, than a strict one: and other than in this light my declaration cannot be considered. Surely I did not concede the point, nor intimate an indifference upon it: on the contrary, I labored, with the greatest force of which I was capable, to demonstrate the interest we had in it as well as themselves: nor did I condescend in that or any other transaction. In general I know I am more apt to err on the other side; and I am persuaded, that in the present instance you will find, upon a perusal of the paper in question, that although it contains expressions of friendship, it certainly betrays none of condescension.

I have thus answered the objections contained in your strictures upon my conduct, by stating the circumstances under which I acted, with my motives of action; and I presume satisfied you, that I did not merit them. But I cannot dismiss the subject without observing that, when I review the scenes through which I have passed, recollect the difficulties I had to encounter, the source from whence they proceeded, and my efforts to inspire confidence in our administration, without which nothing could be done, and much mischief was to be apprehended. I cannot but feel mortified to find, that, for this very service, I am censured by that administration.

You have already seen, by the course of my correspondence, that, however difficult it was to succeed, yet, at certain times, we were completely possessed of the confidence of this Government; and that, at these times, I had the good fortune to accomplish some objects of importance to us. But it is likewise my duty to inform you, that I was at the same time enabled to penetrate more accurately into what would most probably be its policy towards us, in case we continued to possess that confidence unimpaired: and I now declare that I am of opinion, if we stood firmly upon that ground, there is no service within the power of this republic to render that it would not render us, and upon the slightest intimation. In the interval between the period of those communications which were made by me to the committee, explanatory of our situation with Britain, Spain, &c. and the arrival of the intelligence of Mr. Jay's treaty, the indications of this disposition were extremely strong: for at that time I had reason to believe that it contemplated to take under its care, and to provide for, our protection against Algiers; for the expulsion of the British from the Western posts, and the establishment of our right with Spain to the free navigation of the Mississippi, to be executed in the mode we should prefer, and upon terms perfectly easy to us; terms, in short, which sought only the aid of our credit to obtain a loan from our own banks for an inconsiderable sum, to be laid out in the purchase of provisions, within our own country, and to be reimbursed, if possible, by themselves. But, by that intelligence, this disposition was checked, but not changed: for it is with the course of opinions, as with that of bodies, and which are not easily to be forced in an opposite direction, after they have decisively taken a particular one. I mention this for your information, not indeed in relation to the past, but future measures of the Executive: for I am still inclined to believe that, if the arrangement with England, or the negotiation with Spain, should fail, it is possible, provided a suitable attempt be made here before a peace is closed with those Powers, respectively, to accomplish the whole through the means of this Government, and upon terms which would perhaps require no offensive movement, or other act which would rightfully subject us to the imputation of a breach of neutrality. Well satisfied I am, that the full weight of its fortunes might be thrown with decision into our scale, and in a manner that would enable us to turn those fortunes to the best account in negotiation.

I am happy to inform you that Mrs. Lafayette was lately set at liberty; and, although I could not make a formal application in her favor, yet it was done in accommodation with that which was informally made. She attended immediately at my house, to declare the obligation she owed to our country, and of which she manifested the highest sensibility. Unfortunately, she is, and has been for some time past, destitute of resource, and in consequence required aid, not only for present support, but to discharge the debts that were already due, and for which she applied to me; and was thereupon furnished with a sum in assignats, equivalent to about one thousand dollars in specie. I made this advance upon the principle that it was my duty to do it, as the representative of the United States, and in the expectation that the like sum, which would be paid to my order by our bankers in Amsterdam, would be taken from the fund appropriated to the use of her husband by the Congress in the course of the last year. Is this approved? and may I, upon that fund, make future advances, adequate to her support, and for which the interest will perhaps suffice?

A treaty of peace, or rather of amity, with Tuscany, with the progress of a revolution in Holland, which has been more rapid than I expected it would be, are the only events worthy notice that have taken place since my last, and for more particular details respecting which I beg leave to refer you to Mr. Adet, to whose care the present is committed.

P. S. I herewith enclose you a report from Mr. Skipwith, upon some cases that were noticed in your last despatch; as likewise upon some others, upon which application will most probably be made to you, and whereby you will be enabled to give satisfactory information to the parties concerned.

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, February 15, 1795.

DEAR SIR:

The last date which I have received from you, is of the 15th of September, 1794, and it has been duly acknowledged by duplicates. It occasioned no small anxiety as to the issue of many points which you had brought before the French republic. That anxiety has been considerably increased, by observing in the newspaper a decree rescinding the stipulation between the United States and France, making goods free which are found in free ships. It has appeared only in a translation, and there is ambiguity enough in its present dress to lead us to hope that the treaty, having been declared at the beginning of the decree to be in full force, may possibly be an exception still, to the general provision for condemning hostile property in neutral bottoms.

We do not doubt that we should have obtained the most ample explanation of this, and every other of our relations to France, had not the advice boat, which was lately despatched from thence, been captured by a British frigate.

Acceptable as Mr. Fauchet has hitherto been, we read, with great sensibility, that Mr. Oudard formerly, and Mr. Adet recently, have been appointed in his place. If this should be true, and Mr. Fauchet is, as we suppose, uncontaminated towards the French interest, it is rather an unpleasant circumstance that, upon a change of party, we are to expect a change of minister. However, the only thing which essentially concerns us, is, that the representative of the French republic in the United States should lay aside all intrigue, and imitate ourselves in a course of plain and fair dealing.

We confide that you have lost no opportunity of fixing the friendship of the two countries upon solid grounds. On our part, we really do all that we can; and as one instance, I will mention the legislative act, which has within these few weeks enabled Mr. Fauchet to use, by anticipation, the instalments of the French debt due in September and November next, amounting to two millions and a half of livres. But I am afraid that Mr. Fauchet, and probably the French nation, have been urged to believe that the treaty *said* to have been concluded by Mr. Jay with Great Britain interferes with our engagements and attachments to France. It has not come to hand yet, and therefore I can deliver no decided opinion on it. But, so far is this from any instruction to Mr. Jay, that I am persuaded he could not think of a treaty having such an object. In the principal heads of the negotiation—the surrender of the posts, the vexations and spoliation of our commerce, and the payment of British debts—France can have no possible concern. If we choose to modify them ever so capriciously, we are the true and only arbiters of the question. It is probable, indeed, that our commercial intercourse has been also regulated. Say, if you please, that a treaty has been concluded for commerce, also: France will enjoy all the advantages of the most favored nation, and we have been long ready to discuss and settle new commercial arrangements with France; but none have been ever proposed during my connexion with the administration. It may well be supposed that the access to the West Indies, with as few restrictions as possible, must be desirable to us. But let the possession of them ultimately centre in France or England, we shall, I presume, be unfettered by our contracts with the one, so as to be at perfect liberty to contract with the other.

I shall give you no comments upon the proceedings of Congress until they rise, which will be in a fortnight hence. At present, you will receive by the French ship, which Mr. Fauchet despatches, your quota of newspapers.

The conduct of Spain towards us is unaccountable and injurious. Mr. Pinckney is by this time gone over to Madrid as our envoy extraordinary, to bring matters to a conclusion some way or other. But you will seize any favorable moment to execute what has been entrusted to you respecting the Mississippi.

Colonel Humphreys, our minister for Lisbon, being disappointed in the loan which was to be opened for the relief of our captive brethren in Algiers, has come over to press the subject. He will return in a few days, full handed; and although we have heard nothing of late concerning the friendly interposition of France with the Dey, we beg that the influence of our ally may be exerted in this great cause of humanity.

I am, &c.

EDM. RANDOLPH, *Secretary of State.*

Mr. Monroe to the Secretary of State.

SIR:

PARIS, February 18, 1795.

I have just been honored with your favor of the 5th December, and am much gratified by its contents. The preceding one of the 2d had given me great uneasiness, but this has removed it. I sincerely wish my two first letters had reached you in the order they were written, as they would have prevented yours of the 2d December, by preventing the impression which gave birth to it.

Be assured I shall continue to forward, by all the means in my power, the objects of my mission, and I am persuaded with the success which might be expected from those efforts, addressed to the councils of a nation well disposed favorably to receive them. The object of this is to acknowledge the receipt of your last letter, and in the expectation that it will accompany, under the care of Mr. Adet, my last despatch, which was in answer to the preceding one.

Mr. Monroe to the Secretary of State.

PARIS, March 6, 1795.

SIR:

I avail myself of the opportunity by Mr. Adet, who leaves this to succeed Mr. Fauchet, of transmitting herewith some communications which have lately passed between the committee of public safety and myself, upon the subject of our interesting claims with Spain; and which will serve not only still further to illustrate my former despatches upon that point, but likewise to show the precise ground upon which it now rests. I had thoughts of declining any further efforts upon that head, until I was enabled to lay before the committee the project of Mr. Jay's treaty with the English Government, and which was, and still is, daily expected by the return of Mr. Purviance; but from this I was swerved by a report, that the outlines of a treaty were nearly adjusted between the representatives of this republic with the army, and some agent of Spain on the frontier, from the fear that the peace would be closed with that Power before our differences were compromised. Thus circumstanced, I deemed it my duty, in conformity with my instructions, (and the more especially, as they had no right to make any inference with respect to that project other than I had stated) to bring the subject more fully before them than I had before done. Among the papers enclosed, which comprise the whole of what passed between us upon this subject, you will observe a note of Merlin de Douay, and which, though given by a single member, and in reply to an informal application, yet, as it marks a remaining solicitude upon the transaction to which it refers, I have thought it equally my duty to transmit for your information.

No peace is yet made with Spain, nor indeed with any other Power, Tuscany excepted, which was before communicated; but it is still probable that one will be made with that Power, and likewise with Prussia. It is, however, well known, that England is against it; and that she exerts all the address which ingenuity, prompted by interest, can suggest, to prevent it; and it is possible that those arguments which are used by the minister in the House of Commons, to forward the preparations for war, may have weight in the cabinets of other Powers, and incline them to protract any definitive arrangement with this republic, until just before the commencement of the campaign, in the hopes of profiting in the interim by such events as the chapter of accidents may throw in their way. But I cannot think, if the tranquillity which now reigns here should remain undisturbed, and the incidents of the interval, in other respects prove favorable to the Revolution, that either of them, and especially Spain, will hazard the probable evils of another campaign, for any benefit she can possibly expect from it. In truth, the objects of the war, so far as they were ever understood, are now entirely changed. If a dismemberment of the republic was among them, that must of course be considered as abandoned. Or if the restoration of the ancient monarchy was the sole one, the hope of accomplishing it by arms must now likewise be considered as gone. Nations acting entirely on the defensive, never dream of conquests. The only remaining source from whence the coalesced Powers can derive the least hope of success, is founded in the possibility of some internal commotion being excited by the scarcity of provision, the derangement of their finances, or the divisions of their councils—calamities, it is true, or either of them singly, provided it attained to a certain height, which it is admitted would be sufficient to destroy any Government. But whether France is threatened with real danger from this source, in either of those views, is the problem to be solved. Upon the two first points, I do not pretend at present to be able to decide with certainty; indeed, the best informed can only conjecture. Bread I know is scarce in some parts; and it is possible much distress may be experienced in those quarters, if foreign supplies are not obtained, and in great amount; but these are expected from

the North and from America. It is probable, too, that this scarcity has been increased by the speculation of individuals, and in which case it will diminish as the exigency presses.

Nor am I skilled in their financial policy. When I arrived, the assignats were depreciated in comparison with specie, as three to one, and now they have declined to about five and a half for one. The amount in circulation, and the sums occasionally emitted, are wonderfully great, and the depreciation must follow as a thing of course. What measures will be taken with the paper is yet doubtful. Formerly, it had depreciated in equal or greater degree, and then it was elevated to par, by striking out of circulation all the bills of a certain description, securing the payment of the liquidated amount by the mortgage of the national property, aided by the maximum law which regulated the price of every thing. Whether some measures of the like kind will be again adopted, or whether any attempt will be made to appreciate the paper, is equally uncertain. Many consider the appreciation as an evil to be avoided, preferring a gradual decline till it shall finally expire, and adopting then a scale suited progressively to private contracts, and redeeming the whole at the rate it passed in the last stage of circulation. I think it probable this latter policy will finally prevail, as it is advocated with ability and zeal by some who were tutored in our school. The subject, however, is still under discussion, and nothing absolutely decided on it. If this latter plan should be preferred, although no step be taken to appreciate the paper, or even prevent its decline, a considerable time will probably elapse before the final suspension; and after this, the republic will stand nearly upon the same ground on which it commenced. Its debt will be but small, and it will possess, besides the ordinary resource of taxation, &c. national domains to an immense amount; equal, by estimation, to at least two hundred millions sterling, in specie; supported in its credit by Holland (from whence, too, other aids are to be expected) and by the reputation of its arms. I will, however, take a more accurate survey of this subject, and give you the result as soon as possible.

And upon the subject of those dangers which are presumed to menace the safety of this republic from the divisions of its councils, I have but little to add at present to the details already furnished. The papers herewith forwarded, contain the report of the commission of twenty-one, upon the denunciation of Barrere, &c. and which finds cause of accusation. As soon as the report is printed, the denounced will be heard before the Convention, who will decide, by what is called the *appel nominal*, for their acquittal or trial; and in the latter case, they will, in convenient time, be sent to the revolutionary tribunal, and, in my opinion, finally to the guillotine, unless they should previously abscond, as one of them (Vadier) has already done, and which it is wished, even by those most active in the prosecution, they all may do. This particular incident will not be new to you, and in other respects, the councils of the country bear the same aspect they have done from the time of my arrival.

In contemplating the possible effects of this prosecution, or what may be called a division of the public councils, the friends of the Revolution have cause to regret that, since a decision upon the conduct of these members was to be taken, it was not sooner taken. If it had followed immediately after the execution of Robespierre, it would have occasioned less noise, and borne less the aspect of party collision. Its protraction, too, has exposed the Government to dangers which would not otherwise have existed: for by the delay, the twofold crisis of the trial, and of famine, or rather the scarcity of provisions, will take place precisely at the same moment; than which there certainly could not be a coincidence of events more favorable to the views of the coalesced Powers, or unfavorable to those of the republic. But you have already seen, by the course of this transaction, that, although the preponderating party has denounced, and may finally execute, these members, it has, notwithstanding, acted rather upon the defensive than otherwise. Had the prosecution been undertaken with that degree of zeal and vigor, of which so decided a majority is always capable, they must long since have been carried to the scaffold. On this side, then, there was obviously no plan; nor indeed is it probable there was any on the other: for I am convinced that the real object of at least four out of five, on both sides, has been to complete the Revolution. The coincidence, therefore, must be deemed one of those unlucky, but fortuitous arrangements, forced by the course of events, not to be controlled, and under which the friends of republican Government must console themselves with the reflection, that although, in a possible view, it may prove injurious to their cause, yet, if it glides smoothly by, it will produce a correspondent benefit, by demonstrating to the world how deeply rooted the principles of the Revolution are in the hearts of the people.

But, does no danger threaten the republic from this source? In my opinion, (I speak of the present moment more particularly) none: for, from all those circumstances which have passed under my view since my arrival, I am satisfied that, whilst the majority of the Convention is on the side of the Revolution, it will be supported by the people, and I am even persuaded that, if the majority was against it, although, in consequence, it would be able to occasion great confusion, and do in other respects much injury, yet it would not be able to restore the ancient monarchy. In advancing this position, I reason not only from recent incidents, but from past events; and by which I see that the great mass of the French nation, through all the vicissitudes of the war, and succession of parties, was always on the side of the Revolution, supporting the convention with an undeviating perseverance; not because it possessed their unbounded confidence, but because they believed it to be true to the main object, and was, of course, the only solid rock upon which they could rest with safety. A variety of circumstances, marked in strong characters and by great events in the course of the Revolution, (heretofore communicated, and which on that account I forbear to repeat) tend to demonstrate the truth of this position. Nor have the citizens of this republic merited, in other respects, the reputation for turbulence and licentiousness, often ascribed to them in foreign countries: for it is unquestionably true, that the great atrocities which have stained the different stages of the Revolution, and particularly the massacres of the 2d and 3d September, 1792, and the invasion of the Convention on the 31st May, 1793, which terminated in the arrestation and destruction of the Girondine party, did not proceed from a licentious commotion of the people. On the contrary, it is believed that many of the immediate agents in the first were not inhabitants of Paris, but brought from a considerable distance, and some even from Italy, put in motion by some secret cause not yet fully understood. It is also affirmed, that the great mass of the people of Paris were ignorant of what was perpetrating at the time of the transaction, and that those who knew of it were struck with the same horror that we were when we heard of it on the other side of the Atlantic. And the movement of the 31st of May, when they were embodied and arranged against the Convention, was a movement on their part, in obedience to the law, and for which they were regularly summoned, and commanded by the ordinary officers. It is said that the great mass knew nothing of the object to which they were to be made instrumental; that the secret was deposited with a few only in the Convention, such as Robespierre, Danton, &c. who governed the operation, and the Mayor of the city, the General, and some principal officers of the guards, and who marshalled the citizens out as upon an ordinary parade. The party in the house which controlled the movement, knew how to turn it to good account. The Mayor, a partisan of Robespierre, &c. had a few days before presented a petition, demanding the arrestation of the twenty-two members, and it was now urged in the house by Couthon, a leading member of the same party, that the present discontents, and which he said occasioned the movement in question, and threatened the annihilation of the Convention, could not be satisfied, unless those *obnoxious* members were arrested. And as the Girondine party did not control the movement, or know any thing about it, otherwise than as appearances announced, and which were tremendous, for Henriot was then also at the head of the guards, the declarations of the other party were believed to be true, and the members in consequence arrested. Thus, by mere finesse, and under a dexterous management, the Girondine party was completely overwhelmed, and the Mountain party as completely established on its ruins, and by means of the people, who, being exhibited in dumb show by the latter, were the object of terror, and the cause of the overthrow of the former, notwithstanding it was at the time the preponderating party in the Convention, and equally so in the public estimation.

These latter details may, perhaps, appear inapplicable to the subject; but, as I consider them of some importance, as well to enable you to judge of the future fortune of the Revolution, as of those dangers which are supposed by many more immediately to threaten the welfare of the republic, I have thought proper to communicate them to you. The success of the Revolution depends upon the people. Whatever, therefore, unfolds the character and disposition of the people, and especially in relation to that object, must of course be useful.

I was advised by your favor of the 2d December, that Mr. J. Pitcairn, of New York, was appointed consular for this city, and, upon which appointment, some considerations have occurred which I have thought it my duty to

suggest. Permit me to ask, is he an American citizen; and if so, whether by birth or naturalization; and, in the latter case, whether he became such since the Revolution? If of the last description, his arrival will subject me to great embarrassment, and for reasons given in my fourth letter, of the 18th October last; and to which, with those from the commissary of foreign affairs to me, transmitted at the same time, I beg leave to refer you. I candidly think, if his situation is known, being a person deemed by the English law a subject of that crown, he will not be recognized, or if recognized, not without great reluctance. Shall I announce him, then, withholding a communication of the fact, admitting it to be a fact? In case I do, and it is afterwards discovered, what will be the impression of this Government towards myself, and especially after what has passed between us on the same subject: finding that I had placed, without their knowledge, in office, and immediately in the presence of the public councils, a person of a description against which they had particularly objected? And that it will be discovered, and immediately, is most certain: for there are already letters for him here from England, and these will most probably be multiplied tenfold after his arrival; besides, the character, &c. of every foreign agent, and of every grade, being an object of systematic political inquiry, is always well known. But admitting the acquiescence of this Government in his favor, in other views this subject merits attention. It is to be observed, that a great proportion of the business of our countrymen here is transacted with the Government. The adjustment frequently requires my official support. If, then, he does not possess the confidence of the Government, he will not only be unable to render that service to our countrymen which might be expected from one in his station, but, as he will be brought officially into frequent and familiar communication with me, it will follow, that precisely that portion of distrust to which he is subject, will attach itself to me, and produce a correspondent effect, to a certain degree, upon every subject depending here in which we are interested. I know well that, if my fourth letter had been received, I should not have been placed in this dilemma; but how to act, in case he arrives, I do not know. I console myself under the hope he will not arrive; but, by delaying his departure until that letter was received, put it in your power to reconsider the appointment.

P. S. March 9. Since writing the above, I have been explicitly assured by Mr. Pelet, a member of the diplomatic section of the committee of public safety, that, in confidence, Mr. Jay's treaty contained nothing which would give uneasiness here; they had expressly instructed their agent, now negotiating with Spain, to use his utmost efforts to secure for us the points in controversy between the United States and that Power. In consequence, I thought proper to send in a short supplemental note, explanatory of the several objects of that controversy, and which I likewise enclose with the report of Mr. Mountflore, by whom it was delivered. What the success of their endeavors in our behalf may be, is uncertain; but we cannot expect the conclusion of their own treaty will be long delayed on that account.

I had forgotten to notify you, officially, the present I had made to the Convention of our flag. It was done in consequence of the order of that body, for its suspension in its hall, and an intimation from the President himself, that they had none, and were ignorant of the model. I herewith send you a copy of my note to him accompanying it.

From the Minister Plenipotentiary of the United States of America to the Committee of Public Safety.

PARIS, January 25, 1795.

I have thought proper to present to your view, in the enclosed paper, the situation of the United States in relation to the river Mississippi, and respecting which, a negotiation is now depending with the court of Spain. This paper opens fully this interesting subject in its relation to both republics, and which it is proper you should be correctly informed of at the present time. France can only assist in opening the river by inviting the American minister, Mr. Short, to act in concert with her when she shall conclude her treaty with that Power, and which, by her permission, I can easily accomplish, or by comprising it in her own treaty. I have no power to treat upon this subject, otherwise than by bringing it thus before you, for the purpose of ascertaining what your disposition is upon it; and which, with any comments you may be pleased to make, I shall be happy immediately to communicate to the American Government.

Notes respecting the river Mississippi, communicated to the Committee of Public Safety.

PARIS, January 25, 1795.

The river Mississippi extends from about the forty-eighth degree of north latitude to the twenty-ninth, where it empties into the Gulf of Mexico, running nearly a north and south course, and through a tract of the most fertile country in the world.

It bounds the United States to the west, from latitude thirty-one to its source; an extent, pursuing the course of the river, of about two thousand miles.

Many rivers empty into the Mississippi on the east; the principal of which are the Illinois and the Ohio, and which, with their branches, spread through the whole of the western interior of the United States, and make it a most delightful region. Other rivers empty into it from the west, of which the Missouri is the most important. This latter has never been traced to its source, although voyagers have passed up it above one thousand five hundred miles. It is, however, believed, that it penetrates further into the bosom of the continent than the Mississippi itself.

The whole of that portion of the United States lying west of the Alleghany mountains, and which comprises about one-half of the territory within the said States, depends upon this river for the export of its productions to foreign markets. It comprehends a portion of the territory of several of the existing States: perhaps one-third of Pennsylvania, Virginia, North Carolina, and Georgia, the whole of Kentucky, and an immense tract of vacant territory, lying between the Ohio and the Mississippi, which has already been laid out into five separate States, and which are to be admitted into the Union with the same rights as the old States, when they shall, respectively, attain a certain number of inhabitants. Of these, it is proposed to settle one only at a time, and of which the first has already been commenced.

When we examine the extent of this territory; its fertility, superior to that of the old States; the felicity of its climate, lying all within the temperate zone; the kind and quality of its productions, such as hemp, flour, corn, in short every thing necessary in human life, protected in its infant settlements by the Government of the United States, and admitted, as soon as it shall attain a certain degree of maturity, to equal membership with them, we are compelled to appreciate it more highly than any other vacant tract known upon the globe.

Its settlement is of importance to all those European countries whose inhabitants are engaged in manufactures, because it will furnish, in abundance, rude materials for every species of manufacture. To those which have occasion, at times, for the supply of provisions, because it will furnish an exhaustless source of every species of provision; but it is of peculiar importance to those which have islands in the West Indies, because it lies in the neighborhood of those islands, the mouth of the Mississippi being nearly in the same latitude, and will furnish every thing in demand there, such as lumber, provisions, &c.

But the commerce of this country, when settled, will depend upon the navigation of the Mississippi, and of course the settlement itself will depend upon the same cause. This was secured by a treaty of peace between the United States and Great Britain, in 1783, but has hitherto been prevented, by Spain, from motives equally unjust and illiberal. A negotiation, the object of which, on our part, is to open it, is, and has been, depending with that Power, since that time.

At the time our peace was made with England, the importance of this country was little known in her councils. It is said that her negotiators did not even know on which side of the lakes, and, of course, within whose jurisdiction, the forts, which have since been the subject of contention, lay. But its importance was soon afterwards understood, and, from which time it is certain that Britain has regarded it with particular attention, in hopes either of gaining it to herself, or otherwise making it subservient to her schemes of policy. With this view she refused to surrender the posts, excited the Indians to make war on our frontiers, encouraged Spain to refuse our right to the navigation of the Mississippi, and did us other injuries of the same kind.

It is certain that the Western people will, sooner or later, open this river, either by negotiation or by force, and more than probable that England, retaining, as she still does, her resentment against the old States, for their independence, and against France for the aid given in that war, will watch the uneasiness of the Western people, on account of the obstructed navigation of the river, and improve it into an opportunity of separating the new from the old States, and connecting them with her interest in Canada, by undertaking to open the Mississippi to both countries. And with this view, it is said, that she has long had agents there to treat upon this subject; and that nothing has prevented her success but the attachment the people have to their brethren in the old States; their repugnance to become the sport of foreign politics, and which would follow their separation; and the particular enmity they bear to that Power. Next to conquest, separation would be the most advantageous arrangement for Britain: for, in consequence, and especially if opened under her auspices, she would become the ally of the Western States, and play them off against the Eastern; whereby their importance and weight in the scale of nations would be diminished, if not destroyed. Many believe, and with this view, that she was at the bottom of the late insurrection on the frontier, and which grew out of the discontents proceeding from the occlusion of the river.

But the same motive which inclines England to promote the separation of the new from the old States, should dispose France to prevent it. As they now stand, the whole are the allies and friends of France, and whilst they remain united they will continue so; by the separation, therefore, Britain might gain, but France could not.

It is, then, the interest of France to keep the whole of this territory under the same Government; but this cannot be done unless the intrigues of England be defeated, and the Mississippi be opened under the patronage of the United States. It is, therefore, the interest of France to yield her aid to her ally to open this river, and which, at the present crisis, would most probably produce a decisive effect. Nor would her retribution be limited to those considerations only which have been already mentioned. Experience has shown that those alliances are not only the most beneficial, but likewise most durable, which are founded equally on the affection and the interest of the parties, and by this act of friendship, France would establish a claim to the gratitude of the American people, which, by pervading every quarter, would reach the heart of every citizen. It would be known to the present race and remembered by posterity, that, by the aid of France, the old States were enabled to gain their independence, and that, likewise, by her aid, the new States commenced their settlement, grew up in the enjoyment of their rights, and attained their maturity.

In the present state of the war with Spain, it is presumed that France may obtain what is here proposed; and, indeed, infinitely more, either in the islands or even in South America, and without the least difficulty. Her system is a system of freedom to the world, as well in respect to the rights of nations as of men. It is therefore hoped she will avail herself of the present opportunity, not only to verify that fact, but to manifest, at the same time, the pleasure with which she embraces every opportunity that occurs to promote the interest of her ally.

From the Committee of Public Safety to the Minister Plenipotentiary of the United States of America.

CITIZEN MINISTER:

PARIS, 17th Pluviose, (February 8th, 1795) 3d year of the republic.

We have received, with your letter of 9th Pluviose, a note explanatory of the situation of the United States in regard to the river Mississippi.

We acknowledge, by the solicitude which you show in the negotiation of this affair, that nothing which can tend to confirm the bonds of friendship and harmony between the two first republics in the world is strange or indifferent to you.

We thank you for the ideas you have communicated to us. We will examine them profoundly, and we will communicate to you, without delay, our observations upon your note. But we appreciate, beforehand, the motives of this loyal communication.

CAMBACERES, MERLIN, &c.
PELET,

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, March 8th, 1795.

SIR:

On the 15th ultimo I had the honor of writing to you at large; and on the 20th of the same month I received your letters of October 16th, November 7th and 20th, 1794.

Being uncertain whether I may not be required at the next moment to close this letter, I shall not undertake to answer your despatches fully; though I will proceed as far as the hurry of the opportunity will permit.

I have the pleasure to inform you that the President much approves your attention to our commerce; and the merchants who are immediately interested, and to whom I have communicated your measures, think them judicious.

The temporary appointment of Mr. Skipwith, and his report, have been also well received. But the circumstance of his being your secretary, the want of emoluments to our consulates, and an ignorance of what you had done, caused a Mr. Pitcairn to be named consul for Paris, pretty early in the late session of the Senate. I shall send a general instruction to the consuls to obey the directions of the ministers of the United States. Should such a power be necessary, before my general letter reaches them, you may use this as your authority upon the subject.

Your observations as to passports have for some time occurred to me. Those which have been issued from this Department lately, have been governed by strict rules; and great reproach and calumny have fallen upon the chief officer, from the mouths of foreign aristocrats, who are a kind of half-fledged citizens of the United States, by having resided therein a few months.

Your history of the Jacobin societies was so appropriate to the present times in our own country, that it was conceived proper to furnish the public with those useful lessons; and extracts were published, as from a letter of a gentleman in Paris to his friend in this city.

Last night the treaty with Great Britain arrived. It will remain undivulged by the Executive until the 8th of June next, when the Senate will assemble to deliberate on its ratification. I perceive that Mr. Fauchet is very uneasy, but upon what grounds, which are justifiable, I know not. The posts, and the spoliation of commerce, will never surely be mentioned, as requiring war instead of negotiation; and if they do require war, we, and no other nation, are the judges. Our trade may also be regulated by any treaties which we please; and no other Government can find cause of offence, unless we derogate from its rights. You are acquainted with the restrictions on Mr. Jay, against the weakening of our engagements with France; and, as far as a cursory perusal of the treaty will enable me to speak, I have not discovered any reasonable ground for dissatisfaction in the French republic: for it cannot be supposed that the French nation would be displeased that our disputes with other nations should be concluded. But you will not judge from what I say that my opinion is formed whether the treaty will or will not be ratified. However, your idea as to Denmark and Sweden, though it was always attended to, grows of less importance. I shall not now answer your proposition, or rather intimation, relative to a certain concert, until a future opportunity, and

after hearing farther from you concerning it. You will have concluded, from one of my late letters, that the step is viewed here as a very strong one.

Your observations on our commercial relation to France, and your conduct as to Mr. Gardouqui's letter, prove your judgment and assiduity. Nor are your measures as to Mr. Paine, and the lady of our friend, less approved.

Colonel Humphreys is here arranging the affair of Algiers. Be so good as to bring to the earliest issue the points which you have pressed upon the French republic; and, particularly, the *fifteen* thousand dollars advanced to the people of St. Domingo. You have generally called them fifty thousand by mistake.

My next letter will be devoted to the two important passages in your letters, conveying intelligence of your movements respecting Spain and Great Britain.

The enclosed papers from Mr. Vincent must be submitted to your discretion, and to do with them what may be best and proper. Those of Mr. King, relative to the ship Andrew, make a part of the business already in your hands.

Mr. Taylor will prepare, for this conveyance, your newspapers, &c. I am, &c.

EDM. RANDOLPH, *Secretary of State.*

Mr. Monroe to the Secretary of State.

PARIS, March 17th, 1795.

SIR:

I have just received a letter from Mr. Jay of the 5th of February,* in answer to mine of the 17th January preceding, and by which he declines to communicate to me the purport of his treaty with the English Government, although he had previously promised it. As he has explicitly declared himself to this effect, I consider the business, of course, closed between him and me; nor should I make a further comment on it, were I not otherwise impelled by the style of his reply, which is obviously addressed more for your consideration than mine. To you, therefore, my comments upon that reply shall also be submitted.

Mr. Jay says that he has no right to communicate the treaty, since it belongs exclusively to the Governments which form them; and by which I understand that the minister has no discretion on the subject, being bound to communicate with his Government only. If this proposition is true, which (especially if no latitude is given him by his instructions) I am willing to admit, it follows that, as the injunction of secrecy applies to the whole instrument, it must, of course, to every part. It were absurd to say that, in the gross, or as an entire thing, it must be kept secret, but yet in the detail it may be divulged. How, then, does his conduct correspond with his own doctrine; having in his three several letters communicated a particular article, and *promised*, in the second, the whole?

But he likewise says that the communication was intended to be *confidential*, or, in other words, to be secret; for such is the ordinary import of the word. But will his letters bear that construction? Does it appear as if the communication was intended merely to gratify, on my part, private curiosity; or for the benevolent purpose only of announcing to me an event favorable to our country? On the contrary, does it not appear, from each of his letters, that he had anticipated the disquietude of this Government upon the subject of the treaty, and wished to remove it; and that the communication promised was intended for me in a public capacity, and to be used for public purposes? In short, had I been in a private station, is it probable he would have written or communicated any thing to me on the subject? Certain, however, it is, that in no view was it possible for me to consider the communication promised, though termed a confidential one, as imposing on me any other restraint than that of *caution*; whilst it *exonerated* him, and made *me responsible* for the blame of a disclosure, in case it was made, and produced any inconvenience.

As I really believed, at the time I wrote to Mr. Jay, that he intended to make the communication in question, and likewise concluded, from his own assurances, as well as from other circumstances, that the treaty comprised in it nothing that could give just cause of complaint here, I thought I could not better forward his own views, or the interest of our country, (especially as Mr. Morris had taken his copy of the cipher with him) than by sending a confidential person for it. You will therefore judge of my surprise when, instead of the communication expected, I received his letter of the 5th of February, containing an absolute refusal to make it.

But in reviewing now his several letters, it is difficult to ascertain what he intended to do, or what his real object was in writing them. For he says in these, that he is not at liberty to disclose the purport of his treaty, and yet *promises* it; that he will give me the contents, or principal heads, to enable me to satisfy this Government, but yet will give them only in *confidence*, and, of course, under an injunction that will put it out of my power to give the satisfaction intended. And, finally, when application is made, upon the basis of his own letters, for the information in question, and for the purpose by him contemplated, he not only refuses to comply with what he had promised, but eliminates this Government for entertaining any uneasiness or making any inquiry on the subject.

When one party offers a thing upon the principle that the other has a right to it, as was the case in the present instance, the justice of the demand, on the part of the latter, is of course admitted. There may, indeed, be some merit in offering it before the demand is made; but to make the offer, and then recede from it, subjects the party thus acting to an additional proportional reproach. Had Mr. Jay, however, chosen to place himself in this dilemma, from me he would have heard nothing more on the subject. I should have lamented, it is true, as I now do, that I was not possessed of information that might be useful to our affairs here; but there the business would have ended: for both his promise and my application were, and still are, unknown to this Government. But to recede in the manner he has done, putting his refusal on the ground of *national dignity*, &c. is neither consistent with candor, nor the true state of things.

Had Mr. Jay confided to me the information in question, and in due time, and which it is obvious he thought himself in duty bound to do, I should then have become responsible for a proper use of it; and, I am satisfied, admitting it to be as by him represented, good use might have been made of it: for I should not only have been enabled thereby to quiet their fears, and whose legitimacy he acknowledges by his efforts to remove them, and silence a thousand unfavorable insinuations whispered about by the enemies of both countries, but by the frankness of the communication, have most probably made the incident the means of conciliating, instead of weakening, the friendly disposition of this Government towards us. I am likewise persuaded that, if I had been authorized to declare, generally, from my own knowledge, (being the minister on the ground, and responsible for the truth of the declaration) that the treaty did not interfere with our engagements with this republic, but that, being a mere project, subject to rejection, &c. it ought not to be published, it would have been satisfactory. And had the communication been sent to me, even in this last stage, such would have been my conduct, and most certainly such the effect. In any event, had I gone further against his request, upon me, and not upon him, would the responsibility have rested. But this was not Mr. Jay's object. On the contrary, it is obvious that he wished me to compromise my character, and through me, that of the United States with this nation, upon the contents of this treaty, without letting me see it, or placing in this Government or myself the least confidence in regard to it; and which I would not do, nor, in my opinion, ought I to have done.

Whether this Government acted with propriety in asking for information upon the point in question, is a subject with which I have nothing to do. I am responsible only for the answers given, and which you have. My application to Mr. Jay was certainly not founded upon theirs to me: for I had contemplated it before theirs was received. I had then gained such an insight into their counsels as to satisfy me that all our great national objects, so far as they were connected with this republic, were more easily to be secured by a frank and liberal deportment, than a cool and reserved one; that if we wished to preserve our neutrality with strict integrity, and avail ourselves at the same time of its fortunes, and without the least hazard on our part, in the negotiation with Spain, as likewise in that with England, (in case Mr. Jay's treaty was rejected) that this was the way to do it. In short, that, if it was necessary to gain the approbation of this Government to any thing in that treaty, which it would otherwise disapprove, that this was the way to do it. Nor can I see any condescension in such a line of conduct. On the contrary, between nations allied as we are, and especially when past and recent circumstances are considered, I deem it the most mag-

* Ante, page 517.

unanimous, as well as the soundest policy. Mr. Jay, however, is *now* of a different opinion, and for the future I shall not disturb him in the enjoyment of it.

You intimated to me in your last that Mr. Pinckney was commissioned as envoy extraordinary for Spain, upon the subject of the Mississippi; and you have seen by my last, how far I had succeeded in calling the attention of this Government to that object. It is probable Mr. Pinckney will pass through France, and, of course, by Paris, on his mission. In case he does, I will most certainly open to him every thing that has taken place here on that subject, and endeavor, according to the plan he shall prescribe, to render him, in every respect, all the services in my power. I have already intimated to Mr. Short, by a confidential messenger from Lisbon, the good understanding which subsists between this Government and our own upon that point; so that there is in every view the most favorable prospect of a successful termination of this interesting business, the completion of which will reflect so much honor upon the administration by which it may be accomplished.

The Vendée war is considered as concluded. Charette, the commanding general, has surrendered, with all the forces immediately under his command; and likewise undertaken to quell a small remaining body of about one thousand, which yet holds out. It is said the liberty of religion, granted by a late decree, terminated this war. A short time, however, will now disclose whether this compromise, or the general favorable aspect of the present moment, is real or delusive; since, if there is a force in the nation opposed to the Revolution, of sufficient strength to make head against it, and which I do not think there is, I doubt not it will soon show itself.

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, April 7th, 1795.

SIR:

My last letter, of March 8th, 1795, has been forwarded to you by duplicates. It will have anticipated the subject of your private letter of December 18th, 1795, though it is by no means so extensive as one which I should have concluded before this time, but for a constant round of interruptions, which I have not yet been able to repel. I am resolved, however, to seclude myself from all, except the most indispensable business, that I may devote my attention to such a review of our relation to France, as may ascertain the fact, which is so firmly impressed upon me, that we have behaved to her fairly and honorably. For the present I shall say no more respecting the source of discontent of the treaty made by Mr. Jay, than this: that, as far as I have any definite ideas of treaties, offensive and defensive, there is no ground for charging that treaty as being offensive or defensive; that the obligation of all prior treaties is *expressly* saved; that France, from the circumstance of being the most favored nation, immediately inherits, upon equal terms, the concessions, indulgences, or conditions, made to other nations; and that the confining of its contents to the President and Secretary of State, is not from any thing sinister towards France, but from the usages in such cases; not from an unwillingness that the Executive conduct should be canvassed, but from a certain fitness and expectation arising from such a diplomatic act.

The despatches which you are understood to have intrusted to Mr. Smith, of this city, not having yet arrived, our anxiety continues, to learn the issue of the *concert* which you have suggested. You will have been informed by my letter of the 8th ultimo, that "*the step is viewed here as a very strong one*;" and, notwithstanding the rapid successes which have attended the arms of our ally, we steadily direct our course to the character of neutrality which we profess, and, therefore, the more it is examined, the stronger it appears. You will hear from me shortly, in a more particular manner, concerning it, and the style which, in our negotiations at Paris, ought, in our judgment, to be observed. But I must be permitted to remark, that the *invariable* policy of the President is, to be as independent as *possible*, of every nation upon earth; and this policy is not assumed now for the first time, when, perhaps, it may be insidiously preached by some, who lean to Great Britain, to prevent a tendency to France; but it is wise at all times, and, if steadily pursued, will protect our country from the effects of commotion in Europe. France is, at this day, in the eye of the President, as she has always been, cordially embraced, and no event could be more afflicting to him than a suspicion of the purity of our motives in regard to that republic. But, without a steady adherence to *principles*, no Government can defend itself against the animadversions of the world, nor procure a permanent benefit to its own citizens.

Cases of spoliation and injury, according to the list subjoined, will accompany this letter, as subjects to which your attention and zeal are requested.

The prints, which have not been hitherto sent, are also prepared by Mr. Taylor.

Until a few days hence, I must beg you to accept this letter as the forerunner only of a more copious one, upon our affairs in France.

I am, &c.

EDM. RANDOLPH, *Secretary of State.*

From Mr. Monroe to the Secretary of State.

PARIS, April 14th, 1795.

SIR:

I was lately favored with a letter from Mr. Jay, of the 19th of February, by which I was informed that the bearer, Colonel Trumbull, who had copied and knew the contents of his treaty with the English Government, was instructed to communicate the same to me, because I was an *American minister*, and in which character it might be *useful* to me; but that I must receive it in *strict confidence*, and under an injunction to impart it to no other person whatever. As I had explicitly stated to Mr. Jay, in my letter by Mr. Purviance, the only terms upon which I could receive the communication, and which I had done, as well for the purpose of covering my engagement with the committee, formed after the receipt of his first letter, and when I expected no further information from him on the subject, as of preventing the transmission of it in case it contained the slightest circumstance which might be objectionable here, I could not otherwise than be surprised by the contents of this letter. To withhold the communication at the moment when it was presumable the report of the contents of that treaty would excite a ferment here, and offer it, after the expiration of some months, and when it was expected from America, and upon terms upon which I had assured him I could not receive it, to say nothing of the impossibility of comprehending how it could be useful to me, if it was to be kept a profound secret, was unexpected. It was the more so, since it was obvious that, whilst the condition insisted on precluded the possibility of enabling me to promote thereby the public interest, it would unavoidably tend, in some respects, to subject me to additional embarrassment in my situation here.

I was likewise soon apprized that Colonel Trumbull did not consider himself at liberty to make the communication in question, unless I asked for it; and by which it was understood that I bound myself to accept it on the terms proposed, adding thereby to the injunctions of Mr. Jay, the additional obligation of private stipulation. The dilemma, therefore, with which I was threatened, was of a peculiar kind: for, if I accepted and withheld the communication from the committee, I should violate my engagement with that body; and if I gave it, I subjected myself not only to the probable imputation of indiscretion, but likewise certainly to that of breach of promise. The line of propriety, however, appeared to me to be a plain one. I was bound to use such information as Mr. Jay might think fit to give me, in the best manner possible, according to my discretion, to promote the public interest; but I was not bound to use any artifice in obtaining that information, or to violate any engagement by the use of it. My duty to the public did not require this of me, and I had no other object to answer. As soon, therefore, as I had made a decision on the subject, I apprized Colonel Trumbull that I could not receive the communication proposed, upon the terms on which it was offered.

But the mission of this gentleman here, though, according to my information of him, a worthy and a prudent man, produced an effect of a more serious kind. I was soon advised, by a person friendly to the United States, and heretofore friendly and useful to me, that his arrival had excited uneasiness in the public councils, and would probably eventually injure my standing with the Government, especially if I should be able to give the committee, in consequence, no account of the contents of that treaty: for it would hardly be credited, after this, considering the relation between Mr. Jay and myself, that I knew nothing of those contents. Upon what other motive, it would be asked, could the secretary of Mr. Jay come here, since the pretence of private business in Germany, which lay in another direction, would be deemed a fallacious one? He added, that the wisest precautions were necessary, on my part, guard me against any unjust imputation: since, through that, the interest of my country might, at the present crisis, be essentially wounded. As I had anticipated, in some measure, the effect, I was mortified, but not surprised, by the intimation. It became me, however, to profit by it, and, as well from the delicate regard which was due to my private as my public character, to place the integrity of my own conduct upon ground which could not be questioned. There appeared to me to be but one mode by which this could be done, and which was by making known to the committee what had passed between Mr. Jay and myself; to state the terms upon which he had offered the communication, and my refusal to accept it on those terms, with my reason for such refusal. This, you will readily conceive, was a painful task; but as I had no other alternative left, but that of exposing myself to the suspicion of having known, from the beginning, the purport of Mr. Jay's treaty, and uniting with him in withholding it from them, whilst I was using all the means in my power to impress them with a contrary belief—I was forced to undertake it. In consequence, I waited on the diplomatic section of the committee, and made the representation as above, repeating Mr. Jay's motive for withholding the communication, as urged by himself: "That it belonged to the sovereign power alone to make it." &c. It was replied that it could not otherwise than excite uneasiness in the councils of this Government, when it was observed that, in the height of their war with the coalesced Powers, and with England in particular, America had stepped forward and made a treaty with that Power, the contents of which were so carefully and strictly withheld from this Government: for, if the treaty was not injurious to France, why was it withheld from her? Was it prudent for one ally to act in such a manner in regard to another, and, especially, under the present circumstances, and at the present time, as to excite suspicions of the kind in question? I assured them, generally, as I had done before, that I was satisfied the treaty contained in it nothing which could give them uneasiness; but if I did, and especially if it weakened our connexion with France, it would certainly be disapproved in America. They thanked me for the communication, assured me they wished me to put myself in no dilemma which would be embarrassing, and thus the conference ended.

A few days after this, I was favored with a letter from Mr. Hitchborn, an American gentleman of character here, (from Massachusetts) of which I enclose you a copy, stating the contents or outlines of the treaty in question, as communicated to him by Colonel Trumbull, and with a view that he might communicate the same to me, for the information of this Government. I was surprised at the incident; because I could not suppose that Colonel Trumbull would take this step, or any other, without the instructions of Mr. Jay, and it seemed to me extraordinary that Mr. Jay should give such an instruction, or mark to him such a line of conduct. I was not surprised that Colonel Trumbull should confide the purport of the treaty to Mr. Hitchborn, for he merited the confidence; but I was surprised that Mr. Jay should write me it was to be communicated to me only as a *public minister*, &c. to be imparted to no one else, and that Colonel Trumbull, however deeply impressed he might be after his arrival here with the propriety of removing the doubts of this Government upon that point, should consider himself at liberty to communicate the same to a third person, to be communicated to me, under no injunction whatever. I was, however, possessed of the paper in question; and it was my duty to turn it to the best account, for the public interest, that circumstances would now admit of. It was, it is true, the most informal of all informal communications, and one of course upon which no official measure could be taken; yet the character of the parties entitled it to attention. Upon mature reflection, therefore, and the more especially as I did not wish to meet the committee again on that point until I heard from you, lest I should be questioned why this new mode of diplomatic proceeding was adopted, I thought it best to send the paper in by my secretary, Mr. Gauvain, (a young gentleman who acted with me since the provisional nomination of Mr. Skipwith to the consulate) instructing him to assure the members, on my part, that they might confide in the credibility of the parties. The paper was presented to Merlin de Douay, with the comments suggested; and since which, I have neither heard from the committee, Colonel Trumbull, nor Mr. Jay, on the subject.

I intimated to you in my last that I was persuaded, if there was a force here able and willing to make head against the Revolution, it would soon show itself, but that I was of opinion none such existed. This presage has been since verified by a great and interesting example. The storm, which I thought I then saw gathering, after rising to its height, and expending its force, has past, and without doing any mischief. On the contrary, I am inclined to believe, from present appearances, it will be productive of good.

It was natural to expect that the trial of Barrere, Collet d'Herbois, and Billaud de Varennes, three men who were, in the early stages, the associates, and, in the latter, in some degree, the rivals of Robespierre's power, and who were, after his fall, unquestionably at the head of the Mountain party, would excite some ferment. It was equally so to presume that, if that party was not so completely crushed as to preclude all hope of success, it would, in some stage of the proceeding, make an extraordinary effort to preserve them. The epoch of this trial was, therefore, deemed by all an important one to France; and its several stages were marked by circumstances which tended rather to increase than diminish the general solicitude.

Under the banner of this party, and apparently in favor of the acquittal of these members, the discontented, of every description, were seen rallying; forming, in the whole, an extraordinary assemblage, being gathered from the various, and, heretofore, opposite classes of society, but united now for the common purpose of disturbing the public tranquillity. The prisons, which were filled in the time of Robespierre, and opened under the more humane administration of the present day, had discharged upon the city an immense crowd of the ancient aristocracy, and who soon gave proofs that the severe discipline they had undergone had not eradicated the propensities that were required under the reign of the ancient court. As the present administration had rescued them from the guillotine, and to which they were otherwise inevitably doomed, it was at least entitled to their gratitude. This slight tribute, however, was not paid for that important service. On the contrary, these were among the most active in fomenting the present discontents. Another group, not less numerous or turbulent, composed of the refuse of the lately disfranchised, or rather routed, Jacobins and their adherents, were seen marshalled by its side, and acting in harmony with it. These two classes of people, and who were heretofore at endless war with each other, now combined, formed a force of some strength, and excited, in the minds of many well disposed persons, serious apprehensions for the public safety.

The increasing scarcity of bread, and which menaced an unavoidable diminution of the ordinary allowance, contributed much to increase the apprehension of danger. A deficiency in this article in Paris, under the ancient government, generally excited a tumult. It was, therefore, a primary object in every reign, and with every administration, to guard against such deficiency as the greatest of public calamities. Abundant stores were, in consequence, always provided, when it was possible to provide them; and, let the scarcity or price be what it might, in other quarters, the ordinary allowance, and nearly at the ordinary price, was distributed, as in times of greatest plenty, among the inhabitants of this city. Such, likewise, had been the practice since the change of the Government; so that a state of affairs, which announced the approach of a deficiency, announced likewise that of a crisis extremely important in the history of the Revolution. The most firm knew it was an experiment yet to be made, and from which, whilst they counted upon no possible benefit, they had many reasons to apprehend some real inconvenience.

It was foreseen that, if any movement was set on foot, the deficiency of bread, if that was the fact, would be made the pretext; and, as the complaint, being addressed to the wants of all, would excite a general sympathy, it was feared that such deficiency would tend much to increase the strength of the insurgent party. In every view, therefore, the crisis which approached was an interesting one. It was, however, at hand, and no other alternative remained, for those whose duty it was to sustain it, than that of yielding under, or meeting it with firmness, and passing through it as well as possible.

As soon as it was known that a diminution of the ordinary allowance was unavoidable, it was resolved to make it known likewise to the people, that they might not be taken by surprise; and for this purpose Boissy d'Anglas, of the section of subsistence in the committee of public safety, appeared at the tribune some days before it took effect. His discourse, which was short but explicit, began by exposing freely the enormities and vicious arrangements of the ancient committees; whereby, he said, France had already been visited with many great calamities, and was still threatened with others; and concluded by observing that even famine was likewise one proceeding from that source, which neither the wisdom, nor the industry of the present councils had been able altogether to avert. That he was happy, however, to assure the Convention that, as the most prudent measures were long since taken to correct the abuses of that administration, the distress of Paris would be for a short term only. The communication was received by Barrere, Billaud de Varennes, &c., and by the members of the Mountain party in general, with a smile of approbation. It was obvious they considered Boissy as a welcome messenger, announcing to them joyful tidings. A few days afterwards the deficiency so much dreaded took place; and, at the same time, the intrigues of the discontented began more fully to unfold themselves.

The movement was commenced by about four hundred citizens from a section heretofore noted for its turbulence; and who, appearing without the hall, demanded admission to the bar of the Convention. A deputation from the party, consisting of twenty members, was admitted, and who addressed that body in a style unusual; complaining of the want of bread, and declaring, also, that they were on the point of regretting the sacrifices they had made to the Revolution. The answer of the President (Thibaudaut) was firm and decisive. To that part of the address which complained of the scarcity of bread, he replied by stating the measures of the Government to remedy it; and, to that which exposed the temper of the party in regard to the Revolution, he answered explicitly that he knew the disaffected were at work to excite trouble, but that their efforts would be fruitless: for, enlightened by experience, and strong in the power of the whole nation, the Convention would be able to control their movements; and, in closing, he addressed himself more particularly to the memorialists, saying that the efforts of the people to recover their liberty would not be lost whilst good citizens seconded the labors of their representatives; that despair belonged only to slaves; freemen never regretted the sacrifices they had made in such a cause. The answer, which was received with general applause, checked for a while the turbulent spirit of the disaffected.

But this party had too much at stake, and its measures were probably too far advanced, to be abandoned in this stage. About a month after this, and which was on the 1st of April, (12 Germinal) a more numerous body, consisting principally of workmen from the Faubourg of St. Antoine, presented itself likewise before the hall, demanding admission to the bar of the Convention; and, upon some pretext, and in violation of the usual forms, immediately forced its way into the hall of that assembly. The crowd increased, so that, in the course of a few hours, there were in the hall perhaps three or four thousand, and, in the vacant external space around it, as many more. The proceedings of the Convention were suspended: the president, however, and the members, kept their seats, declaring that, as their sitting was violated, they would do no business. Indeed it was now impossible to do any, had they been so disposed: for the general and tumultuous cries that were raised by the invaders, for "bread," for "liberty to the patriots," meaning some of the accomplices of Robespierre, could alone be heard. They continued thus in the hall about four hours, from two to six in the evening, offering, in the interim, no violence to any of the members; but behaving, in other respects, with the utmost possible indecorum. When they first entered, some circumstances were seen which caused a suspicion that a good understanding subsisted between the leaders of the mob and some members of the Mountain party; and it was likewise observed that their final retreat was made upon a suggestion from that quarter: for, as soon as an admonition to that effect was given from that quarter, it was obeyed. Many believed it was intended to lay violent hands upon all the leading members of the preponderating party, and either murder them in their places, or send them to prison, to be murdered afterwards, under the form of a trial; as was the case in the time of Robespierre; whereby the preponderating scale would be shifted to the other side, and the reign of terror revive again for a while. Be the plan, however, what it might, it was soon frustrated: for, as the movement was that of a mob against the civil authority, its operations were irregular and disorderly. It had no chief to lead it on to acts of violence: the time was therefore whiled away in senseless uproar, till, at length, the putative authors of the movement were as uneasy about the issue, and as anxious to get rid of it, as those at whom it was supposed to be pointed. In the interim, too, the means that were adopted without, tended not only to secure the general tranquillity of the city, but most probably to influence, in a great measure, the proceedings within. By order of the committees, the tocsin was sounded, and the citizens in every section called to arms; so that the appeal was fairly made to the people of Paris, whether they would support the republic, or rally under the standard of those who were for a change. Nor was the question long undecided: for, as soon as the Government acted in its various functions, it was obeyed. The lapse of a few hours gave it the preponderance, and the lapse of a few more not only freed the hall of the Convention from the invasion with which it had been seized, but dispersed the crowd from its vicinity.

At six in the evening the Convention resumed its deliberations, beginning by declaring its sitting permanent, and progressing by a review of the movements of the day, which were well understood, and freely discussed. By this time, too, it was fortified by accounts from every quarter that the sense of the city was decisively pronounced in its favor, and against the rioters, and that the inhabitants of those sections whence the disorder proceeded were returning to their duty. The sitting continued until six in the morning, in the course whereof a decree of banishment was passed against the accused members, and of arrestation against eight or nine of the Mountain party; which latter list was afterwards increased to about eighteen; and both of which decrees have since been carried into effect, by sending the former to the isle of Oleron, and the latter to the castle of Ham, in the department of Somme; and thus ended the commotion which was so long gathering, and which menaced, at one time, not to arrest the progress of the Revolution, (at least such was my opinion) but to occasion much trouble, and stain its page with new atrocities.

In the course of this day, the services of General Pichegru, who happened to be in Paris, and was appointed commandant of the national guard, were of great importance to his country. His activity was great, for he was always on horse, and passing from one quarter of the city to another; and his arrangements in disposing of the cannon and military force were wise. His name too was of great utility, for it tended equally to elevate the hopes of the friends, and depress those of the enemies, of the public tranquillity. I do not think, if he had been absent, the event would have been different; but I am satisfied that his presence contributed much to hasten the restoration of order, and to preserve it afterwards.

By this event, which is called the complement of the 9th of Thermidor, and which forms the catastrophe of the Mountain party, tranquillity appears to be established, not only in this city, but throughout the republic in general. The scarcity of bread, it is true, still continues, but yet no murmuring has been since heard on that subject. The moderate party, and which, in principle, I deem the same with that which was overwhelmed on the 31st of May, will, therefore, commence its career under auspices extremely favorable to its own reputation, and to the liberty and prosperity of France. The fate of its late antagonist, if there was no other motive, and which was precipitated by the general wish of France, and of all other nations not in league against the French republic, must furnish a solemn and lasting admonition to shun its example. The opposite principles, too, upon which it is founded, being the avowed patron of humanity, justice, and law, and equally at variance with the opposite extremes of aristocracy and anarchy, whose partisans were lately combined in an effort to crush it, promises to secure in its measures some stability in the observance of those just and honorable principles which it professes.

For some time past, the views of this party have been directed towards the establishment of the constitution, and some motions to that effect are now depending before select committees, appointed to prepare the several organic laws necessary to introduce it. An opinion is likewise entertained by many that the constitution in question is very defective, and ought to be amended before it is put in force. A discourse to this effect was lately delivered by Pelet, a respectable and well informed member, and the same sentiment was then avowed by others. But whether an attempt of this kind (should it be formally made) will succeed, or whether the general solicitude to put the constitution in force, however defective it may be, in the hope of amending it afterwards, will prevail, is yet uncertain.

Since the fortunate issue of the late commotion, a treaty of peace was concluded with Prussia, at Basle, in Switzerland, of which I enclose you a copy. The import of the fourth and fifth articles gives cause to suspect that some stipulations exist which have not been communicated, and it is believed by many that it is agreed between the parties that France shall retain the Prussian territory on the left of the Rhine, in lieu whereof she is to take and cede Hanover. Should this be the case, it is probable, if the war continues another campaign, that Prussia will be seen arranged as a party on the side of France. The latter considers the old connexion with Austria as broken, and wishes to supply it by one with Prussia; and, provided satisfactory arrangements are, or shall be hereafter, formed for that purpose, will become interested in raising the latter Power at the expence of the former, as well as that of England. The negotiation with Spain is also said to be far advanced, and will most probably soon be closed. It is likewise reported that a person, or more than one, from England, is now in Paris, upon the pretext of treating for an exchange of prisoners, but, in truth, for the more substantial one of treating, or at least of sounding the disposition of this Government for peace. Upon this point, however, I hope to be able to give you, in the course of a few days, more correct information than I now can.

From Mr. Monroe to the Secretary of State.

PARIS, May 17, 1795.

SIR:

I was yesterday honored with yours of the 8th of March, the only one received since that of the 5th of December, and was at the same moment favored with the company of Mr. Pitcairn, who, having just arrived, had called to present his commission of vice consul for this city, to be recognized as such.

I informed you in my letter of the 6th of March, and for reasons that were in part before explained, that the arrival of this gentleman would subject me to an unpleasant dilemma: for, if it was known that he was a British subject, although he had likewise become an American citizen, I doubted much whether he would be received. That, in strict propriety, I ought to communicate the fact, if it was so: for, after what had passed between us, upon a subject analogous to this, if I announced him, withholding the fact, and it was discovered afterwards, I should expose myself to the imputation of the want of candor, and that, in any event, if he were established, however correctly I might personally act, the circumstance of his being a British subject, would not only lessen his weight, and to the prejudice of our commercial affairs here, but, to a certain degree, and from causes that are obvious, lessen mine likewise; the ill effects of which might be felt, and especially at the present moment, upon concerns of more general importance. By his arrival, therefore, this embarrassment was realized. The commission of the President is the law to me, and upon every principle it is disagreeable to suspend its force; but yet the nature of the trust reposed in a public minister, seems to imply in him a discretionary power to control, according to his judgment, incidents of this kind, wherever it appears that thereby he may promote the public interest, and which becomes of course the stronger, when necessary to prevent a public detriment. Upon mature consideration, therefore, I have thought it best to withhold the official communication of his appointment from the Government, until I should hear from you in reply to that letter; and the more especially, as it might now be expected in the course of a few weeks. In consequence, I communicated this decision to Mr. Pitcairn, with the motives upon which it was founded, and was pleased to observe that he appeared to be perfectly satisfied with the propriety of it.

I observe, by this letter, that the treaty concluded by Mr. Jay with Great Britain did not arrive before the 5th of March, and in consequence would not be submitted to the Senate before the 8th of June, and in the interim would be kept secret. I regret equally this delay and secrecy; the delay, because, if it is not approved, it may become more difficult, in the probable course of events, on this side the Atlantic, to obtain a remodification of it; and the secrecy, because the jealousy that was at first imbibed by this Government of its contents, will of course remain for the same space of time, and which cannot otherwise than be somewhat hurtful in the interim to our affairs depending here. Having too explained the object of that mission, whilst its issue was uncertain, they think it strange that the result should be now withheld. Upon this point, however, I have nothing new to add. I have already communicated to you whatever I had to communicate upon it, and, waiting the issue, I shall continue by my assurances to endeavor to inspire this Government with a confidence, either that the treaty in question contains in it nothing improper, or that it will not be ratified in case it does.

Your last letter gave me the first intelligence upon which I could rely, that Colonel Humphreys was in America. He will, of course, return fully possessed of your views with respect to the piratical powers on the African coast. I assured you, long since, that it would be easy to obtain from this Government its aid upon that point, and it is certain that its aid with each, and especially Algiers, with which regency the republic is in the strictest amity, would be of good effect. Those Powers hear that France is at war against Austria, Spain, England, Portugal, &c. and defeats them all, and, in consequence, conclude that she is more powerful than all united, and respect her accordingly. I have frequently been told, in private conversation, by the members of the committee, that they were ready to render us all the service in their power in that respect; and I should long since have requested the Government to make our peace there, in pursuit of the plan commenced by Mr. Morris, had I not been instructed that the business was in the hands of Colonel Humphreys, and feared, by such interference, that I should embarrass the views and measures of our Government. I shall be ready, however, to act in whatever line you may think proper to direct, and shall endeavor, and without any particular compromittment on our part, to keep the committee in the same state of preparation.

In general, our commercial affairs progress as well, all things considered, as could be expected. Transactions of old standing, I have not lately formally pressed, because I knew that the Government was embarrassed on the score of finance, and because I thought it would be better to wait the issue of the business depending with you in June next. Mr. Skipwith, however, does every thing in his power to forward those objects, and perhaps with as much effect as would be possible under any pressure that could now be made. But, in the direct or current commerce, our countrymen enjoy all the privileges that the Government can give them; and though delays are sometimes experienced, and especially in the payment of contracts that were formed in America, yet the transactions are generally closed in a manner satisfactory to the parties. The profits which some of them have made, and continue to make, according to report, are great, beyond example. In truth, our countrymen are gradually planting themselves in commercial houses throughout the republic, and engaging in the commerce of France to an extent which, whilst it promises to be profitable to themselves, will likewise be of great and permanent utility to both nations: for, by means thereof, not only personal acquaintance and connexions are formed by the citizens of each with those of the other, respectively, but their common wants and common capacities will be better understood.

The claim of fifteen thousand dollars, I mentioned long since would be admitted without a word, and that it ought to be so understood at the treasury. I omitted it in my more early applications to this Government, because I wished to progress with the greater objects first, and more latterly for the reasons above suggested. I conferred, however, on the subject with Mr. Adet, and presume he will allow it as a thing of course; but, if he does not, upon notification thereof to the committee, and which I will immediately make when so advised by you, he will certainly be instructed to do it.

Since my last, Paris, and the republic in general, have enjoyed a state of perfect tranquillity. Every little disturbance which ensued for a time the movement of the 2d April, (12th Germinal) and there was one or two of the smaller kind which did ensue, subsided almost of itself, and in each instance without force, and of course without bloodshed. Thus the authority of the Convention prevails, although it is supported by the common sense and the common interest of the citizens of Paris only; a thing deemed heretofore impracticable under existing embarrassments. Certain it is, that, if the Government had been in the hands of a king, or any other description of persons than that of the people themselves, we should have seen, in the course of a few weeks past, a succession of many revolutions of the ministerial kind, and which would have, perhaps, dethroned eventually any king that ever reigned here. The distress of the people, on account of the scarcity of bread, since that time, has been like that of a besieged town.

They have been constantly upon allowance, and which was latterly reduced to two ounces, and sometimes less, per day. My family, which consists of fourteen persons, is allowed two pounds of bread per day. I mention this, that you may have a just idea of the distress of others, and particularly the poor: for at a great expense (nearly forty dollars specie per barrel) I am supplied. The accounts which we have of the distress of the aged, the infirm, and even of children, are most afflicting; yet calmness and serenity are seen every where, complaints diminish, and that ferocity which was observable on the 12th of Germinal, on the part of those who forcibly entered the Convention, and which was excited by the animosity of contending parties, and most probably increased by foreign influence, has entirely disappeared. In this moment they all look to America for bread, and most fervently do I join them in prayer that our countrymen may speedily bring it to them. If they can make out for six weeks, they are safe: for by that time the rye will ripen, and, from present prospects, they may be in a better situation in the interim than they now are, and most probably not in a worse.

In the line of negotiation, nothing has been concluded since the treaty with Prussia, and which was ratified by both parties soon after it was signed. Sir F. Eden came to Rochefort, from whence he notified his arrival to the committee, and requested permission to come to Paris. They had him conducted to Dieppe, where he was kept under guard until the arrival of an agent from the committee, who was instructed to receive and report his propositions to that body, provided they embraced any other object than an exchange of prisoners; but in case they did not, to request his departure in twenty-four hours. The agent attended, asked his business, and was answered, he came to treat for an exchange of prisoners. Have you no other power? Let us settle this point first; we shall be together, and may afterwards talk on what we please. But have you no other power? Your answer to this question may settle this and every other point in a word; if you have, I will receive what you will be pleased to communicate; if you have not, our business is at an end. Mr. Eden replied, he had none; and thus they parted, the agent for Paris, and Mr. Eden for London; the latter being apprised what the wish of the committee was in that respect.

It is said that a treaty is lately concluded with the commissioners from Holland, by which the independence of that country is acknowledged, and an alliance offensive and defensive formed, upon terms which promise to be satisfactory to the parties. I will enclose a sketch of these, which has been published.

General Pichegru has crossed the Rhine, and with a considerable force; but probably, at present, for the purpose only of quartering his army in the enemy's country. He is now in the neighborhood of Mayence, which is still besieged. The campaign, however, cannot be considered as fairly opened; perhaps it is not definitively settled against whom in the empire the forces of the republic will be directed: for the door which was opened to receive propositions from the princes of the Germanic body, through the King of Prussia, was not an idle provision. Advantage, I am told, has already been taken of it; and that it will most probably prove the means, and to the credit and interest of the King of Prussia, of promoting in the empire the views of France.

The negotiation with Spain is still at a stand. The Spanish court is strongly inclined to connect itself with this republic, but, in so doing, it foresees the necessity of an accommodation with us in respect to the boundaries and the Mississippi, and against which it thinks itself secure by adhering to England, who, it is believed, gives assurances to that effect. Of the views of England, however, Spain is, and always was, jealous; so that it is not improbable an accommodation may soon take place. It is said that the King of Spain makes a provision for the children of the late King, the object of his care; that he wishes to have them delivered up to him, with the view of giving them an establishment in property somewhere in his dominions, with the title of duke to the boy; and that this point, in some form or other, will probably be agreed.

At sea, in the excursions which were made in the course of the winter, by tempest, great loss was sustained; and considering that the war will hereafter be directed principally against England, less attention was for some time paid to the navy than ought to have been expected. At present, however, the attention of the executive branch seems to be turned more towards that object than heretofore; so that it is probable the waste of the winter will soon be repaired.

The assignments continue to depreciate, and the frequent discussions which take place upon the various propositions made to raise their credit, always produce the opposite effect, of depressing them. Many think, however, the depreciation a blessing to the country, and that their total fall would be among the happiest of political events, especially if they can be kept up through the summer. At present, their depreciation is by the standard of gold, or foreign exchange, as fourteen to one.

The mass of wealth in national domains is affirmed, by those who ought to know, more than double what I supposed; being, after restoring the property of those who were illegally condemned, according to a late decree, about four hundred millions sterling. A deputation was lately sent to Holland of Sieyes and Reubell, to press for money; and it is expected they will succeed, at least in such degree as to answer present exigencies.

I am happy to hear that the President approves my conduct in the instance mentioned; and I beg you to assure him that, for the future, I shall continue to be neither less attentive nor assiduous in the discharge of the duties of the trust reposed in me, to all its objects, than I have heretofore been.

P. S. Since writing the above, I was informed personally by one of the agents who attended Mr. Eden at Dieppe, (for there were two) that he (Mr. Eden) had power to treat on other subjects than that of an exchange of prisoners, and that he not only communicated this, but likewise his propositions, and which were sent to the committee, and peremptorily rejected; that the treatment given Mr. Eden was polite and respectful, and with which he appeared to be perfectly satisfied. What the propositions were, I know not; but that they contemplated peace cannot be doubted.

From the Secretary of State of the United States to Mr. Monroe.

June 1st, 1795.

SIR:

The uneasiness which has been discovered by the French republic, in reference to our late treaty with Great Britain; the comments which you have made upon your instructions; and the anxiety which forever leads the President to maintain an honorable interchange of friendship between the United States and France, have determined me to review our conduct from the commencement of the present war. In it I shall unreservedly expose the policy of the Executive, as it may be collected from the documents of this Department that the imputation of an alienation from France, so systematically and unremittently cast upon our Government, may lose its effect, wheresoever that policy shall be known.

There never was a moment when the President hesitated upon these truths: that the ancient despotism of France was degrading to human nature; that the people were the sole masters of their own fortune; free to overturn their old establishments, and substitute new; and that any other nation, which should presume to dictate a letter in their constitution, was an usurper. But as an administration of ordinary prudence will not enter upon a momentous career, without combining the past and present state of things, and, from a comparison of both, forming a judgment of the future, it will be necessary to follow the intelligence possessed by the Executive in relation to the great events occurring, from time to time, in France.

With the fate of the King we could have no political concern, farther than as it might amount to an indication of the will of the French people. That will it was interesting to us to understand; because, being once fixed, whether for the constitution of 1791, or one more democratic, it would have given us the assurance, of which we were bound by public duty to be in quest, of a settled and stable order of things.

In this sense Louis XVI. attracted our notice. In him was beholden a prince, fallen from the throne of his ancestors, receiving, with apparent cordiality, in lieu of absolute power, the title of restorer of liberty; but distrusted by every man. His flight cut all confidence asunder; and it was impossible that true reconciliation should ever grow again. The revolution of the 10th of August, 1792, was the unavoidable sequel of what had preceded, and proclaimed abroad that the constitution was short lived.

Immediately upon this event "only one opinion prevailed as to the badness of the constitution." No plan of a new constitution was even reported for a considerable time afterwards; none was adopted for many months. At this instant the proposed permanent system is locked up from operation; but what the permanent system will really be, is a difficulty which few can yet solve.

If, instead of searching for the will of the people, the politics of the reigning parties had been consulted, how transitory were they! Administrations were hourly passing away. Every member of Government was engaged in the defence of himself or the attack of his neighbor. The Jacobins were busy in exciting tumults. The Convention were *privately* calling for guards to protect themselves from the people. The very ministers declared that the National Assembly could be brought into no kind of consistency. A national bankruptcy, and a difficulty of supplies, were too much to be apprehended. Strong symptoms of anarchy; the shedding of blood; and information that the question between absolute monarchy and a republic must be decided by force; were prophetic of some great catastrophe.

Examine next the *external* relations of France. The foreign ministers, except the minister of the United States, had fled. The alliances against her were multiplying; the enemy numerous; their object to erect a military government; the empire of Great Britain on the sea uncontrolled; the French army undisciplined; and the affections of the French people not decisively directed to any specific object. If the United States had panted for war as much as ancient Rome; if their armies had been as effective as those of Prussia; if their coffers had been full, and their debts annihilated, even then, peace was too precious to be risked for the most flattering issue of war.

As every political motive dissuaded us from war, so were we without an obligation to enter into it as a party. No *casus fœderis* had arisen upon our alliance with France. We had not, nor have we yet, been required to execute the guarantee; and, therefore, it was unnecessary to speak concerning it.

Had we indulged our sensibility for the crisis hanging over France, and associated our injuries with hers, the rashness of the step would have been proverbial. An infant country, deep in debt; necessitated to borrow in Europe; without manufactures; without a land or naval force; without a competency of arms or ammunition; with a commerce closely connected beyond the Atlantic, with a certainty of enhancing the price of foreign productions, and diminishing that of our own; with a constitution little more than four years old; in a state of probation, and not exempt from foes; such a country can have no greater curse in store for her than war. That peace was our policy has been admitted by Congress, by the People, and by France herself. France could not have thought otherwise; for, had we been active, she would have been deprived of our provisions except by snatches, and our payments to her must have been suspended.

The proclamation of neutrality, therefore, which was our first important act, after the eruption of the war, deserved to be the model of our subsequent conduct.

Another public step of the President, although it departed not from the line prescribed by the proclamation, was no small indication of his being resolved to cultivate a friendship with the new republic. Mr. Genet came over as minister, upon the death of Louis XVI. He was the *protégé* of a party whose downfall had been predicted from Paris in August, 1792; and it was not improbable that some of the neutral Powers would endeavor to inculcate an opinion, that our treaties with France had expired with her Chief Magistrate, who had been the organ of the general will when they were formed. But what said the President? Did he waiver in recognising them as compacts with the *French nation*? Did he affect delays? Was he eager to seize a pretext from the disembarking of Mr. Genet near the Southern extreme of our continent; his distribution of privateering commissions, as he travelled; and his countenance of the French consuls in arrogating a judicial authority over prizes in the United States? No, sir; Mr. Genet was received without a previous inquiry; without a qualification or condition; immediately; and with an indifference to the murmurs of the belligerent Powers. For our minister had been before instructed that "it accorded with our principles to acknowledge any government to be rightful, which is formed by the will of the nation, substantially declared."

A few days brought forth a third important circumstance in our relation to France. He "communicated the decree of the National Convention, of February 19th, 1793, authorizing the French Executive to propose a treaty with us on such liberal principles as might strengthen the bonds of good will which unite the two nations; and informed us, in a letter of May 23d, 1793, that he was authorized to treat accordingly."

I really doubt whether, upon this head, the French republic, if left to herself, would utter one remark. But party, which, if it be not abolished, must be the bane of the Union, fights under the popular banners of France, expecting to overthrow its adversary by propagating a belief that she has been ill treated. These calumnies cannot be more effectually faced than by examining the commercial relations already subsisting by treaty between the United States and France.

By treaty the trade of the two countries was placed, among other things, upon the following grounds:

1st. Both parties "engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not *immediately* become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional."

2d. The French were to pay, in our ports, &c. no other or greater duties or imposts than those which the nations most favored are, or shall be, obliged to pay, and shall enjoy all the privileges in trade, navigation, and commerce, whether in passing from one port in the United States to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

3d. The Americans were to enjoy the same privileges in the French ports in Europe. In this is included an exemption of one hundred sols per ton, established in France on foreign ships, unless their ships shall load with the merchandise of France for another port in the same dominion: they are then to pay the duty above mentioned so long as other nations, the most favored, shall be obliged to pay it; the United States being at liberty to establish an equivalent duty in the same case.

4th. "Free ships were to give freedom to goods."

5th. American or French property on board of enemy ships was confiscable.

6th. Regulations were made for contraband, and the carrying on of war by either against its enemies, so as to prevent injury to the other.

7th. The Americans were to have one or more free ports granted to them in Europe, for bringing and disposing of their merchandise; and the free ports, which had been, at the date of the treaty, (May 6th, 1787) and were then, open in the French Islands of America, were to be continued to the Americans.

Mr. Jefferson, in his report to Congress, on the state of our commerce and navigation, sums up the important restrictions proceeding from France, to be:

1st. That, as far as the summer of 1792, our rice was heavily dutied in France.

2d. That our fish and salted provisions were under prohibitory duties in France.

3d. That our vessels were denied naturalization in France.

4th. That our salted pork and bread stuff (except maize) were received under temporary laws only in the French West Indies, and our salt fish paid there a weighty duty: And

5th. That our own carriage of our own tobacco was heavily dutied in France.

The subjoined extracts from letters of this Department to our minister in Paris, on the 23d of January, 10th of March, 28th of April, 16th of June, 1792, and on the 12th of March, 1793, bespeak our earnestness for an extension of our commercial treaty with France:

EXTRACTS.

January 23.—"I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce and the extension of its privileges, both in France and her colonies; but more especially the latter."

March 10.—"We had expected, ere this, that, in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a treaty of commerce; an authentic copy of the recommen-

dation was delivered, but nothing said about carrying it into effect. Perhaps they expect that we should declare our readiness to meet them on the ground of treaty; if they do, we have no hesitation to declare it. In the mean time, if the present communications produce any sensation, perhaps it may furnish a good occasion to endeavor to have matters replaced in statu quo, by repealing the late innovations as to our ships, tobacco, and whale oil. It is right that things should be on their ancient footing at opening the treaty."

April 28.—"I hope that these manifestations of friendly dispositions towards that country will induce them to repeal the very obnoxious laws respecting our commerce, which were passed by the preceding National Assembly. The present session of Congress will pass over without any other notice of them than the friendly preferences before mentioned; but if these should not produce a retaliation of good on their part, a retaliation of evil must follow on ours. It will be impossible to defer, longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce. I must intreat you, therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation, from considerations suggested by the nature of our Government, which will readily occur to you."

June 16.—"With respect to the particular objects of commerce susceptible of being placed on a better footing, on which you ask my ideas, they will show themselves by the enclosed table of the situation of our commerce with France and England. That with France is stated as it stood at the time I left that country, when the only objects whereon change was still desirable, were those of salted provisions, tobacco, and tar, pitch, and turpentine. The first was in negotiation when I came away, and was pursued by Mr. Short with prospects of success, till their general tariff so unexpectedly deranged our commerce with them as to other articles. Our commerce with their West Indies had never admitted amelioration during my stay in France. The temper of that period did not allow even the essay; and it was as much as we could do to hold the ground given us by the marshal de Castries' arrêt, admitting us to their colonies with salted provisions, &c. As to both these branches of commerce, to wit, with France and her colonies, we have hoped they would pursue their own proposition of arranging them by treaty, and that we could draw that treaty to this place. There is no other where the dependence of their colonies on our States for their prosperity is so obvious as here; nor where their negotiator would feel it so much. But it would be imprudent to leave to the uncertain issue of such a treaty the re-establishment of our commerce with France, on the footing on which it was at the beginning of their Revolution. That treaty may be long on the anvil; in the mean time, we cannot submit to the late innovations without taking measures to do justice to our own navigation. This object, therefore, is particularly recommended to you; while you will also be availing yourself of every opportunity which may arise, of benefiting our commerce in any other part. I am in hopes you will have found the moment favorable on your arrival in France, when Mr. Claviere was in the ministry, and the dispositions of the National Assembly favorable to the ministers."

March 12th, 1793.—"Mutual good offices, mutual affection, and similar principles of Government, seem to describe the two nations for the most intimate communion; and I cannot too much press it on you to improve every opportunity which may occur in the changeable scenes which are passing, and to seize them as they occur, for placing our commerce with that nation and its dependencies on the freest and most encouraging footing possible."

What were the corresponding efforts of our minister relative to a treaty of commerce? In June, 1792, he was intreated by Dumouriez, then minister, to defer it until he should return from the frontiers; who intimated at the same time, that France stood in need of no alliances, and that he was against all treaties other than those of commerce. In July, 1792, our minister had "repeatedly called the minister's attention to the obnoxious acts of the [then] late Assembly, and to their proposition of a new commercial treaty. The reply was, that, for himself, he would be glad to settle every thing to our minister's satisfaction; but that his ministerial existence was too precarious to undertake any extensive plan; that the attention of Government was turned too strongly towards itself (in the present moment) to think of its *exterior interests*; and that the Assembly, at open war with the Executive, would certainly reject whatever should be now presented to them." The following extracts of our minister's letter to Mr. Chambonas, on the 9th of July, 1792, and of his answer on the 23d of the same month, show the measures of our Government for the improvement of the treaty.

"I should, however, fail in my duty towards my nation, sir, and I should offer but a feeble testimony of the attachment which I have for so many years vowed to yours, if I were to dissimulate the discontent, which the decrees of the constituent assembly, infringing the system of commerce established between France and the United States, before the year 1789, have excited in America. I forego all remarks on that subject, because I leave it to your wisdom and the sentiments of your nation; and I dare believe, that, even if it concerned merely its own interests, the National Assembly would no longer suffer regulations to exist which fall still harder upon the French consumers than they injure the American traders. There is another object, sir, to which you will, no doubt, pay all the attention that its importance deserves. The constituent assembly expressed its desire that the King should negotiate a new commercial treaty with America. It has been communicated to the President of the United States, by the minister plenipotentiary of His Majesty. But this project has until now been without effect. I am directed to assure you, sir, that the United States are ready to receive with real pleasure any overtures on that subject, which shall be made them, and that they wish to establish that treaty on bases, just, solid, and reciprocally useful to both nations. The minister plenipotentiary of France at Philadelphia has the best opportunity of weighing its advantages, and I dare assure you, before hand, that, if he is charged by the King with that negotiation, he will meet, on our part, the most friendly dispositions. You will give me very great pleasure, sir, when you shall please to authorize me to write that he is entrusted with that business."

July 23d, 1792.—"I shall likewise lay before them the desire which the American Government expresses to cement the union of the two people, by a new treaty of commerce, and I shall immediately take the orders of the King for commencing that important negotiation. I do not doubt but it will soon be brought to a happy conclusion, since the two Governments are equally desirous of establishing the new treaty on the basis of the strictest justice, and, consequently, of the most reciprocal advantage of both people."

On the 13th of February, 1793, we were informed by our minister, that, he having been instructed to transfer the negotiation of a new treaty of commerce to America, the thing wished was done; and that we may treat in America.

Mr. Genet's abovementioned letter of the 23d of May, 1793, enclosing the decree of February 19th, 1793, concluded in these words: "The obstacles raised with intentions hostile to liberty, by the perfidious ministers of despotism; the obstacles, whose object was to stop the rapid progress of the commerce of the Americans, and the extension of their principles; exist no more. The French republic, seeing in them but brothers, has opened to them, by the decrees now enclosed, all her ports in the two worlds; has granted them all the favors which her own citizens enjoy in her vast possessions; has invited them to participate the benefits of her navigation, in granting to their vessels the same rights as to her own; and has charged me to propose to your Government to establish, in a true family compact, that is, in a national compact, the liberal and fraternal basis on which she wishes to see raised the commercial and political system of two People, all whose interests are confounded."

"I am invested, sir, with the powers necessary to undertake this important negotiation, of which the sad annals of humanity offer no example before the brilliant era at length opening on it."

I find no answer to this letter from Mr. Jefferson; and he notices the steps which were taken in consequence of it only in his letter to Mr. Morris, on the 23d of August, 1793, thus: "The Senate being then (23d May, 1793) in recess, and not to meet again till the fall, I apprised Mr. Genet that the participation, in matters of treaty, given by the constitution to that branch of our Government, would, of course, delay any *definitive* answer to his friendly proposition. As he was sensible of this circumstance, the matter has been *understood* to lie over till the meeting of the Senate."

Upon this conduct of Mr. Jefferson, invidious comments have been circulated; and it has been perverted into a testimony of our evasion, and of our disaffections to France, with a design to foment dissensions between the two republics. Your exertions will doubtless frustrate the evil purpose.

Long had we been soliciting from France a revision of the treaty of commerce; suffering, in the mean time, severities from her commercial regulations. Can any rational man believe, when he reads the preceding confidential letters from the Department of State to our minister in Paris, that they were fabricated to deceive? Deception must have been gratuitous—without an object, and therefore too absurd to be dwelt upon. Upon the supposition of sincerity on our part, in the profession of a desire to improve the treaty, what culpable cause can be assigned for repelling an immediate negotiation? Were we looking for an adverse stroke to the affairs of France, in order to squeeze out greater commercial indulgencies? We have been charged by Great Britain with too lively a sympathy with her successes. Were we distrustful of the issue of the contest? There were few men who were not divided in their speculative opinions upon this occasion. But the President came to an instantaneous decision, by receiving Mr. Genet in the face of the war with Great Britain; recognizing the treaties, continuing to pay our debt to France; accommodating her with money by anticipation. Had the cause of republicanism any connexion with a change in the treaty of commerce? I cannot discover it; or, if it had, whosoever shall deny it to be espoused by our Government, or shall insinuate a leaning towards England, is no less base, than unfounded in his calumnies. In short, it is absolutely incomprehensible why the Executive should, from a policy which it will not avow, put off a treaty, for the reforming of old commercial stipulations, when every melioration of our trade was so closely allied with the expectations of profit to the husbandman and merchant, created by our neutrality.

There was no such evasion; and the agreement or understanding between Mr. Jefferson and Mr. Genet cannot be wrought into such a shape. Being without documents, containing the whole of their conversation, I have no other clew to it than the letter of August 23d, 1793, the nature of the subject, and the circumstances of the period, as explanatory of the postponement of the negotiation.

It is of no consequence to inquire, whether it was or was not more agreeable to Mr. Genet that the negotiation should lie over, when he heard that a *definitive* answer must be delayed until the meeting of the Senate. Notwithstanding it has the appearance of being the voluntary act of both; especially as Mr. Genet suffered it to rest upon an oral discourse, and never had, nor asked, a written answer; yet let it be conceded to have been, on the part of Mr. Jefferson, an act of the Government, and on the part of Mr. Genet, a respectful submission.

What Mr. Jefferson asserted is true; because the President can *make* treaties *only* with the advice and consent of the Senate. A *definitive* answer was, therefore, necessarily, deferred. He did not allege that *intermediate* discussions could not take place; nor indeed does it appear that either of those gentlemen turned their attention to the *preliminary* negotiation; which might have been opened before the assembling of the Senate.

But if Mr. Genet had even pressed an immediate negotiation, weighty obstacles, very different from *evasion*, or alienation from France, stood in the way. 1. "On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves," that it was extremely desirable to exclude any business which would absorb much time, and might be postponed; in order that the Executive might be unembarrassed in its superintendence of our neutrality. Although the labors of my predecessor, from the commencement of the war to the early part of September, 1793, have been seen by the world, yet cannot they judge of the perplexities and researches which were the foundation of the documents published, and which hourly occupied not only the President himself, but those officers, also, who were around him. History had forewarned us, that, as a neutral nation, encompassed by the ministers of the belligerent Powers, inflamed with a jealousy of the public functionaries, not a day would pass without a complaint, a demand, a suspicion, and a thousand temptations to irritability. Piles of papers, verifying those predictions, are now before my eyes. 2. It was not to be supposed that a *new* treaty of commerce could be entered into without much reflection. In this view, every hour gained was beneficial. 3. The power of the President to authorize the Secretary of State, or indeed any other person, to digest the matter of a treaty, has been recognized in practice in several forms; one of which is barely to nominate, with the advice and consent of the Senate, and occasionally to consult them. The last was the course which was observed, in the only treaty which has been negotiated at the seat of Government, the treaty with the Creek Indians at New York, in 1790. The Senate being on the spot, and, therefore, convenient to the negotiation, were asked, as the subject was passing, whether they would ratify certain clauses, if inserted in the treaty. In the re-adjustment of the treaty of commerce with France, it was probably wished to repeat the same measure.

What would have been gained by France, by precipitating the negotiation? The preliminary discussions might, perhaps, have been closed a few months sooner on the side of the President; but it is entirely uncertain whether the affair would have been expedited by any step, so much as by consulting the Senate upon points of particular magnitude, before the *whole* work was submitted to them. This is among the advantages which may be embraced in a negotiation in the United States, and is unattainable in a negotiation elsewhere. However, if a commencement had been made, I question whether, from the time which is indispensable for so grand a transaction, and the unavoidable interruption incident to the new state of things, we should not have been obliged to interrupt the progress, upon a plea similar to that of the French ministry, that we were too much employed in steering clear of the war, to attend for the present to the remoulding of the treaty.

Had the Executive been indisposed to the treaty, why did he, in a manner pledge himself to negotiate when the Senate should meet? Why was our minister in Paris instructed, on the 23d of August, 1793, "to explain to the Executive of France this delay, which has prevented, as yet, our formal accession to their proposition to treat; to assure them, that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the National Convention, as soon as he can do it in the forms of the constitution; and of course to suggest, for this purpose, that the powers of Mr. Genet be renewed to his successor." "A *formal* accession to the proposition to treat," and a negotiation "in the forms of the constitution," appear to be still preferred to *informal* discussions, for the reasons already assigned. It is impossible to look into this subject, without remarking that other principles may be conceived, upon which the Executive might have refused to treat immediately; but which do not appear to have influenced his decision. His attention must have been arrested by the dictum of Mr. Genet's overtures. The President and the French republic had hitherto agitated a change in *commercial* regulations only; when Mr. Genet announces a desire to modify the *political* connexion also. The precise meaning of the term *political* was not very obvious; though the most natural interpretation was, that the *political* relation, established by the treaty of alliance, was proposed to be revised.

The movements which have been noticed, of Mr. Genet, before his arrival at Philadelphia from Charleston, were in perfect unison with this interpretation. The very decree of the 19th of February, 1793, liberal as it was in its language, manifested that the recent and existing war was a chief cause in dictating the concessions: for the French colonies could not be fed without supplies from the United States; and the *suspension* of the law of May 15th, 1791, which had inhibited the Americans from introducing, selling, and *arming* their vessels in France, and from enjoying all the privileges allowed to those built in the ship yards of the republic, was calculated to convert our ships into French privateers.

To confirm the real views of the Executive Council of France in the regeneration of the treaty, recollect these passages in Mr. Genet's instructions:

"That the executive council are disposed to set on foot a negotiation upon those foundations, and that they do not know but that such a treaty admits a latitude still more extensive, in becoming a national agreement, in which two *great* people shall suspend their commercial and political interests, and establish a mutual understanding, to defend the empire of liberty, wherever it can be embraced; to guaranty the sovereignty of the people, and punish those Powers who still keep up an exclusive colonial and commercial system, by declaring that their vessels shall not be received in the ports of contracting parties. Such a pact, which the people of France will support with all the energy which distinguishes them, and of which they have already given so many proofs, will quickly contribute to the general emancipation of the new world. However vast this project may be, it will not be difficult to execute, if the Americans determine on it; and it is to convince them of its practicability that citizen *Genet* must direct all his attention: for,

besides the advantages which humanity in general will draw from the success of such a negotiation, we have at this moment a particular interest in taking steps to act efficaciously against England and Spain; if, as every thing announces, these Powers attack us from hatred to our principles; if the English ministers, instead of sharing in the glory of France, instead of considering that our liberty, as well as that of those people whose chains we have broken, forever establishes that of their own country, suffer themselves to be influenced by our enemies, and by those to the liberty of mankind, and embark with every tyrant against the cause which we are defending. The military preparations making in Great Britain become every day more and more serious, and have an intimate connexion with those of Spain. The friendship which reigns between the ministers of the last Power and those of St. James' proves it; and in this situation of affairs we ought to excite, by all possible means, the zeal of Americans, who are as much interested as ourselves, in disconcerting the destructive projects of George III.; in which they are probably an object. Their own safety still depends on ours, and, if we fail, they will sooner or later fall under the iron rod of Great Britain. The executive council has room to believe, that these reasons, in addition to the great commercial advantages which we are disposed to concede to the United States, will determine their Government to adhere to all that citizen Genet shall propose to them on our part. As it is possible, however, that the false representations which have been made to Congress of the situation of our internal affairs; of the state of our maritime force; of our finances; and especially of the storms with which we are threatened; may make her ministers, in the negotiations which citizen Genet is entrusted to open, adopt a timid and wavering conduct, the executive council charges him, in expectation that the American Government will finally determine to make a common cause with us, to take such steps as will appear to him exigencies may require, to serve the cause of liberty and the freedom of the people."

The project, therefore, of a treaty, on the basis of Mr. Genet's propositions, ought to have been well explored before the first advance. To assent to them, if it would not have been a departure from neutrality, would at least have magnified the suspicion of our faith, without a confidence in which that neutrality must always be insecure. To reject them was to incur discontent, possibly a breach with our ally. The councils of nations ought to be superior to the passions which drive individuals. *Permanent* good being the polar star of the former, they will often have to encounter the impetuosity of the latter, who substitute occasional feelings for sound policy.

Admitting that the non-establishment of a constitution, and the rapid successions in the administrative bodies, could not weaken an agreement once fixed, even under the pressure of war, there was no probability that the party, whose missionary Mr. Genet was, would much longer tread the stage; nor any security, that his overtures would equally please those who should rise upon the ruins of his friends. We knew from letters, that, as far back as August, 1792, the movers of the Revolution on the 10th of that month were, sooner or later, destined to be victims; that, in January, 1793, they were conscious of the downfall which awaited them: that, in March, 1793, an insurrection was brewing for the destruction of the Gironde; and that the revolutionary tribunal, vast and unbounded in its domination, had been erected. Was this, then, a season for "modifying the *political* connexion?" when we might have drawn hostility upon our heads, by betraying a spirit not impartial, and by taking measures which, amid the fluctuations in the leaders of the French politics, might not have been sanctioned? And what did actually happen? The conduct of the Robespierrian faction was directly the reverse of the Brissotine: the one encouraged, the other abolished, private trade. For the evidence of this fact, I refer you to your own knowledge; to the vexations of our commerce; to the decrees which violated our treaty; and to the decree of October, 1793, which took all trade into the hands of Government. Nor can I omit the demonstration of a general instability, as it was delivered in a late report of the five committees:

"Let us be persuaded, and let us proclaim it openly—it is to that perpetual change that all our evils are owing. Our republican annals do not yet include three years, and by the multiplicity of events, twenty centuries appear required to contain them. Revolutions have followed revolutions; men, things, events, and ideas—all have changed; every thing changes yet; and, in this continual ebb and flow of opposite movements, in vain would the Government pretend to that confidence which can only be the result of a steady and wise conduct, and of a constant attachment to principles.

"Commerce necessarily disappeared through this astonishing succession of contrarieties, and in a country where individuals, incapacitated for making any sure calculations, see around them nothing but a wide prospect of changes.

"Credit is a tender plant, which needs gentle and regular winds, and cannot grow in a tempestuous clime, or soil often disturbed.

"It is time we should put a period to the reign of uncertainties, and fix invariably the principles of justice, equity, and loyalty, which should be the guides of our conduct. Let us hasten to subject the internal administration to a regular system. Let us especially take care that no measure ever gives rise to fears concerning the solidity of the mortgage of assignats.

"When the Government, steady in its march, shall have shown the real end they aim at; when it shall have rendered an account to itself and to others, of the system it intends to adopt; when the Convention, dismissing those unfortunate bickerings which have too often impeded their progress, shall attend solely to the happiness of the people; when they shall not cease to reject with indignation all measures which can infringe, in the least degree, the principles of justice and good faith which should direct them; then all alarms will be at an end, and the restoration of the finances, of credit, and of commerce, may be undertaken with assurance of success."

Why the subject was not resumed with Mr. Genet is well known to every body who has heard of his excesses, and our declaration to the French republic, that we should expect his successor to be charged with similar powers. His letter of the 30th of September, 1793, written after the application for his recall was announced to him, was prevented by the malady of Philadelphia, from being received by this Department, until the 5th of November, 1793. We were then counting upon a return of the vessel sent to France on that errand. Congress met in December, 1793. Our minister's letter, notifying his recall, came to hand January 14th, 1794; and Mr. Fauchet actually replaced him on the 21st of February, 1794. Let me observe, however, in passing from Mr. Genet to Mr. Fauchet, that his threat to withdraw the privileges in the decree of March 26th, 1793, and the decree itself, are strong symptoms of the design of the negotiation being more than one merely commercial. For the different altercations between him and Mr. Jefferson I refer you to the printed correspondence.

Mr. Fauchet demanded the arrest of Mr. Genet, for punishment. Our co-operation was refused, upon reasons of law and magnanimity.

A bill passed, at his instance, for relief of the vessels which had taken refuge in the ports of the United States. We have advanced money faster than was due; and full as fast as prudence, in respect to our own wants, would permit.

The stoppage of the Camilla, a provision vessel of the French republic, was the effect of the embargo, which operated equally on all.

Our minister was recalled, as he desired. Mr. Fauchet complained of British vessels being suffered to depart during the embargo, with Frenchmen who meant to act against their country in the West Indies. Occasional relaxations of the embargo were made in favor of all nations, French, English, &c. In the particular case complained of, the passports were supposed to be granted to American bottoms, for the humane purpose of returning to the islands some of the unhappy French fugitives from thence; and one of them, given to a vessel at his instance, exported a large quantity of powder, doubtless without his privacy.

The Government suppressed the prosecution against Consul Juteau, of Boston, as Mr. Fauchet desired. Whatever irritation may have been occasioned by the attorney of the district, was owing to no instruction from the President.

The demand for dismantling Cooper's vessel was inevitable, as she had been fitted out in our ports; and where-soever, in any case, restitution of vessels was required from us, the rules of our neutrality fully justified it.

We restored the ship William, of Glasgow; and the damages during her detention have been assured to the agent of the captors.

The steps adopted, and promised, for executing the consular convention, in the apprehension of deserters, are as much as could be done or expected.

The Government has, indeed, differed from Mr. Fauchet in the construction of the treaty; not holding themselves bound to exclude British ships of war, except when *they came in with prizes*.

The General Executive has given every instruction in his power to prevent French prizes to British vessels coming into our ports. Mr. Fauchet has expressly, by letter, approved our conduct in one instance. But this subject is fully detailed in my letter of the 29th ultimo, a copy of which is now forwarded to you.

I presume that the dissatisfaction at the arms taken from the Favorite in New York, and the omission to salute the French ship of war, have been completely expiated.

The tonnage duty was remitted to French vessels which had been injured by the British.

It was impossible to rescue from the law William Talbot, who was charged with being a citizen of the United States, and accepting a privateering commission from France.

These are the most material of Mr. Fauchet's transactions with the Government; except, indeed, the abolition of the embargo; the whole of which business you witnessed yourself, and can show to have arisen from very different motives than those of disregard to France.

Although it was requested that Mr. Genet's successor should be charged with commercial powers, yet is it not known or believed he brought any. No writing from him announced it; nor yet any conversation with me; unless, indeed, in November or December last, when Macpherson's Blues were coming into town, and he and I were together looking out at them from his eastern window. He then made some casual observations respecting Mr. Jay's negotiation, and said something indefinite as to our treaty of commerce. My answer was, that I should be ready to receive his overtures. It would have been indelicate to ask him formally whether he had such powers; but a distant hint was given by me to him, two or three months after his arrival, upon the subject; and, from his reply, I did not infer, whether he had or had not them. I am rather disposed to conclude he had them not; because he was appointed minister during the reign of Robespierre; who, as we have seen, almost extinguished commerce; and when a decree was in force assuming into the hands of Government all trade.

If Mr. Fauchet had been ready, we should have proceeded sincerely and without procrastination.

If, then, in the circumstances attending the proposition of a commercial treaty from Mr. Genet, or in the conduct of the United States towards France since, nothing improper can be found, we ought to consider whether, in those of the late treaty with Great Britain, a source of blame can be detected.

The message, in which the President nominated Mr. Jay as envoy extraordinary to His Britannic Majesty, was dated on the 16th of April, 1794, and is the text, the examination of which will develop the total matter, previous to Mr. Jay's departure.

"The communication," says the message, "which I have made to you, during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain."

The first of these communications was to Congress on the 5th of December, 1793; in which are the following passages:

"The vexations and spoliation, understood to have been committed on our vessels *and commerce* by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, *proper representations will be made*, with a just reliance on a redress proportioned to the exigency of the case."

"The British Government having undertaken, by order to the commanders of their armed vessels, to restrain, generally, our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time, some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special instructions in time to make it known to the Legislature during their present session."

"Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into with that minister. These are now laid before you for your information."

From the documents accompanying this message of December 5th, 1793, these subjects emerge, as depending for adjustment between the United States and Great Britain:

1. The inexecution of the 7th article of the treaty of peace, in carrying away negroes and other property of American inhabitants, and the not withdrawing the garrisons from the posts within the United States.

2. Regulations on the part of the British Government, with respect to the commerce of the two countries, which, if reciprocally adopted, would materially injure the interests of the two nations; and an overture from Mr. Jefferson, as far back as November, 1791, to conclude or negotiate arrangements which might fix the commerce between the two countries on principles of reciprocal advantage.

3. The ascertainment of the river intended by the treaty as the river St. Croix.

4. The additional instructions of the 8th of June, 1793, which rendered provisions, to a certain degree, contraband; and the letter to Mr. Pinckney from this Department in consequence thereof.

5. Other measures of the British Government, in violation of neutral rights.

6. The exposure of American seamen to impressment; and

7. The British complaints of infraction of the fourth, fifth, and sixth articles of the treaty relative to the omissions of Congress to enforce them; the repealing of laws which existed antecedent to the pacification; the enacting of laws subsequent to the peace, in contravention of the treaty; and the decisions of the State courts upon questions affecting the rights of British subjects.

The despatches transmitted to Congress from Mr. Pinckney, on the 23d of January, 1794, manifest a continuance of the same unfriendly spirit in the British Government.

With the message of February 24, 1794, was sent to Congress a letter from Mr. Pinckney, forwarding his conversation with Lord Grenville concerning British agency in fomenting the Indian war and Algerine hostility.

On the 4th of April, 1794, was conveyed to Congress Mr. Pinckney's letter, enclosing the instructions of the 6th of November, 1793.

In addition to this involved and injurious state of things between us and Great Britain, it had been collected and reported to Congress, from the papers respecting spoliation, that "the British privateers plundered the American vessels; threw them out of their course by forcing them, upon groundless suspicion, into ports other than those to which they were destined; detained them even after the hope of a regular confiscation was abandoned; by their negligence while they held the possession, exposed the cargoes to damage, and the vessels to destruction, and maltreated the crews." That our occasional trade to the British West Indies was burthened unnecessarily; that our vessels were captured in going to the French West Indies; and that the proceedings in the British vice admiralties were rigorous; transgressed strict judicial purity, and heaped the most intolerable and fruitless expenses upon our citizens who defended their property before them.

It makes no part of my object to compare the various schemes which were circulating to face those public distresses; nor to prove the superiority of the policy adopted by the Executive, to commercial reprisals, sequestration, and the stoppage of intercourse. It is enough to say, that his policy is affirmed to be, to pursue peace "with unremitted zeal, before the last resource, which had so often been the scourge of nations, and could not fail to check the advanced prosperity of the United States, should be contemplated."

By what means did the President expect to execute the work of peace through the agency of Mr. Jay? By "announcing to the world our solicitude for a *friendly adjustment of our complaints*, and a reluctance to hostility. By sending a man who, going directly from the United States, would carry with him a full knowledge of the existing temper and sensibility of our country; and would thus be taught to vindicate our rights with firmness, and to *cultivate peace with sincerity*." The Senate, therefore, did probably anticipate what might be the objects of this

mission when they confirmed the nomination. For the President details no powers, and founds his nomination upon the information possessed by themselves.

It has been, or may be, objected, 1. That the Senate did not contemplate the making of *any treaty* whatsoever. 2. That a treaty of commerce, especially, was very distant from their mind. 3. That the declaration to the minister of the French republic here, and the instructions to our own minister at Paris, induced a persuasion that the President had not vested in Mr. Jay powers as extensive as a treaty of commerce; and, 4. That the treaty with Great Britain is justly offensive to France.

1. Recapitulate the several heads of intelligence in the power of the Senate, when the nomination was assented to. Scarcely one of them could, in the ordinary course of proceeding, be accommodated without an agreement. Some expressly struck at the inexecution of the past treaty. Upon others, no treaty had ever existed, though overtures for that purpose had been repeated by the United States. That a treaty would spring from such mission, and the extinction of our differences, is too clear to be in need of further elucidation.

And why should not a treaty be concluded with Great Britain? Was it because she had spoiled us? The objection would lie with equal strength against even a treaty of *peace*. It would forbid a treaty of peace even with Algiers. The fact is, that treaties are proposed by one nation, and accepted by another, only because they can be mutually hurtful by positive enmity, or by the withholding of some benefit. We are in no danger of being corrupted by importing foreign vices, if treaties merely, and not our own propensities, should favor them.

2. A treaty of commerce with Great Britain has for many years been anxiously pushed by the United States. Witness the powers given by the old Congress to Mr. Adams to negotiate it. Witness the clamors against her for declining it. Witness the arguments drawn from thence for a more energetic Government, which should inspire a dread of reprisal. Witness the bill which passed the House of Representatives at an early session, discriminating between nations having no commercial treaty with us, and those which had. What, too, was the report of the late Secretary of State, but a plan for forcing the British Government into a treaty of commerce? Has he not clearly unfolded this sentiment? What were the commercial propositions but emanations from the same system? The want of a commercial treaty was the single circumstance which propped up the severity of the proposed distinction of duties, and carried through one of the resolutions.

Exclusively of these various acts, the facilities to our commerce, both European and West Indian, which would flow from such a treaty, rendered it very desirable.

Perhaps, for a treaty of commerce alone, an envoy would not have been thought of. But surely, to include in one general arrangement, controversies as well as useful compacts, was the saving of one negotiation at least. Some of our vexations on the water were owing to the non-existence of the customary appendages to a commercial treaty. Past spoliations might have been compensated without a treaty; but a treaty was the best assurance of the future. In a word, the Senate must have been sensible of many particulars being comprehended by the general outlines of the nomination.

When the President nominates ministers, he may, if he pleases, restrict himself to the name, the grade, and the Prince or State. He might, for example, have nominated Mr. Jay thus: "I nominate John Jay, as envoy extraordinary to His Britannic Majesty." The Senate, in their turn, might have rejected him. But if they had approved him, the President would have been at liberty to employ him in any negotiation with that King. Their power being ample on the completion of the treaty, they are not a necessary constitutional party in the concoction of it, unless the President should find it expedient to request their intermediate advice. It would be superfluous to discuss how far he might have limited himself by the terms of the nomination, as I again contend, and hope I have shown, that he did not limit himself.

3. We cannot foresee the representations which Mr. Fauchet is understood to be meditating to the French republic. But as the duties of nation towards nation did not compel us to divulge to the French minister more in regard to the treaty with Great Britain, than that our treaties with France were forbidden by the instructions of the envoy to be infringed, so did the President approve, that the restriction should be communicated to him. This was conformable with the truth, and wears no deceptive countenance.

Your own instructions speak thus: "To remove all jealousy with respect to Mr. Jay's mission to London, you may say, that he is positively forbidden to weaken the engagements between this country and France. It is not improbable that you will be obliged to encounter on this head, suspicions of various kinds. But you may declare the *motives* of that mission to be, to obtain immediate compensation for our plundered property, and restitution of the posts. You may intimate, by way of argument, but without ascribing it to the Government, that if war should be necessary, the affections of the people of the United States towards it would be better secured by a manifestation that every step had been taken to avoid it; and that the British nation would be divided, when they found that we had been forced into it. This may be briefly touched upon as the path of prudence with respect to ourselves; and also with respect to France, since we are unable to give her aids of men or money. To this matter you cannot be too attentive; and you will be amply justified, in repelling with firmness, any imputation of the most distant intention to sacrifice our connexion with France to any connexion with England." When we expressed a wish "to remove all jealousy with respect to Mr. Jay's mission," it could not have been intended to abandon self dignity, by submitting to the pleasure or animadversions of France any part of his instructions with which France had no concern. A contrary conduct would have been irreconcilable, also, with the independence of the United States, and would have put them into leading strings. It would have been little short of trepidation under a master. 1. A treaty of commerce was altogether eventual; it was to be kept out of sight, until the posts and depredations should be so adjusted as to promise a continuance of tranquillity. 2. It was eventual in another sense; being to be concluded or not, according to the degrees of advantage. 3. It was deemed important that Mr. Jay should communicate or not communicate his commercial powers to the British ministry. 4. Every commercial privilege which Great Britain should acquire, would devolve on France on like conditions. What would France say, if we were to insist that every embryo of her commercial treaties, every possibility of new commercial arrangements, should be laid before our Government? Certainly this: that no fellowship between the two countries authorizes an expectation that one will throw itself upon the discretion of the other to mar or not its negotiations; and that national honor is an ample guardian of our treaties.

Among the numberless disgusts which nations have entertained against each other, I do not remember that a treaty of commerce, which did not undermine the rights of some party, was ever magnified into complaint by foreigners. Let me cite only two: When Portugal, early in this century, surrendered many of her commercial advantages to Great Britain; and France, not ten years ago, contracted a disadvantageous treaty with the same Power; who remonstrated but their own subjects and people? If we are told that we ought not to draw our connexion closer with Great Britain, and that France will be jealous, the answer is, that if we can multiply the markets for our great staples; if we can purchase our foreign goods cheaper, by having many manufacturing nations to resort to; or if, even, in the maintenance of neutral privileges, we can, by stipulation, not derogatory from the rights of others, avert vexations; this is a connexion unassailable by any reasonable opposition. The romantic extent to which contrary ideas may be carried, would abolish our trade with every nation in whose institutions appeared false government, false religion, false morals, false policy, or any other political defect.

Your instructions justify you in affirming, that Mr. Jay "is positively forbidden to weaken the engagements between this country and France." After vesting a general latitude of powers in him, this case is declared to be an exception, and immutable: "That as the British ministry will doubtless be solicitous to detach us from France, and may probably make some overture of this kind, you will inform them, that the Government of the United States will not derogate from our treaties and engagements with France."

You intimate, however, that *your* instructions amount to an exclusion from Mr. Jay's mission of every object, except compensation for plundered property, and restitution of the posts. For a moment, let me entreat you to call to mind the different topics for negotiation, which were actually before the Senate at the time of Mr. Jay's nomination, and which were not included in either of those points. Were not Mr. Jefferson's animadversions upon the refusal of Great Britain to enter into a commercial treaty, and his plan for commercial reprisals, before you?

Would it not have been extraordinary to pass by so fair an opportunity of bringing forward *all* our discontents? Was it not urged as an objection to the measure, that the terms of the nomination were sufficiently broad for any purpose of negotiation? But appeal to the words: "You may declare the motives of that negotiation to be" so and so. These *were* the motives: for if they had been away, it is probable that our minister in London would have been directed to pursue his efforts in the ordinary tract as to every thing else. This was the true idea, when your instructions were prepared: "We were desirous of repelling any imputation of the most distant intention to sacrifice our connexion with France to any connexion with England." It was enough to assign the *leading* motives of Mr. Jay's errand, which were of a nature warranting the assertion, that we would not sacrifice the one connexion for the other. Mr. Jay was instructed to this effect: "One of the causes of your mission are the vexations and spoliations committed on our commerce by the authority of instructions from the British Government." "A second cause of your mission, but not inferior in dignity to the preceding, though subsequent in order, is to draw to a conclusion all points of difference between the United States and Great Britain, concerning the treaty of peace." "It is referred to your discretion, whether, in case the two preceding points should be so accommodated, as to promise the continuance of tranquillity between the United States and Great Britain, the subject of a commercial treaty may not be listened to by you, or even broken to the British ministry. If it should, let these be the general objects."

Your instructions, therefore, were commensurate with fact and propriety.

1st. They were *literally* true, because the motives *were* the vexations of our commerce and the posts.

2d. The declaration of two cardinal propositions does not exclude another, which is subordinate and eventual.

3d. The confidential proceedings of the United States are not demandable by another nation, except where that nation is injured by them.

4th. Otherwise, every modification of a direct and peremptory challenge of our rights; every compensation, but the downright payment of money; every mode of restitution which was not instantaneous and unequalled, ought to have been avoided by Mr. Jay; because they were not stated in your instructions as motives to his mission. But,

5th. To scout the suspicion of a deception on the French republic, what manœuvre could have been more paltry, than one which a few months must certainly exhibit in open day? What emotions could the French republic have shown, if Mr. Jay's instructions had been inspected by them? Would they have hazarded a hint that we must have no treaty of commerce with Great Britain? We should have quoted their own example, in having repelled by arms the meddling of other nations in their internal affairs. We should have quoted our own independence, which will not tolerate the control of any human authority. Would they have pronounced a treaty of commerce with Great Britain to be necessarily a contravention of our treaties with France? We should have searched in vain for such a provision in those treaties. Would they have argued that a treaty of commerce with Great Britain contributed to uphold her warlike operations? Not a syllable in the instruction can be so tortured. Mercantile advantages to ourselves, and a security for neutral rights, were our aim in a commercial treaty. It remains to be disclosed, whether the contents of that treaty are inconsistent with our relation to the belligerent parties. Would the French republic have requested us to interdict our trade with Great Britain? They could not have been gratified. Rather ought they, as friends, seriously to have reflected on the prejudicial footing of our trade with Great Britain. The British statesmen have for many years been conscious, that Great Britain enjoys an immense harvest from its loose situation. Our own statesmen have incessantly lamented it, and sought a remedy. France was no stranger to our early opinion, that the remedy was to be found in a commercial treaty. She was no stranger to the facts already enumerated, as to Mr. Adams's powers; to Mr. Jefferson's report; to the commercial propositions in Congress; to the pressure on Mr. Hammond; and to the resentful speeches and motions of every session, predicated on the reluctance of Great Britain to treat with us on commerce. And yet, that France has ever lisped a dissatisfaction on the score of injury, is hidden from me. On the contrary, some who were privy to the French counsels, have endeavored to rivet an odium on Great Britain, because she would not negotiate.

4. You are by this time probably acquainted with the treaty with Great Britain, through the communications of Colonel Trumbull, and must have determined in your own mind its probable effect upon the French republic. Until it shall be ratified, it will be a waste of time, which I can little spare, to comment upon it. If it is ratified or rejected, you shall receive an immediate and copious communication, and more particularly in relation to the 4th inquiry. Whether the treaty with Great Britain affords just cause of offence to France? I am rather inclined to waive this inquiry for the present, in consequence of information that the French minister is concerting an attack on the ratification of the treaty; and that sentiments, no less eccentric than fatal to our independence, are to be scattered, at random, from a confidence in the popularity of the French cause.

Be the issue of this business what it may, our Government will neither renounce its professions and friendly conduct to the French republic, nor ascribe to them any intemperateness, which their agent may display. But you ought to put them on their guard. The vicissitudes in their parties have already (if newspapers may be credited) revived the old machinations and malicious stories of Genet. The fuel which his successor may add, from considerations and sources which I may, perhaps, hereafter explain, will receive a direction best calculated to excite a flame. A late letter from him bears every symptom of an inflamed temper. My answer to it, which will accompany this letter, is our refutation. We acknowledge nothing to be undone on our part which friendship would dictate, our faculties could accomplish, and our neutrality would permit. If injuries are complained of, let us reason together like cordial allies; and compensate where either may have been in fault. But let it be the last blot in the annals of the world, that the United States and France cease to be, what they ought to be, friends, who will endure no separation.

I now quit this lengthy subject; and shall, in other despatches, more precisely reply to the different letters which I have lately received from you.

I am, &c.

EDM. RANDOLPH, *Secretary of State.*

Mr. Monroe to the Secretary of State.

PARIS, June 14th, 1795.

SIR:

It seemed probable, after the movement of the 12th Germinal (2d of April) and which terminated in the banishment or rather deportation (for the hand of Government was never withdrawn from them) of Barrere, Billaud de Varennes, and Collot d'Herbois, and the arrestation of several of the leading members in the Mountain party, that the Convention would be left at liberty to pursue, for the future, the great object of the Revolution, and without further molestation; and the calm which ensued, for a considerable time, that movement, although the scarcity of bread continued, gave strength to this presumption. But a late event has shown that the victory which was gained upon that occasion by the Convention, over the enemies of the present system, was not so decisive as there was reason to presume it would be: for, within a few days after my last, which was of the 17th of May, another attempt was made upon that body, and which menaced, for a while at least, in respect to the personal safety of the members, the most alarming consequences. I am happy, however, to be able now to assure you, that this has likewise passed, and without producing, according to present prospects, and in regard to the main course of the Revolution, any material effect.

The circumstances which characterize this latter movement were, in general, the same with those of that which preceded, except that it was attended with greater violence, and its views were more completely unfolded. On the 20th of May, a party from the faubourgs of St. Antoine and St. Marceau, armed, and consisting of some thousands, approached the Convention early in the morning, having previously circulated a paper that their object was a redress of grievances, of which the scarcity of bread was the principal, and which could only be accomplished by the establishment of the constitution of 1793, and the recall of Barrere and his colleagues; or, in other words, the revival of the reign of terror. As these measures could not be carried into immediate effect, without the overthrow

of the preponderating party, so the movement appeared to be directed unequivocally to that object. The sentinels of the Convention were forced, upon the first approach, and, in an instant, the party, preceded by a legion of women, entered and spread itself throughout the hall of that assembly. The sitting was broken, and every thing in the utmost confusion. In a contest which took place between Ferraud, one of the deputies, a gallant and estimable young man, and some of the party, for the protection of the chair and person of the President, which were threatened with violation, the former was slain, and soon afterwards his head, severed from his body, was borne on a pike by the perpetrators of this atrocious crime, in triumph, into the bosom of the Convention itself. It really seemed, for some time, as if that body, or at least the leading members in the preponderating party, were doomed to destruction, or safety to be secured only by disguise and flight. During this conflict, however, the whole assembly behaved with the utmost magnanimity; no symptoms of fear were betrayed; no disposition to yield, or otherwise dishonor the great theatre on which they stood; and Boissy d'Anglas, who happened to preside, not only kept his seat, but observed in his deportment a calmness and composure which became the dignified and important station which he filled. This state of confusion lasted until about twelve at night, when it was terminated by the decisive effort of a body gathered from the neighboring sections, planned by the united committees of public safety, sureté generale, and militaire, and led on by several deputies, among whom were most distinguished, Kervelegan, Anguis, Mathieu, Delmas, Freron, and Legendre. They entered precipitately the hall, attacked the intruders, sabre and bayonet in hand; nor did they cease the charge until they had rescued it from the profanation. A little after twelve the Convention was re-established, and proceeded, as upon the former occasion, to a review of what had passed in the course of the day.

Whilst the insurgents were in possession of the reins of Government, and after Boissy d'Anglas had retired, they placed the President Vernier in the chair, by force, and began an organization upon the principles that were first avowed.

They repealed, in a mass, all the laws that were passed since the 9th Thermidor: recalled Barrere, Billaud de Varennes, and Collot d'Herbois; took possession of the tocsin and the telegraph; ordered the barriers of the city to be closed, and were upon the point of arresting all the members of the committee of the executive branch, having appointed a commission of four deputies to take their places, and with full power to act in their stead, so that, in truth, the reign of terror was nearly revived, and with accumulated force. At this moment, however, the plan of the committees, who had continued their sitting, was ripe for execution, and fortunately the stroke was given before the system was completed.

But the commotion was not ended by the expulsion of the insurgents from the hall of the Convention itself. They retreated back to the faubourgs to which they belonged, and where, for a while, they opposed its authority. In the course, however, of the succeeding day, a considerable force was collected, under the authority of the Convention, from those sections who voluntarily offered their service, amounting, perhaps, to fifteen thousand; and which, being marched against them in different directions, surrounding, in some measure, both faubourgs, reduced them immediately to order, and without the effusion of blood.

On the same day an insurrection took place at Toulon, of the same kind, and with the same views, and which for several days wrested that port and its dependencies, the fleet excepted, from the authority of the Government. Upon that theatre too, some outrages were committed, and fatal consequences in other respects were apprehended. But this was likewise lately suppressed by the efforts of good citizens, drawn by the representatives in mission there, from Marseilles, and the neighboring country, a report to that effect being yesterday presented to the Convention by the committee of public safety: so that order may be considered as completely established, the authority of the Convention being triumphant every where.

As soon as the Convention resumed its deliberations, the punishment of those who had offended in the course of the commotion was the first object which engaged its attention. Whilst the insurgents were in possession of the hall, and enacting their short but comprehensive code of legislation, several members of the Mountain party not only retained their seats, but joined in the work. Four were appointed to the commission which was designed to supersede the executive administration, and who accepted the trust. These circumstances, with many others which occurred, created a belief that the movement was in harmony with that party. It was therefore concluded, heretofore adopted; and in consequence, about thirty of them were arrested on that and the succeeding days, within the course of a week, and who are to be tried according to a late decree, in common with others charged with offences, said to be committed in the course of the commotion, by a military commission appointed at the time, and invested with full power for that purpose.

It is to be observed, that the character of this movement was decisively anti-monarchical. Its success, if it had succeeded, would have revived the reign of terror, and most probably carried all the aristocrats, with the leading members of the preponderating party, to the scaffold. "*Bread and the Constitution of 1793*," were written upon the hats of many of the insurgents; and whilst the hall and its vicinity resounded in favor of the patriots, meaning Barrere, &c. the feeble voice of one aristocrat only was heard in favor of the constitution of 1789. Indeed the aristocrats, who had before the 12th Germinal contributed much to foment the discontents which broke out on that day, in the hope that, if a commotion took place, and the Convention was overthrown, the standard of royalty would be erected, and the monarchy re-established, and who were, in the interval, from the dubious character of that movement, which was crushed before it had fully unfolded itself, of neither side, for nor against the Convention, were observed, in the commencement of this, to remain in the same state of inactivity, greatly agitated, but taking no part. As soon, however, as the object of this latter movement was understood, and it became obvious that, in case it succeeded, terrorism, and not royalty, would be re-established, the disposition of this party towards the Convention changed. It no longer showed an indifference to its welfare; on the contrary, it became active in its support. But, in truth, the force of this party in this city, and especially upon the late emergencies, did not appear great. The most gallant of its members are either upon the frontiers, at war against the republic, or have fallen already in the cause of royalty. These, too, consist of those who were of sufficient age to take their part in the commencement; for the young men of Paris, who are descended from it, or from others of the more wealthy inhabitants of the city, and who have attained their maturity during the Revolution, or are now growing up, have imbibed the spirit which it was natural to expect such splendid examples of patriotism would create upon young and generous minds, and are, in general, on the side of the Revolution.

That there should be a party of any force within the republic, or rather, of sufficient force to disturb the Government in the manner you have seen, disposed to subvert the present system, and establish that of terror, must excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is to be presumed that a system of terror, as a permanent system of Government, cannot be wished by any one. You have seen that the movements in question proceeded principally from the two faubourgs of St. Antoine and St. Marceau; the inquiry, therefore, will be satisfied by exposing the character of those two sections. In general, I am told, they are artisans, and among the most industrious in Paris. Many of them are said to be foreigners, Germans, and which explains the motive of their partiality for the constitution of 1793, which naturalizes them. That they are opposed to monarchy is certain, for such has been their character from the epoch of the destruction of the Bastille, in which they had a principal hand, to the present time. Indeed, menaced by the people themselves, it follows, as they cannot be suspected of any deep political finesse, and of aiming at royalty through the medium of terrorism, that the latter, and not the former, was the object. And if they questionably the object of those persons who are suspected of such interference, it is to be presumed that, if practicable, they would have taken a more direct course to promote it, by an immediate declaration in its favor, since thereby they would rally under its standard all those who were the friends of that system; whereas, by declaring for terrorism, the opposite effect was produced: for the royalists themselves were thereby driven into the expedient of using their utmost endeavors to save the Convention, as the only means whereby they could save themselves.

In every view, therefore, they must be deemed enemies to royalty, and as such, it is natural to expect they will feel a great sensibility upon all those questions which, in their judgment, have a tendency to promote it. Whether any such have been agitated or contemplated is, perhaps, doubtful: I have thought otherwise, and still think so. But, that many circumstances have presented themselves, in the course of the collision of parties, that were sufficient to create a suspicion with persons of that portion of discernment, which laborious artisans usually possess, that the leading members of the preponderating party were prepared to abandon the republican scale, and incline towards monarchy, is certain. The inhabitants of these faubourgs having sided always with the Mountain party, have, of course, brought upon themselves the particular enmity of the royalists. They have, therefore, or rather their leaders have, been, in their turn, persecuted by the royalists. But they have likewise thought themselves persecuted by the present preponderating party, with whom they were engaged in uninterrupted warfare, before and since the time of Robespierre. In this respect, therefore, they saw the present preponderating party and the royalists acting apparently in harmony together, and concluded that the former were likewise royalists. They have likewise seen, under the administration of this party, the royalists enlarged from prison, and other measures of that kind adopted, which have probably fortified them in this belief. A report, too, which has been circulated through the city, that, under the name of organic laws, it is contemplated by the committee of eleven, to introduce some important changes in the constitution of 1793, has, no doubt, tended in a great measure to increase their disquietude. In an attempt to explain the cause of these movements, the above circumstances have appeared to me to merit attention, and, with that view, I have presented them.

But that there was no real harmony of political views between the present preponderating party and the royalists, even with respect to the terrorists, is a fact of which I have no doubt. The reign of terror continued until it could last no longer. It was necessary to suppress it, and it was suppressed. That the royalists wished this event, and gave it all the aid they could, is certain; but that their efforts were of any service in that respect is doubtful. Indeed, I was persuaded that for some time they produced an opposite effect, and for reasons that are obvious: for, as the preponderating party sought the establishment of the republic, and knew that the mountain party had the same object in view, it was reasonable to expect that, after the former had gained the ascendancy, it would be disposed to exercise towards the latter some degree of moderation and humanity; and equally so to presume that the same spirit of magnanimity which inculcated this disposition towards its antagonist, and chiefly from a respect for its political principles, would dispose it to reject with disdain the aid of the royalists, who were enemies to both. The sentiment is to be traced through all the measures of the Convention, from the 9th Thermidor to the 1st Prairial; for we behold, through that interval, the preponderating party rescuing from the guillotine and prison the royalists, whilst they reprobated their principles; and terminating in other respects the reign of terror, whilst they avoided, as far as possible, the punishment of those who had been the principal authors and agents under that reign. Indeed, this party has appeared to me to be, and so I have often represented it to you, as equally the enemy of the opposite extremes of royalty and anarchy; as resting upon the interest and the wishes of the great mass of the French people, and who I have concluded, and from those data the Revolution itself has furnished, as well as from my own observations since my arrival, (the latter of which, it is true, has been confined to a small circle) are desirous of a free republican government—one which should be so organized as to guard them against the pernicious consequences that always attend a degeneracy into either of these extremes.

You will likewise ask, what effect have these movements had upon the public mind, in regard to the present system? Is it not probable they have already wearied the people out, and in consequence inclined them to royalty, merely from a desire of repose? That they are all wearied is most certain; and what may be the course of events, in the progress of time, I do not pretend to determine: these lie beyond my reach, and indeed beyond the reach of all men. I only undertake to deduce immediate consequences from the facts which I witness; and when I see that these movements have produced upon the royalists themselves the opposite effect, and forced them, at least for the present, to renounce their creed, and cling to the Convention for their safety, I cannot presume that the moderatists, who are republicans, will quit the safe ground on which they rest, their own ground, too, and become royalists. Royalty, therefore, I consider at present as altogether out of the question. But that these convulsive shocks, and which proceed from the opposite extreme, may produce some effect, is probable. In my opinion, they will produce a good one: for I am persuaded they will occasion, and upon the report of the committee of eleven, some very important changes in the constitution of 1793; such as a division of the Legislature into two branches, with an organization of the executive and judiciary upon more independent principles than that constitution admits of; upon those principles, indeed, which exist in the American constitutions, and are well understood there. Should this be the case, the republican system will have a fair experiment here; and that it may be the case, must be the wish of all those who are the friends of humanity every where.

On the day that this late commotion commenced, Mr. Pinckney arrived here on his way to Madrid, and was a spectator of the great scene it exhibited to the close: a few days after which he pursued his route, by the way of Bordeaux, where, before this, he is probably arrived. Whilst here, I presented to his view what had passed between this Government and myself upon the subject of his mission; assuring him, from what I had heard and seen, that I was of opinion, in case he would explain himself to the committee on that subject, and express a wish, they would give what aid they conveniently could in support of his negotiation; satisfying them, at the same time, that they were not injured by Mr. Jay's treaty, they would do it. I likewise showed him a letter I had just received from Mr. Short, written at the instance of the Duke de la Alcaudia, to request that I would promote, by certain communications to this Government, a negotiation between Spain and this republic, he having previously and positively informed Mr. Short that our demands should be yielded and adjusted at the same time. Mr. Pinckney was sensible of the benefit which the aid of this republic could yield in his negotiation, and wished it; but upon mature consideration, was of opinion he could not request such aid without having previously exposed to its view Mr. Jay's treaty, and which he did not choose to do, for considerations delicacy forbade me to inquire into. It was, however, equally his and my wish that his journey through the country should be marked with all those circumstances of reciprocal civility between the Government and himself, which are always due, and generally paid, when the minister of a friendly Power passes through the territory of another; and in consequence I announced his arrival to the committee, and obtained for him an amicable interview with the members of its diplomatic section, and by whom he was received with the most respectful attention.

You have already seen that England and Spain are each, and without the knowledge of the other, seeking a separate peace with this republic. What the motive for such secrecy on the part of the former is, remains to be hereafter unfolded: but what it is on the part of the latter is easily understood: for as she apprehends, in case a peace is made with France, a declaration of war from England, and of course, in case the attempt to obtain peace is known, some new pressure from that Power, it follows that she must wish the arrangement to be complete, to guard her against the ill consequences which might otherwise attend such an event before any thing upon that head transpires. As soon, however, as it is known to Spain that England seeks a separate peace, her jealousy of the views of England will be increased; as likewise will be the motive for an immediate accommodation with this republic. The period, therefore, when a good understanding, embracing, perhaps, the ancient connexion between the two nations, will be revived, cannot be considered as remote. Whether our claims upon Spain will be attended to, under existing circumstances, in that adjustment, is a point upon which it is impossible for me to determine: for, as I was not possessed of Mr. Jay's treaty, and could give no other information on that head than I had before given, I have latterly forbore all further communication with the committee upon that subject. Mr. Pinckney will be able, soon after his arrival at Madrid, to ascertain the temper of the Spanish court in regard to our demands, and the means by which his negotiation may be forwarded; and as he likewise knows the state of things here, he will be able also to point out the line in which, if in any, I may be serviceable; and in the interim, I shall not only be prepared to co-operate with him in whatever movement he may suggest, but to obey with promptitude any instructions you may be pleased to give me in this or any other respect.

Since my last, the treaty with the United Provinces has been concluded and ratified, and the garrison of Luxembourg, consisting of 12,000 men, with an immense amount in military stores, cannon, &c. has surrendered. The

achievement of this post, one of the strongest in Europe, has opened the campaign on the part of France with great brilliancy. As it was taken, too, after a long siege, and when all possible efforts to raise it had proved abortive, it not only demonstrates the superiority of the French arms in the present stage of the war, but furnishes satisfactory ground whereon to calculate, according to the ordinary course of events, its ultimate issue.

You will, perhaps, have heard, before this, that the British have recommenced the seizure of our vessels laden with provisions, destined for the ports of this republic. An American, just from Hamburg, charged with other articles, informed me, the other day, that he was boarded, on his way, by two frigates, whose officers informed him they were ordered to take in all vessels thus laden.

Within a few days past, the son of the late King departed this life. A minute report will be published by the Government, of his decline, having lingered for some time past, and of the care that was taken to preserve him. They are aware of the criticisms to which this event may expose them, and suffer, on that account, an additional mortification. His concession to Spain, as was contemplated, made his life, with the Government, an object of interest, since it would have forwarded, in some respects, its views in the depending negotiation.

I have just been honored with yours of April 7th, and shall pay due attention to its contents.

P. S. I am sorry to inform you of the death of Mr. Coffyn, consul for the port of Dunkirk. His loss is to be regretted, as he was able, diligent, and faithful, in the discharge of the duties of his office. His son is very desirous of succeeding him, and certainly, if any one not an American, is appointed, it will be impossible to find for it a more suitable person. In my opinion, however, Americans only should be appointed. In any event, I think the merits of the father, who was distinguished for his services and attachment to our country, entitle his memory to some attention, and doubt not your letter of acknowledgment, addressed to his son, on that head, through me, will be gratefully received.

Mr. Monroe to the Secretary of State.

PARIS, June 26th, 1795.

SIR:

Since my last, it is reduced to a certainty that the British Government has revived its order of the 6th November, 1793, and commenced, on this side the Atlantic, the same system of warfare and pillage upon our commerce that was practised on it by that Government at that very calamitous era. Between thirty and forty sail, destined for the ports of this republic, charged with provisions, have been already taken from their destination and carried into those of that island; and, as the period has arrived, when the invitation which the distresses of this country gave to our merchants *here* and at *home*, to embark their fortunes in this supply, is likely to produce its effect, it is more than probable that other vessels, and to a great amount, will share the like fate. Among those of our merchants who are here, this measure has created a kind of panic, for they think they see in its consequences, little less than the ruin of their trade, and under which impression many are about to abandon it for the present, and send their vessels home in ballast.

What effect this measure will produce upon this Government, under existing circumstances, I cannot pretend to determine. Formerly it adopted the same measure, for the purpose of counteracting its enemy; but the impolicy of that procedure was, afterwards, discussed and demonstrated, and the measure itself, in consequence, abandoned. At present, the distress of the country is great, and the Government will, no doubt, be mortified to find, that, whilst our flag gives no protection to *its* goods, nor even to *our* goods, destined for the ports of this republic, the whole of which become the spoil of its enemy, that it does protect not only *our* goods destined for the English ports, but, likewise, British goods, destined equally for those, and the ports of other countries. The measure has obviously excited a kind of ferment in their councils, but which, I presume, will be directed against their enemies only. Be assured I shall do every thing in my power to give it that direction, and to enforce those arguments which were used upon the former occasion. But, should they fail in producing the desired effect, and a less amicable policy be adopted, which, however, I think will not be the case, I shall deem it my duty immediately to advise you of it, by a vessel (in case none other offers) to be despatched for the purpose.

It will obviously attract your attention, that this measure was so timed by the British cabinet, that it might have no influence in the decision of the Senate upon the treaty of Mr. Jay; nor can the motive for such an accommodation be less doubtful: for, in case it be rejected, they will deem the stroke a lucky one, since thereby, they will say they had fortunately gained so much time; and, if it be adopted, they will probably presume that so much time will be consumed in convening the Congress, should that measure be deemed expedient, that the course of events here may render it impossible for our efforts to produce a favorable effect, and which consideration, they will likewise infer, will be an argument against convening the Congress. This kind of policy, however, shows not only the profligacy, but the desperation of the Government, and will, probably, precipitate the crisis which, notwithstanding all its follies and enormities, might yet have been postponed for some time to come. I think the measure will give new vigor to the French councils, and will, probably, bring immediately upon its authors, Denmark and Sweden. Upon this latter point, however, I am authorized to say nothing: for, as I was not instructed to confer with the representatives of those Powers here, I have carefully avoided several conferences, that were sought of me by Baron Stael, from Sweden, soon after his arrival, because I knew nothing could result from them, and was fearful, as I presumed the result would be known to the committee, it might produce an ill effect there.

Your measures will, no doubt, be greatly influenced by the probability of the early termination or continuation of the war with this republic, and upon which some information will, of course, be expected from me. You will, however, perceive the disadvantage under which I must give any opinion upon that point, and estimate it accordingly: for, as I am authorized to say nothing to this Government of what you will probably do, in case the war continues, (for the revival of the order of the 6th November could not be foreseen) you will of course conclude it impossible for me to sound it upon that topic. Indeed I was fearful that, by my communications upon a former occasion, slight and informal as they were, I might embarrass you, and was, therefore, extremely uneasy on that account, after I heard of Mr. Jay's treaty, and until I had a conference with the committee on the subject. My judgment must, therefore, be formed upon general and external circumstances, and by which I perceive no prospect of an early accommodation of the war between France and England. On the contrary, the preparations on both sides seem to go on with all possible activity for its continuance. The fleet of England is said to be raised to a height beyond what it ever attained before, and efforts are still making to keep it there, if not to increase it: and France is exerting her utmost endeavors to increase hers, and which are the more necessary, in consequence of the improvident excursions of the last winter, by which it was greatly injured in the Atlantic as well as the Mediterranean seas. 'Tis expected that, by a continuance of those endeavors, the Brest fleet will be ready to take the sea by the fall. The Mediterranean one is said now to be at sea, and in good order. It is likewise expected that the Dutch fleet, at least to the amount stipulated, will be in readiness in time to co-operate with that from Brest: for great efforts were latterly made, and are still making, by that Government, to equip it. Add to these the fact (and I am assured by unquestionable authority that it is one) that the overtures made by Sir Frederic Eden were repulsed, and in a manner which immediately closed, under the powers possessed by the parties respectively, all further conference on the subject. From consideration, therefore, of these circumstances, I am led to conclude that the war between these Powers will be continued for some time to come, and, most probably, until some change, by battle, or otherwise, is wrought in the fortunes of one or both, so as to dispose them for peace.

If Denmark and Sweden, and especially if they are joined by Spain, unite with France and Holland, they will, probably, have the preponderance, and must bear hard upon England. In any event, the enormous expense to which she is unprofitably exposed, if continued for any time, must not only exhaust her resources, but excite great discontents among the people. They have been allayed, latterly, by the assurances of the minister that the people of France would be starved, and that the Government must, in consequence, accommodate, and which were coun-

tenanced by the movements which took place here some time after those assurances were given. But, when it is seen that the crisis is passed, and that the people, after bearing unexampled distress, and, upon the whole, with unexampled patience, are quiet, and in the possession of the fruits of a plentiful harvest, as promises soon to be the case, it is doubtful whether a change will not soon take place in the temper of those on the other side of the channel.

What part it becomes our country to take at this crisis, belongs not to me to say. Peace is a blessing which ought not to be wantonly thrown away. But, whether sufficient sacrifices have not been already made to preserve it, and the time arrived when the duty we owe to ourselves, and the respect which is due to the opinion of the world, admonish us that the insults and injuries of Britain are to be no longer borne, and that we ought to seek redress by again appealing to arms, and putting the issue of our cause upon the event of war, is a point, which will, no doubt, be wisely decided by those who have a right to decide it. Permit me, however, to express a wish, that, in case any active measure is taken, or likely to be taken, in consequence of these aggressions, that you will immediately apprise me of it, that I may, without delay, begin to make a correspondent impression upon the councils of this Government.

I omitted in my last to transmit to you a copy of the letter from Mr. Short, which I mentioned was shown to Mr. Pinckney; and which, as it demonstrates how completely we may command success in our demands upon Spain, provided France aids us in that respect, ought not to be withheld, and especially in the present state of our affairs. I make the communication with great pleasure, because, at the same time that it furnishes a document of importance for you to possess, it will reflect honor on Mr. Short, upon account of the able and comprehensive view he has taken of the subject.

I have the pleasure to inform you that the committee of eleven have at length reported a plan of government, of which I herewith enclose you a copy. The discussion upon the merits will commence in a few days, and as soon as the question is finally decided, I will transmit to you the result.

Mr. Short to Mr. Monroe.

ARANJUEZ, May 4, 1795.

DEAR SIR:

I should have waited for your answer to my late letters, and particularly that of the 11th of April, before writing to you again, if it had not been for the particular circumstance which makes the subject of this. I have already mentioned to you the desire of this Government to open the way to a pacification with the French commonwealth, and also my persuasion that some kind of negotiation, although perhaps an unofficial one, was on foot. I am confirmed in that opinion, and you may consider as certain, that overtures have passed between one of the persons here, to whom you sent me a letter enclosed in yours of the 6th of February last, and the person by whom those letters were written. I have good reason to believe that this business has met with some kind of delay as to the articles of pacification; or at least that it is conceived here there would be some delay when these articles should come to be discussed. You will readily conceive, from the situation of this country in respect to England, that they would be afraid to enter openly on negotiation, without being previously sure of its success, lest they should find themselves between two fires. The apprehension of England has certainly restrained them lately, and not any aversion to peace with the French commonwealth; which, on the contrary, they desire most sincerely and ardently. Under these circumstances, the friendly interference of the United States has been wished for by this Government. I have already explained to you the difficulties which presented themselves to me, from the points in litigation between the United States and this country having not been yet settled, and from the circumstances of Mr. Pinckney's appointment for that purpose rendering it necessary that they should be delayed for his arrival here. Although I have the fullest assurances from this Government, that all matters shall be settled to the satisfaction of the United States; and although present circumstances ensure whatever the United States may now desire here, yet, under my circumstances, I should have chosen not taking an active interference until I should have conferred with Mr. Pinckney, and he with this Government. For a long time I had no doubt Mr. Pinckney would have been here long ere this. I suppose he must be, at present, somewhere in France, on his way hither; but I have received no letter from him since that of the 6th of March. Things would have probably gone on in this way until his arrival, viz. this Government contenting themselves with the *pourparlers* on foot between the two persons mentioned above, and perhaps also between the Generals of the two armies, if nothing had occurred to make them more anxious to accelerate the business; but this has taken place in consequence of the treaty concluded between the French commonwealth and the King of Prussia.

The Duke de la Alcudia has now mentioned to me his desire that no further time should be lost, and that an active negotiation should be immediately opened; declaring to me confidentially, and authorizing me to mention to you, his real and sincere wish to conclude immediately a treaty with the French commonwealth; desiring, however, that it may be so conducted, that there should be no suspicion of it on the part of England, or the least possible ground for suspicion, until the conclusion and ratification of the treaty. He has, therefore, requested me to communicate this to the minister of the United States at Paris, and to add his desire to receive here, for the purpose of concluding such a treaty, any person whom the French Government might send for that purpose, and remain here, in a secret way, until the business should be concluded and ratified. The desire of secrecy, as you will observe, proceeds from the apprehension of England. This he wishes you to propose to the French Government, if you find it will be acceptable to them. This is the nature of his request to me, and which I have not thought it proper, for several reasons, to decline. Several of these reasons will naturally present themselves to you.

Having thus stated the request of the Duke in the simplest form, it is for you to decide thereon what you may think advisable to do; and in which you will, of course, be guided by what you conceive to be for the interest of the United States, and conformable to the wishes of the Government where you reside, whose interests are co-incidental with those of the United States.

It may not be improper to subjoin here some incidental remarks which took place between the minister here and myself, on the above occasion. In stating to me his wish that this business should be concluded as soon as possible, he observed that, if he had a person of confidence at Paris, he would give him the conditions on which the King wished this treaty to be grounded; but that he had no such person there, and that it would be impossible for him to send one, without its being found out here or at Paris, by England. On my mentioning the probability of the same discovery being made, if the French Government should send a person here, he said there would be much less difficulty, if that person were charged not to discover himself, or to pass for an American; and that the communications between him and the minister here might pass through my hands, so as to remove all suspicion of his being a person charged with a negotiation.

Should you think it proper to communicate this desire of the Duke de la Alcudia to the French Government, you will observe that nothing in writing has passed between us, and that his request to me is made only verbally. Although I have not the smallest doubt myself, of the full and unequivocal sincerity with which he has thus opened himself to me, yet I would not choose to induce the French Government to adopt the measure proposed, without, at the same time, stating that the ground is as yet merely verbal. If, however, the republic is willing, as I have no doubt, to enter into negotiation for peace, and should choose to have some written ground, I suppose it probable the minister would not refuse to communicate to me in confidence, in writing, his desire above mentioned; if he should, be assured of its being complied with, by sending an agent here as stated already. From the footing on which you stand, of course, with the French Government, you will be able to judge what is the mode that would be most agreeable to them in the conducting a negotiation with this country, if they do not approve that suggested by the Duke; and if they think it proper to communicate it to me, I will ascertain here the sentiments of the minister respecting the mode that shall be proposed.

So much for the mode of the negotiation; it may not be improper to add something respecting the substance of it. It would seem natural that the Duke should have given me some intimation of the conditions on which he wished

the peace to be settled with the republic; but I did not choose to press on this head, because it did not seem to be the proper time to be asking for particulars, and also because, as he knows my attachment to France, in common with that of every other American, he might choose not to put me further in possession of his sentiments than might be absolutely necessary. From our conversation, however, as well on this, as on preceding occasions, I find his desire would be to avoid, if possible, contracting any article which might force this country into an immediate war with England. He is determined to risk that event, however, if the simple deviation from the convention of May 25, 1793, and the treating separately for peace with France, should render it inevitable. He flatters himself, however, that Spain's making a separate peace would not induce England to declare war against her under present circumstances. He would desire, therefore, to conclude a peace as simple as possible. He would choose to avoid guarantying to France the island of Corsica, and such parts of the East and West Indies as England has taken during this war; because he conceives that would necessitate an immediate war with England. But the desire of this country is that France should reconquer those places, as it is the real interest of Spain that they should belong to France rather than to England. I mention these things merely as the first desire of the minister; how far he might be induced to deviate therefrom, for the object of a pacification with the French republic, will appear in the course of the negotiation, if it should be opened. The greatest difficulty will be as to the parts of Spain conquered by France; and I apprehend, as I have mentioned above, that some difficulty has already shown itself as probable, as to the place of Figueras. It is the business of negotiation, of course, to remove difficulties.

Should the French Government choose to have something more certain fixed before sending an agent here, and will inform you how far they wish previously to be made acquainted with the outlines of the sentiments of this court, it is probable the minister would communicate them. At the same time, he would probably expect an equal mark of confidence, through you and myself, of the sentiments, on the same head, of the French Government.

This letter will be forwarded by the minister, through the frontiers, by a flag; you will therefore soon receive it. I will thank you immediately to acknowledge the receipt thereof, and to let me know, as soon as possible, whether you have judged it proper to take any step in consequence thereof, and what shall have been the result thereof. Send your letters, on this subject, by the same way by which you sent that of the 6th of February, the last I have received from you. I have as yet no answer from the President, as to the absence from hence which I have asked. I hope, ere long, to have the pleasure of renewing to you, in person, the assurances of my being sincerely your friend and servant.

Mr. Monroe to Mr. Short.

PARIS, May 30, 1795.

I was favored, about ten days past, with yours of the 4th instant, and should have answered it immediately, had I not previously done so by anticipation, in some measure, in one of the same date through the armies, or had I not waited for the arrival of Mr. Pinckney, who was then on his way from Dunkirk for this place. By him this will be forwarded; indeed, by him alone would I hazard what I deem it necessary to communicate to you. Previously, therefore, permit me to assure you, that this Government will admit of no intermediate or third parties in its negotiations, but will only treat with its enemies themselves, or directly. The only Power whose good offices they ever thought of accepting was the United States; but the negotiation of Mr. Jay with England has, by its manner, and particularly by withholding with such care the result, inspired such distrust in our friendship for them that they are disposed not even to accept of ours. This is a fact of importance which I did not choose to hazard through the route of the armies, since, if it was known to the Spanish Government, it might lessen our weight in our negotiation with that court: for I always knew that an opinion of a good understanding between us and this Government would greatly forward our own depending negotiations elsewhere. You must, therefore, or rather Mr. P. must, press the object of your negotiation to a close as soon as possible, counting, with certainty, that, although, in general, we stand well here, yet we are to have no agency in the affairs of France, and, of course, are to derive, from that consideration, no aid to the advancement of our own.

It is proper to inform you that, just before the report of Mr. Jay's treaty reached us, this Government, whose attachment to us was daily increasing, had it in contemplation to extend, by all the means in its power, its fortunes to us, in our depending negotiations elsewhere; and that, even since that report, upon the presumption every thing is right, they have instructed (as I am told) their minister, negotiating with Spain, to secure in their treaty the points insisted on by us.

This instruction was given just before the report of Mr. Pinckney's appointment was known, and I am inclined to think that, although it was not in Mr. Pinckney's power (not being able to explain Mr. Jay's treaty to them, without which, it would have been indelicate) to ask their aid, that the instructions still continue in force. In any event Spain will have all possible proof, and from this Government itself, that they wish us well, and rejoice in our prosperity, and, therefore, although they keep their own affairs to themselves, yet the Spanish court will find that a good understanding with France is not to be expected or preserved, without a good understanding with us.

I have heard that Mr. Jay has stipulated something in his treaty respecting the Mississippi; whereby, upon the ridiculous pretence of a guarantee to us, an extension of territory is substantially given to Britain, and she, in consequence, admitted to the Mississippi. The fact of a guarantee by Britain to us must excite the indignation of Spain towards her, though ready to yield the point to us; but the extension of her territory so as to comprehend the source of that river, and thereby entitle her to its navigation, will produce a more serious and alarming effect. I think it will tend greatly to separate Spain from England, and to force the former into a more intimate connexion with France and the United States; the first step towards which is an accommodation to their present demands.

Another circumstance which will facilitate this object is, that England, through Sir F. Eden, has absolutely and very lately, attempted, upon the pretext of an exchange of prisoners, to open a negotiation for peace with this republic. I suspect Spain knows nothing of this, but I am assured, by authority in which I confide, that it is the truth. He was received at Dieppe, and detained, whilst his terms were sent to the committee, and an answer received, peremptorily rejecting them. If true, I presume the fact will be made known to Spain, so that the latter Power ought to reject all delicacy towards the former in its transactions with it.

I have one other observation to make, which shows the necessity of despatch, if possible, in our negotiation with Spain. Suppose her peace made with this republic; she is, of course, relieved from the pressure which disposes her to accommodate us. Shall we not afterwards stand of course nearly on the same ground that we stood in that negotiation, from the epoch of the one which was conducted by Mr. Jay with Mr. Gardouqui, which had well nigh ended (though managed by the former with great skill, and according to the rules of ancient diplomacy) in the occlusion of the river, and dismemberment of the continent; which negotiation has certainly deluded the Spanish Government, from that time to the present day, into an opinion that half America wish it shut; at least, to me (who was in the Congress during the pendency of that negotiation, and who have since seen your correspondence) such appeared to be the case.

The above are hints upon the real state of things here, upon which Mr. Pinckney and yourself will take your measures. If I could satisfy this Government that Mr. Jay's treaty contained nothing of which they have a right to complain, every thing would be easy here; we might forward the views of the two countries in which we reside, which, in respect to this, I ardently wish to forward, making previously those of our own secure. But can any motive of interest, on the part of France, induce her to accept such offers from us, until she shall receive such satisfaction? Where the interest of our country can be advanced, or there is a possibility it may, I am willing to attempt any thing in concert with you, and shall, therefore, be always happy to hear from you in these respects.

I enclose you a letter from a friend of yours in this country, being assured it contains nothing of a treasonable nature, no intelligence of the march of armies, or preparations against Spain, which it is the interest of this Government to keep secret.

Mr. Monroe to the Secretary of State.

PARIS, July 6, 1795.

SIR:

About three or four weeks past, one of our vessels, which touched at Havre from England, was taken in charge by the Government, and the captain and passengers confined, upon a suspicion they had brought false assignats with them, with a view of circulating them through the country, and thereby subverting the views of its enemies. Complete search was made upon the vessel, but no assignats were found. As I knew that the suspicion which was entertained ought not to be extended to three young men who were passengers, I immediately applied to the commissary of foreign relations for their discharge, and obtained an order for it, though fortunately they were released by the municipality at Havre before it reached them. But, as I was not acquainted with the character of the captain, or any others belonging to the vessel, and was aware of the right the Government had to protect itself from injuries of every kind, and from every quarter, and, of course, to search the vessel, and as I also hoped, in case the suspicion proved to be groundless, it would prevent the like in future, and especially upon frivolous suggestions, I did not choose, in that stage, to apply likewise in their behalf. After the search was made, and the Government satisfied it had suspected without cause, the captain was put at liberty, and the vessel offered back to him. But, being mortified in having been suspected, and as his vessel and cargo were somewhat injured by the search and neglect which ensued his arrestation, he seemed disposed rather to throw the whole upon the Government, and demand an indemnity for it, and, with which view, he lately came here to confer with me. I advised him to gather up what he could of his own property, and pursue his voyage according to his original destination, limiting his claim merely to the damage sustained, and leaving that to be pursued by the consul here, under my direction. As yet, he waits his protest and other documents from Havre, reserving to himself the liberty of acting, after their receipt, as he pleases, and according as the light of preceding examples of the like kind, and whose details he will in the interim acquire, may admonish him will be most for his interest. I shall endeavor to obtain justice for him, upon sound principles, and have only mentioned the case that you may know such a one has happened, and what the circumstances of it are.

The jealousy which is entertained by this Government of the commerce carried on by our countrymen between the ports of this republic and those of England, has latterly shown itself in a more unpleasant form than heretofore, and I am fearful will yet produce some more disagreeable effects. A Mr. Eldred was lately apprehended at Marseilles, and sent here under guard, upon a charge of having given intelligence to the British of some movement in the French fleet. Upon inquiry, I found that he had my passport, granted too upon the most substantial documents, proving him to be an American citizen: but I likewise found that, in truth, he was not an American citizen: for, although born in America, yet he was not there in the course of our Revolution, but in England; nor had he been there since. From what I hear of him, he is not a person of mischievous disposition, nor one who would be apt to commit the offence charged upon him. But I do not know how I can officially interfere in his behalf: for, when once a principle is departed from, it ceases to be a principle.

More latterly, I was requested by the commissary of foreign affairs to prohibit our consuls from granting passports, and which was immediately done. I was afterwards requested by him to furnish a list of the Americans actually in Paris, and to render a like list every *decade*, of those who should in the interim arrive, and which was promised, and will be punctually executed. I herewith send you a copy of my instructions to the consuls, and correspondence with the commissary, on this subject.

You will readily perceive that this jealousy proceeds from the circumstance that many of those who are actually engaged in this trade are of that description of persons who, having latterly become citizens of the United States, are likewise subjects of England; nor can you be surprised, when that circumstance is considered without any imputation on the character of the parties, that this jealousy should exist. They are English themselves, their connexions are so, and in England their profits will probably ultimately settle. It is natural that a communication of this kind should draw after it suspicion, or rather it would be unnatural if it did not produce that effect. To the people of America this is an evil of serious import: for, by it, it is obvious that the confidence which is due to our national character is daily diminished. Nor can the mortification which is incident to such a situation be otherwise than heightened, when it is considered that we are most a prey to this evil, at the moment when the Government to which these persons belong insults our national dignity, and tramples on our rights. Be assured I shall do every thing in my power to guard us against injuries of this kind, by excluding all who are not, and upon the principles agreed upon my first arrival here, strictly entitled to our protection: and, by which line of conduct, I hope I shall succeed, in a great measure, if not altogether, in the accomplishment of an object so important to our welfare.

As connected with this subject, permit me to mention another, which I deem equally important, and more remediable. We have, at Hamburg, as consul for the United States, a Mr. Parish, who has held that office for some years past. This gentleman is an English subject, and was, as I am assured, never in America. All the Americans who have been at Hamburg, and who come here, unite in representing him to be (comparatively with England) as unfriendly to America; as absolutely unfriendly to France and the French Revolution; and which traits are said to be often discernible in his public conduct. It is affirmed that he is likewise an agent of England, and that, in particular, the Prussian subsidy passed through his hands. Upon these facts you may rely, (and especially the latter, into which I have made more pointed inquiry) for they are agreed on by all the Americans, and, I am sure, have been stated to me by at least fifty. Without observing how wide a door is here opened for England to benefit herself, and injure France, and through us, even whilst its use is confined to that range which, without any imputation on the morality of this gentleman, national prejudice alone would allow, there are other considerations which, at the present moment, make this appointment worthy your attention. Since the commencement of the present war, a great proportion of the commerce of the North, and from every quarter of the world, has centered at Hamburg, and will probably continue to centre there until its close; from whence it issues again in different directions—France, Holland, England, &c. That this commerce is capable of a serious impression by the public agents of different countries there, and especially by those of neutral Powers, whose connexion is sought with great avidity by the subjects of the Powers at war, cannot be questioned; nor can it be questioned, when it is considered who this gentleman is, that the impression which he makes upon it is a British and not an American one. In addition to which, it may be observed that, as he resides in the dominions of an independent Power, and where we have no minister, it is, in some measure, his duty to grant passports to Americans travelling elsewhere. This circumstance, therefore, and especially at the present moment, increases the importance and delicacy of the trust. In justice, however, to this gentleman, I must add that I do not know any instance in which he has betrayed it in this respect, and that, in others, I only apply to him general principles, and bring to your view the complaints of our countrymen. Personally, I never saw or had any communication with him. There are, at present, at Hamburg, several American citizens worthy of this trust, among whom are Joel Barlow and Wm. A. St. John, son of him who, by his writings, is well known; but, in truth, so profitable is the post, that there are but few American merchants in Europe who would not accept it. In general, permit me to suggest, for your consideration, whenever a vacancy takes place, or whenever it becomes necessary to supersede an existing consul, whether it would not be advisable to advertise the fact, that candidates might offer for the post: for sure I am that it would rarely happen that suitable candidates, American citizens, did not offer. In Europe, such generally may be found.

Since my last the French have sustained a loss at sea of three ships, which arose partly from accident not to be guarded against, and partly from misconduct. It occasioned the immediate dismissal of d'Albarade, minister of marine, who gave way to a successor believed to be better qualified for the post. The British have likewise landed on the French coast, near Nantes, about six thousand emigrants, and who, being joined perhaps with some of their own troops, and since by some fanatic priests, are said to make up a force of about ten thousand men. It is supposed the British Government might hope that, by putting these people in the neighborhood of the Chouans or Vendéans, they might, by encouraging a rebellion there, combine a force capable of making some impression: but a wish to rid themselves of these unfortunate men, whose support becomes daily more burthensome, is believed to be the more influential motive. All parties unite here in the sentiment that they are sacrificed, and consider the act of landing them

as an act of barbarity, excelled only by those which were formerly perpetrated in the same neighborhood by the infatuated Carriere.

It is believed that a treaty has taken place between England and Russia, in which the former has stipulated not to take the side of Poland against the latter; in consideration whereof, Russia is to furnish England a certain number of ships during the residue of the war. It is likewise believed that England has announced to Spain that, in case the latter makes peace with France, she will commence immediate hostilities upon her. This may possibly keep Spain in a state of suspense some time longer. On the other hand, it is obvious that the connexion between France and Holland, Denmark and Sweden, becomes daily stronger; whilst Austria, paralyzed by the peace and movements of Prussia, which threaten an entire change in the Germanic system, and such an arrangement of its parts as will give an entire preponderance to Prussia, scarcely knows what part to take; whether to make peace or continue the war. It is the interest of Prussia that Austria should continue the war: for the pressure of France upon the Empire, which is the consequence of it, tends to favor the views of Prussia, by throwing the members of the Empire into her arms, with a view of securing their peace with France, through the intercession of Prussia.

In conversation a few days past with Baron Stael, ambassador from Sweden, he informed me of a communication formerly made by the court of Sweden to Mr. Pinckney at London, for our Government, and upon which no answer was given, although it was much wished. I desired his communication in writing, that I might forward it to you, and which was accordingly given, and is herewith transmitted. I have no doubt that whatever he says to me is known to the committee, as I was informed by some of the members in the beginning of the winter, and before the Baron arrived, that such an application had been made to us from that quarter. It belongs to me only to forward this paper, and which I do, not doubting that I shall be instructed relative thereto, in the most suitable manner.

Colonel Humphreys has just arrived, and, upon due consideration, I presented last night a paper to the committee, opening, as far as was expedient, the object of his visit; and upon which subject generally I shall be more full in my next, when I hope to be possessed of an answer.

The Secretary of State of the United States to Mr. Monroe.

July 14, 1795.

SIR:

My indisposition disables me from writing a long letter at this moment. But the opportune conveyance by Mr. Gibson, supercargo of the ship Molly (whom I recommend to your notice and patronage, on public and private considerations) will not suffer me to omit the forwarding of the papers at foot. Among them is the treaty, &c. as published, and a correspondence between Mr. Adet and myself upon it. Since my letter to him, I have heard nothing from him.

The treaty is not yet ratified by the President, nor will it be ratified, I believe, until it returns from England, if then. But I do not mean this for a public communication, or for any public body or men. I am engaged in a work, which, when finished, and approved by the President, will enable me to speak precisely to you. The late British order for seizing provisions is a weighty obstacle to a ratification. I do not suppose that such an attempt to starve France will be countenanced.

By Mr. Prevost, who leaves the United States for France the day after to-morrow, I shall write to you again, and if possible, more at large.

I am, &c.

EDM. RANDOLPH.

The Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, July 21, 1795.

SIR:

By a past opportunity, I did myself the honor of sending to you a printed copy of the proposed treaty between the United States and Great Britain; with it was bound up a copy of the act of our Senate. The want of precedent for such a mode of ratification; the doubts, whether they meant to sit in judgment again upon the article to be added; whether the President can ratify without re-submitting the new article to them; whether he can ratify before he himself inspects the new article, after it shall have been assented to by the British King; and what effect the suspension of the 12th article will have upon all those subsequent to the 10th, create difficulties and delays, even independent of the *real merits* of the treaty. The newspapers which have been forwarded to you, will show the unpopularity of the treaty at Boston.

The day before yesterday, New York exhibited a similar scene. It will probably be re-acted in Philadelphia to-morrow, and will travel, perhaps, further. The complaints are numerous from the friends of the treaty, that the condemnations of it have proceeded from unfair practices. Upon this I can, as yet, say nothing; but will wait until some counter assemblies, which are said to be contemplated, shall have published their appeal to the world. When I inform you that the President has not yet ratified the treaty, his character will convince you that nothing will deter him from doing what he thinks right, and that the final question lies open from causes unconnected with any considerations but the interest and duties of the United States. He is at present in Virginia, and will, doubtless, very soon take his conclusive step. If I were permitted to conjecture what that would be, I should suspect that, at any rate, he would not sign it until it should return from England, with the addition of the suspending article, and probably not even then, if a late British order for the capture of provisions, going to France, should have been issued, as we suppose, and increase the objections which have been lavished upon it.

The present may be well considered as a crisis, taken either upon the supposition of a ratification or rejection. In the latter case, the result with Great Britain is not so easily foreseen. In the former, the result in our own country is involved with many delicate and hazardous topics. It is my consolation, however, that he who guides the helm, will, by his fortitude and wisdom, steer us into safe port. I am, &c.

EDM. RANDOLPH, *Secretary of State.*

Mr. Monroe to the Secretary of State.

PARIS, August 1st, 1795.

SIR:

I was sorry to find, some days after my last, that the disquietude which I intimated existed in the councils of this republic, and to which the communication between its ports and those of England had given birth, assumed a form still more unpleasant in regard to us, than I then apprehended it would do: for, whilst the subject was under discussion between the commissary and myself, and, as I thought, approaching towards a close, the committee interposed, and taking the business out of his hands, addressed me on the same subject, and to the same effect, laying at the same time the draught of a decree before the Convention, the principal object of which was to preclude all those, who were not born within the jurisdiction of the neutral Powers, from the protection of the ministers of those Powers here. The decree, you will observe, was made general, as well as the letter which preceded it from the committee. I had, however, seen too much of the business not to know that, in regard to others, it was formal only, whilst it was, in reality, pointed against a particular description of our own citizens, and of Englishmen, who, by means of American passports obtained elsewhere, and, no doubt, by fraud, sometimes passed for such.

As I presumed it was not the intention of the committee or Convention, that the decree should be constructed and executed strictly, because I knew upon principle it could not be supported, and because I likewise knew that many of those whom it would thereby comprehend, were resident and valuable members of our community, and had been, and now were, by their commerce, useful to France, I demanded immediately an explanation from the committee, of the decree, and soon afterwards obtained an interview with that body; in which I was explicitly assured that they did not mean to call in question any principle insisted on by us; that their only wish was to exclude Englishmen; and that, in regard to myself, they meant to impose on me no restraint, in granting passports, I had not already observed. Thus, this business has happily terminated precisely where it ought to do, without producing any real change here, or rather effect any where which can be hurtful to us.

I have the pleasure to inform you that the full aid of this Government will be given in support of our negotiation with Algiers, &c. Upon this you may, I think, count with certainty, as I have been assured of it by the committee, and am furnished with all the light which their past negotiations with that regency enable them to give us on that subject. Difficulties, however, of a new kind, arise, and which may possibly create some serious embarrassment. The fund destined for this business is, I understand, in England, and the English intercourse law prohibits, as I hear, and under the penalty of death, the payment of draughts from this country, in favor of any person in France, or who has been in France since the commencement of the war between the two nations. Perhaps this law may not be deemed applicable to this case: perhaps, if it does, the inconvenience may yet be remedied, somehow or other, so as to prevent the failure of the treaty on that account. Colonel Humphreys is still here upon this business; and, as we devote our unremitted attention to it, you may be assured that no measure necessary to its success will be omitted that we are capable of.

Within a few days past the emigrant army, which lately landed in the bay of Quiberon, under the auspices of Great Britain, has been completely defeated, and its whole force, amounting to about ten thousand men, either slain or taken prisoners; of which about four thousand were slain. Many of those who composed that army, are said to have been raised by compulsion, from among the French prisoners, and were of course immediately set at liberty. By the law, all the others are doomed to suffer capital punishment; but it is to be hoped, as many of them are weak and misguided men, its rigor will be moderated, at least in regard to them.

Within a few days past, also, a peace was concluded with Spain; whereby the whole of the island of St. Domingo is ceded to France, the latter yielding her conquests made in this quarter since the war. That there are some secret articles is more than probable. I herewith send you a copy of the treaty, as likewise of the details which attended the defeat and destruction of the emigrant army, according to the report thereof rendered by Tallien, who was in mission with the republican army in that quarter.

You will perceive that our claims have not been provided for in this treaty with Spain; relative to which claims I have heard nothing since mine to you of the 14th of June last. 'Tis possible I may soon hear something on that subject, either from this Government or from Mr. Pinckney; in which case I will immediately advise you of it. It is likewise possible a war may soon take place, in consequence of that treaty, between England and Spain, and in which case it will, no doubt, be the wish of the former to involve us in it on her side. But this I hope will not take effect; because, under existing circumstances, it would not only produce many unhappy consequences, but because I am of opinion, if Mr. P. finds difficulties, that the object may yet be attained by the intercession of this Government, as soon as I am enabled to show that Mr. Jay's treaty stipulates nothing injurious to this republic. Doubtless France will now have great weight in the councils of Spain; and, most certainly, if we continue in friendship with France, and of which there can be no doubt, it will be possible to avail ourselves of it in support of our claims there.

These two great events must certainly produce the most important consequences, as well in securing tranquillity at home, as in cutting off all remaining hope of success, on the part of the Powers still at war with this republic. Indeed the probability is that peace will soon be made with the Italian Powers, and even with Austria. But with England, so peculiar is the relation between the two countries, that it is impossible to say when peace will take place, or even to hazard any plausible conjecture upon that point. An adjustment, however, with all the other Powers, may possibly induce an accommodation between these sooner than present circumstances authorize the expectation of.

About the time of the debarkation of the emigrant army, some symptoms were seen here which gave cause for suspicion that there was a party in Paris which *felt*, at least, in unison with that army. Lately, a song called the "Reveil du Peuple," composed in reproach of the reign of terror, had become very fashionable among those who had suffered under that reign, and by some accidental circumstances was placed in a kind of rivalry, or rather opposition, to the Marseilloise hymn. The young men of Paris, the relatives of many of whom had suffered under the reign of terror, formed a party who were in general in favor of the "Reveil du Peuple;" often calling for it at the theatres in preference to the Marseilloise hymn, and which circumstance never failed to give uneasiness to many who were present. Light as this accident was, yet it seemed, at one time, to menace some ill consequences. The presumption whereof was indeed so strong, that the enemies of the Revolution, who were said to stimulate the young men on, seemed to count upon it as a source from whence something in their behalf might be expected. Occasionally some excesses were committed by the young men, and in which they thought they had a right to indulge, even in contempt of the authority of the Convention, upon which body they presumed they had some claim for services rendered in the late commotions. It was, in truth, obvious that the range which they took at this time, when tested by the standard of strict propriety, or indeed of law, could not be justified. It might, on the contrary, have been called an insurrection, and a little rigor would have made it one. The Convention, however, acted more wisely, by considering it for a while as a frolic, and finally, by issuing a proclamation, telling them calmly of the folly and impropriety of their conduct, since thereby they exposed to danger the Revolution, and of course their own safety; neither of which could it be their interest or intention to endanger. This mode of proceeding produced the happiest effect: for even before the reduction of the emigrant army, and peace with Spain, tranquillity was in a great measure established; but since those two events, it has been completely so.

The Convention is still employed upon the subject of the constitution, which will probably be gone through in the course of two weeks more. As soon as it is adopted, and of which there can be no doubt, and upon the principles generally proposed in the project reported by the commission, I will forward you a copy.

Mr. Monroe to the Secretary of State.

PARIS, August 17th, 1795.

SIR:

I have not been honored with any communication from you since that of the 2d May last, though, doubtless, others are on their way, and which I shall soon receive.

Within a few days past Philadelphia papers were received as late as the 3d of July, containing Mr. Jay's treaty, together with such proceedings of the Senate upon it as were then published. As these gazettes are circulating every where, I conclude some of them are in possession of the committee of public safety, and that the details they contain will likewise soon find their way into the papers of this city. Indeed it is said they are already published at Havre. Of late I have heard nothing from the committee upon this subject, nor do I expect to hear any thing from that body upon it, let the impression be what it may, otherwise than in reply to such communication as I may make thereon, and respecting which, it may be proper to add, that I shall take no step without your particular instruction: for, as I presume some ulterior plan is, or will be, adopted in regard to it, and upon which, in its relation to this republic, my conduct will be particularly marked out, so I deem it my indispensable duty to avoid in the interim any, the slightest, compromise either of you or myself upon that subject. I mention this that you may distinctly know how completely the final result of this business, so far as it depends on me, is, as indeed it ought to be, under your control.

As I have had no communication with this Government upon the subject of this treaty since its contents were known, it is of course impossible for me to say what the impression it has made is. It is as easy for you, with the

lights you have, to form a correct opinion upon that point in Philadelphia, as for me to do it here. One circumstance, however, I think proper to bring to your view. Soon after the British Government had recommenced the seizure of our vessels destined for the ports of France, it was notified to the committee by a secret agent of this Government, who had just returned from England, that he had been advised there, through a channel to be relied on, that the English administration had said they knew that measure would not be offensive to our Government; or, in other words, that it was a case provided for between the two Governments. I treated the communication with contempt, and was happy to hear that it was considered nearly in the same light by the committee itself.

But since the arrival of the treaty, I have understood that, in connexion with that report, the attention of many has been drawn with some degree of solicitude to the contents of the second paragraph of the 18th article, and who say that, as that article leaves the law of nations unsettled, and provides payment for seizures in cases of contraband, and of course for those which are not contraband, whereby the complaints of our citizens are prevented, and the British construction by implication countenanced, this republic has a right to complain of it. I mention this objection to you that you may be aware of it in case it should ever be brought forward on this or your side of the water; and that it will be brought forward, I think probable, if those seizures are not noticed in some very pointed manner. It is painful for me to give you a detail of this kind; but, being an interesting fact, I do not see with what propriety it can be withheld.

It is said that the constitution will be completed in the course of a few days, and of which I will immediately afterwards forward you a copy. The discussion upon this very important subject has been conducted with great temper, and the harmony of opinion throughout greater than could have been expected.

The report of Pichegru having crossed the Rhine, as heretofore intimated, was without foundation. The height of the water, occasioned by continual rains, has hitherto prevented it. It is, however, said, that he has orders to cross it, and is now making the necessary movements for that purpose. The enemy are on the opposite side, watchful of his measures; but, from his skill, the strength and enterprise of his army, success is counted on as certain.

No indication presents itself of an approaching peace between France and England, or even of a negotiation for it. The only indication is to be found in an English ministerial paper, which speaks of the Convention in very respectful terms, and of peace as a desirable object. It is probable, however, when a negotiation commences, it will be short: for, as I presume the overture will come from England, so it is equally presumable that none will be made until her administration is disposed to accede to the terms of France. These, I presume, are in some measure known to England, at least I expect so; a consideration which I particularly suggest at present, with a view of turning your attention to those symptoms which may be discovered on the other side of the channel, as data by which you may estimate either remote or immediate approaches towards this important event.

Mr. Monroe to the Secretary of State.

PARIS, September 10th, 1795.

SIR:

A private letter of the 31st of May is the last with which I have been honored from you, and, as more than three months have since elapsed, I am inclined to believe that some of your despatches are carried into England, and treated with the same violence that mine were by the admiralty at Halifax. It was, doubtless, an object of importance with the British Government to know what were the ulterior measures of the President in regard to England, after the decision of the Senate upon the treaty of Mr. Jay, and as I presume you wrote me fully upon that head, and immediately after the decision was taken, so I cannot otherwise account why your letters have not reached me.

I sincerely wish to hear from you as soon as possible upon that subject; because, if, in the further pursuit of our claims upon England, it is wished to derive any aid from this republic, either by harmonious co-operation or otherwise, it is obvious, from a variety of considerations, that the sooner an attempt is made to adjust the mode whereby such aid is to be rendered, the better the prospect of success will be. You know that France viewed with anxiety the late negotiation with that Power, and waited the result not without unpleasant apprehensions of the consequences; and you likewise know that the moment when that anxiety ceases, and especially if there is anything mingled in the cause producing the change, which argues an attachment for France, is the moment to make a suitable impression on her councils. Oftentimes incidents of this kind in private life increase the friendship and cement the union between the parties; and the principle is the same with nations as with individuals, where the government is in the hands of the people. But the moment must be seized, otherwise the prospect diminishes, and every day becomes more remote: for when a coolness, which has once taken place, is suffered to remain for any length of time, after the cause which gave birth to it ceases, that circumstance becomes a new motive for chagrin, and which, especially if afterwards increased by mutual flights, often ends in mutual enmity. In addition to which it may be observed that, if such aid is wished from France, the state of the war is such as to require, on our part, despatch: for it is always presumable, when its substantial objects are secured on the one side, and the hope of gain, in a great measure, abandoned on the other, as is actually now the case, that its close is not very distant.

I am still of opinion that, if a timely and suitable attempt be made to engage the aid of this Government in support of our claims upon England, it may be accomplished, and upon fair and honorable terms. But, under existing circumstances, peculiar and extraordinary care becomes necessary in the arrangement to be adopted; otherwise the attempt will fail. Our negotiation must be in harmony, and possess the confidence of this Government, or it will not support it: for no Government will support a negotiation it suspects will terminate in a treaty injurious to itself. For this purpose, then, the person to whom we commit the trust should possess the confidence of this Government, and, in my opinion, the negotiation should be carried on at the place where the French negotiation is carried on, either here or at Basle, at which latter place, it is reported, Mr. Eden has lately presented himself—the same person who was not long since at Dieppe for an exchange of prisoners as it was said. On the contrary, suppose any person was sent directly to England on this business, what would be its effect here? It is admitted that such a person might be sent as would create no alarm here of injuries to this republic from the consequence of such negotiation; but the manner would be deemed inharmoonious, and would, of course, be considered as declining all claim upon this Government for its support. England would know this, and profit by it. Indeed, no co-operation, under such circumstances, would be presumed. What can be the objections to such an arrangement? I can see none. If we were at war with England none would be urged by any one: for such was the case when we were at war with her. If, then, remaining at peace, another country is willing to give us the fortune of its arms, in support of our claims against a common enemy, ought we to decline an arrangement which would be adopted in war, especially when it is considered that peace is the lot we prefer, and that our success depends upon its success, unaided by any effort of our own? Would it excite disgust in England? On the contrary it would command her respect. Without compulsion we know we shall not gain from her what we are entitled to; and if this compulsion is to be procured from France, will it not be more efficacious when she sees that our harmony with France is complete, and beyond her reach to disturb it? But can we accomplish what we wish by the fortunes of France, by any kind of negotiation we can set on foot, without any effort of our own; and if any such effort is to be made, of what kind must it be? To this I can give no answer, other than by referring you to my former letters on that head: for latterly I have had no communication with this Government on it. If it can be done, the above is the way to do it; but, to secure success, by embarking this Government with full zeal in our behalf, and striking terror into England, it will be necessary to lay hold of her property within the United States, take the posts, and even invade Canada. This would not only secure to us completely our claims upon Britain, and especially if we likewise cut up her trade by privateers; but, by making a decisive and powerful diversion in favor of France, promote, and very essentially, a general peace.

The state of the war is the same as when I wrote you last. Pichegru is still on this side of the Rhine, and the pressure upon Italy is less forcible since than it was before the peace with Spain; a circumstance which gives cause to suspect that negotiations, promising a favorable issue, are depending with the Powers in that quarter. A similar consideration may likewise impede the movements of Pichegru: for it is generally understood that not only the Empire as a body, but several of its members separately, are negotiating for peace with this republic; of which latter fact we have lately seen an example in a treaty with the prince of Hesse Cassel; whereby six thousand of his troops, in English pay, are withdrawn from the army of the Emperor.

I lately sent you, by Bordeaux, a copy of the constitution which was adopted by the Convention, and which is at present before the primary assemblies for ratification, and I now send you another copy of that act by Havre. The attempt which was hereby made, not simply to amend, but absolutely to set aside the former constitution, and introduce a new one in its stead, differing, too, from the former, in many of its great outlines, and especially in the character of its legislative and executive branches, under the circumstances which existed when it was commenced, being at the moment when the trial of Barrere and his associates was depending, and Paris afflicted by famine, was an enterprise, you will admit, of great moment. So far as it was a dangerous one it proves that such danger was encountered from motives equally benevolent and patriotic. And as the constitution which this attempt has produced, comparatively with the other, is infinitely preferable to it, and forms, of course, in case it be adopted, a new bulwark in favor of republican Government, it is equally so to conclude that such, likewise, was the object.

The primary assemblies were convened to deliberate on it five days, and this is the fifth; and in those quarters from whence accounts are already received, it appears that it is adopted, in some places unanimously, and in all by great majorities. It was, likewise, submitted to the armies, and by whom it is said to be adopted almost unanimously. In the prospect, therefore, in this respect, before this republic, one circumstance only presents itself which darkens, in any degree, the political horizon. In putting the new constitution in motion, the Convention wished to transfer from its own body two-thirds of its members to the legislative branches of the new Government, and for which a decree was passed. A motive for this was the advantage the republic would gain from keeping in office many of those in whose hands depending negotiations were, and who, in other respects, are acquainted with the actual state of things. There may be, and doubtless are, other motives for this measure, and which will readily occur to you. This arrangement is, however, disliked by many, and, particularly, by the inhabitants of this city, by whom it is generally rejected. The presumption is, that a great majority of France will approve the decree, and in which case Paris will yield; but, should the majority prove to be in the other scale, the presumption is equally strong that the Convention will yield; so that, from this source, I do not see cause to apprehend any serious evil. Many, however, are of a different opinion, and count upon the division that exists upon this point, as the commencement of a counter-revolution. It is well known that the royalists are active, and using their utmost efforts to improve it in their favor; and it is also believed that England, and some other of the coalesced Powers, view it with the same anxious and favorable expectation. But it is usual for the royalists and those Powers to catch at every circumstance which turns up whereon to rest a hope; in general, however, their calculations upon the fortune of the Revolution have not been verified by events, and I shall be deceived if this is not the case in the present instance. Indeed, a sound reason may be given why Paris differs, in this respect, from the majority of the other departments, and without impeaching her attachment to republican government. All the atrocities, which have stained the different stages of the Revolution, have been perpetrated here; under every convulsion and change some of her citizens have suffered; and, with the preponderating party in the Convention, she is not popular as a department; so that it is natural she should wish to exclude from the Legislature of the new Government all the members who compose the present Convention.

P. S. Respecting Algiers I will write you in my next.

Since writing the above, it is announced that Jourdan, who commands the army of the Sambre and Meuse, has crossed the Rhine at the head of about fifty thousand men, and in the face of about forty thousand, well posted and strongly fortified, on the opposite shore. It is also said that he attacked and took by storm, immediately afterwards, the city and castle of Dusseldorf. Much applause is bestowed on the General and his army for this bold exploit, and which is deemed, under the circumstances attending it, among the most brilliant of the war.

Mr. Monroe to the Secretary of State.

SIR:

PARIS, October 4, 1795.

I herewith enclose you extracts from several letters from Mr. Cathalan, our consul at Marseilles, and by which it appears that a treaty, in behalf of the United States, is made with Algiers. I have likewise since conferred with Jean de Bry, of the committee of public safety, who is charged with the American affairs, and by whom I am informed that like intelligence is received from their consul at Algiers; so that the verity of this report cannot be doubted. By these extracts, as by the communications of the consuls to the committee, as I am advised, it is to be inferred, that the movements of Mr. Donaldson were unconnected with the French consul, and, of course, that the aid of this republic was not extended to us in that negotiation. From what cause this proceeded, if such is the fact, I cannot at present divine; but presume it will be fully explained to you by Colonel Humphreys, from Lisbon; where he doubtless is before this, having left Paris, on his return there, three weeks since. It is, however, necessary for me to state to you what took place here in that respect, in consequence of Colonel Humphreys' arrival, prior to the receipt of the above intelligence; as likewise what has been since done in consequence of that intelligence.

I was informed by Colonel Humphreys, upon his arrival, that you wished to obtain the aid of this Government in support of our negotiations with the Barbary Powers; for which purpose, indeed, he had come, and that you wished me to ask for it, in case I thought it attainable. From particular considerations, and which will occur to you, I felt some embarrassment in making an application for aid of any kind at the present juncture; but as I was persuaded you had weighed them, and deemed them no obstacle, and knew that the object was equally pressed by interest and humanity, I immediately wished to bring the subject before the Government, and ask for such aid; stating that it was not the aid of funds that we wanted, but simply the aid of amicable mediation and interference of this Government, and which was promised by our treaty of alliance, but never performed. Colonel Humphreys and myself were agreed that, as credit for the service was to be a principal motive, on the part of France, for embarking in it, so it would be expedient on our part to make our arrangements such, as to give full force to that motive; since thereby she would engage in it with greater zeal, and, in consequence, with proportionably greater effect. It readily occurred, that the more direct our measures were, from this quarter, and the more united and harmonious our councils were, in this respect, with those of this Government, the greater its confidence in us would be, and, of course, the better our prospect of success. Besides, to give full effect to the influence of France in the councils of the Dey, and thereby obtain a peace at the cheapest rate, it appeared advisable that our agent should be clothed with a French passport, and if possible be a French citizen, and even appear to be an agent of France, exhibiting ultimately our power when necessary to conclude. By this mode it would seem as if France interfered as our friend, and chiefly from motives of humanity, in regard to our prisoners, whereby we should avoid inculcating any idea of wealth on our part (for wealth and imbecility are with them strong temptations for war) and which would be further supported by the long imprisonment of our people. In presenting, therefore, the subject before the Government, I left the mode or manner of the negotiation open for subsequent and less formal discussion; seeking, in that step, a decision only upon the first point of aid, and which I was explicitly promised by the committee and the commissary.

I soon found, however, on touching on the other part, the execution, that our anticipation was correct, and that it was expected our agent would depart hence by the route of Marseilles, shunning the countries with which this

republic was at war, and at which place the Government would have a vessel provided for him to proceed to Algiers. In furtherance of the object, I was furnished by the commissary with a list of such presents as would be suitable for Algiers, &c. a literal copy of what they had last presented themselves, with a specification of what suited the Dey and his ministers in particular, and which presents, as introductory, he advised us to commit to the agent, to be presented in the commencement, according to the usage of the place, and as their consul should advise.

But Colonel Humphreys observed to me, that he had left Mr. Donaldson at Alicant, with power to correspond with the French consul at Algiers, and act in harmony with him; being further authorized, in case he was invited over by the consul, to proceed to Algiers and conclude a treaty with that Power. Here, then, an embarrassment occurred: for it was to be feared, and for the reasons above stated, that a mission from that quarter, under the circumstances attending it, would be less likely to succeed than if it proceeded directly hence; and, on the other hand, it was likewise to be feared that, if we adopted the latter plan, and despatched a person hence, the two agents might interfere with, and embarrass, each other. Upon mature reflection, therefore, and especially as Colonel Humphreys had instructed Mr. Donaldson not to act otherwise than in strict harmony with the French consul; nor then, without an assurance of success, since he, Colonel Humphreys, was coming to Paris to secure the aid of this Government, it seemed as if the two modes might be incorporated into one; or, rather, as if we might proceed with the business here, counting upon no interference from Mr. Donaldson; providing, however, in the arrangements, in case he acted before Colonel Humphreys returned, and which he concluded he would not do in such manner as to admit his falling in, incidentally, and harmonizing with the other agent; and to admit, likewise, let him act as he would, provided he harmonized with the French consul, such an explanation as would be satisfactory to this Government. Upon this principle, therefore, and with the approbation and concurrence of Colonel Humphreys, I notified the commissary of foreign relations that we had committed the trust to Joel Barlow, who was a citizen of both republics, and requested the passport of the Government in his behalf, and also in behalf of Mr. Donaldson, who was eventually to be consul at Tunis and Tripoli, and whom we should associate with Mr. Barlow, to guard against accidents in the negotiation with Algiers; requesting likewise, that the committee would, in the most suitable manner, yield all the support in its power in favor of this negotiation. I stated also, that Mr. Barlow was here, and would proceed, by the most direct route, in the discharge of his trust, with the presents we had bought, and were buying, according to the list furnished me, for the said treaty; and was promised that what I had asked should be strictly complied with: and thus stood the business when the accounts above referred to were received, and which I thought it my duty to communicate, that you may be accurately informed of what was done here in relation thereto. Perhaps you will ask, why Mr. Barlow, or some other agent, did not depart hence sooner, after the plan of sending one was agreed upon? The fact is, it was impossible: for, owing to the state of things here, at the time, about three or four weeks elapsed, after I applied to the Government for the aid, before I obtained an answer; and, after which, when it appeared expedient to purchase introductory presents, and for which purpose money was necessary, a doubt arose, and for reasons heretofore explained, whether Colonel Humphreys' draft from France would be answered, and which it was thought advisable to remove in the first instance. This consumed about three weeks more, and since which, every possible attention has been made to provide the presents, and forward the business, that circumstances would admit of.

When the news above noticed arrived, Colonel Humphreys was at Havre, on his return to Lisbon; and the first point to be decided on was, whether Mr. Barlow's offices should cease: and secondly, what should be done in that case, with the presents already purchased. We were both of opinion, and for many reasons, that it was advisable he should, notwithstanding, proceed, and take the presents with him. If any errors had been committed at Algiers, and which it is possible to rectify, we knew he would be able to do it; and we were also persuaded that, in other respects, a trip to that coast, whereby he would be enabled to gain an insight into the policy of those Powers, could not otherwise than be of great advantage to the United States. Upon this principle I have asked his permission to intimate to you his willingness to accept the office of consul for Algiers, to which he has consented; and which I now do in a confidence that no person can be found willing to accept that trust, in whom it can be so happily vested: and in which opinion, I doubt not, Colonel Humphreys will readily unite. Mr. Barlow leaves this place, upon the plan above stated, in the course of a few days, and with the presents in question; and for further particulars, respecting this interesting concern, I beg to refer you to Colonel Humphreys, who will, doubtless, be more particular in his details.

Since my last, Pichegru has also crossed the Rhine, and taken Manheim, and, in consequence whereof, the siege is more closely pressed on Mayence. Since my last, too, the Belgic is united, by a decree, to this republic; in addition to which the mission of Mr. Monneron to England, ostensibly for an exchange of prisoners, but, perhaps, for other objects, is the only circumstance which merits attention.

Mr. Monroe to the Secretary of State.

PARIS, October 20, 1795.

SIR:

The breach which I lately intimated to you had taken place between several of the sections of this city and the Convention, respecting two decrees of the 5th and 13th Fructidor, and whose object was to transfer from the Convention so many of its members as would constitute two-thirds of the legislature of the new government, continued daily to widen, afterwards, till at length all hope of amicable compromise was gone. A final appeal, therefore, was made to arms, and which took place on the 5th instant (13th Vendemiaire) and in which the Convention prevailed. The details of this contest, though very interesting, are not lengthy. In the morning of the 5th, a force was marshalled out by the revolting sections upon their respective parades, in concert, and under officers already engaged, and who led it on by different avenues towards the national palace, so that by four in the evening the Convention was nearly invested on every side. Within the garden of the Thuilleries, and around the national palace, were collected the troops destined for the defence of the Convention, and which were advantageously posted with cannon to guard the several avenues by which approaches might be made. The members remained within the hall, prepared to await the issue of the day. The disposition, therefore, was that of besiegers against besieged, and which grew out of the disparity of numbers on each side: for, on that of the Convention, taking the whole together, there were not more than six thousand; whilst on the side of the sections, there were in activity at least ten thousand, and a still greater body in arms, which was supposed to be on the same side, or at least neutral. The countenance, too, of the parties, bespoke a strong sympathy with their respective situations; that of those without, exhibited an air of cheerfulness and alacrity, and which nothing but the confidence of success could inspire, whilst that of those within was dejected and melancholy. The action commenced a little after five in the evening by the advance of the troops of the sections, and ended about ten by their retreat. Wherever they approached, they were repulsed by heavy discharges of artillery and musketry, which ranged and cleared the streets of their columns as soon as presented. For some time, towards the close, the contest was sustained on the part of the sections from the windows of the neighboring houses; from whence, perhaps, more of the troops were slain than from any other quarter. The loss on either side is unknown, and perhaps will continue so; and the reports are so various and contradictory, that they furnish but little data whereon to found a conjecture. Judging, however, from what I saw of the disposition of the troops who were presented at the corners of streets, or when advancing by the head of the column only, and by the time and nature of the action, which was by intervals, I cannot think that more than five hundred were killed and wounded on both sides, though some of the reports make it as many thousands. It was generally understood by the assailants, that little or no opposition would be made, and that two of the regular regiments, in particular, were on their side, and that they would so declare themselves when the crisis approached. But in this they were mistaken: for all those troops behaved with great bravery and intrepidity, acquitting themselves as they had done before on the Rhine, having been drawn from the army of the North. Indeed, the probability is, the report

was only circulated to inspire the troops of the sections with confidence, and to produce a suitable impression on the citizens of Paris in general. Many circumstances occurred, in the course of the commotion, to countenance this opinion, of which the strongest is, that, although it lasted until about ten at night, yet, by the citizens generally, it was abandoned, or feebly supported after the first onset, and repulse, which immediately followed; and after which, it was sustained principally by those who were really and truly the parties to it: for as such, the great bulk of those who were in the ranks ought not to be considered. This opinion is likewise countenanced by a train of incidents which attended this movement, from ten at night to its close, and which was about twelve the next day. The troops of the Convention kept their ground all night, being unwilling to press as far as they might have done the advantage gained, since it appeared that, by such pressure, they might slay more of their countrymen, but not gain a more complete victory. On the other hand, the troops of the sections fled off gradually in small parties, as the darkness of the night or other circumstances favored, till finally none were left, except those who were not properly of that description. By the morn every thing was tranquil as if nothing had passed. At the entrance of every street you saw the pavements taken up, and wagons and other impediments obstructing the passage; but not a sentinel was to be seen. The only armed force remaining, in opposition to the Convention, was of the section of Lepelletier, consisting of a few hundred only, and which had in part retired, and was retiring to its commune as a place of retreat, rather than of defence. But now the scene began to change, and exhibit to view precisely the reverse of what was seen the day before—the besieged becoming the besiegers: for by this time the troops of the Convention were advancing towards the commune of this section, under the command of Barras, who had commanded formerly on the great epoch of the 9th Thermidor, and of Berruyer, who made regular approaches, and by different routes, till finally this corps was completely surrounded. A peremptory summons was then sent to it to surrender, and which was immediately obeyed, by laying down their arms and submitting to the will of the conquerors; and thus was this movement crushed, the authority of the Convention vindicated, and Paris restored to complete tranquillity, and within less than twenty-four hours after the action commenced.

Such was the order, and such the issue of this contest—a contest, in many respects, the most interesting and critical that I have yet witnessed, and which promised, had the assailants succeeded, not perhaps essentially to impede or vary the direct course of the Revolution, but, most probably, to involve the nation in a civil war, open a new scene of carnage more frightful than any yet seen, and deluge the country by kindred arms with kindred blood. In this view, the character and object of the movement, on the part of the insurgents, merit some attention.

You have already seen that the decrees above mentioned were the ostensible, if not the real cause of this controversy, and these you have. But to enable you to form a just estimate of its merits in other respects, and thereby of the probable views of the insurgents, it will be necessary for me to state other facts, and which preceded the final appeal to arms. These decrees, as you likewise know, were submitted with the constitution to the people, and according to a report of the Convention, by them adopted. But the verity of this report, of which I herewith send you a copy, was denied by the sections. By the report, however, you will perceive that the names of the departments voting for and against the decrees, were published some time since, and to which it may be added, that no department or commune has since complained that the statement given of its votes was untrue. Still, a doubt arises upon it, admitting that a majority of those who voted was in favor of the decrees, whether those who did vote for them constituted a majority of the French citizens entitled to vote, and upon which I cannot yet positively decide. The sections affirm the contrary, and likewise contend that all who did not vote ought to be counted against the decrees. It is probable that some of the communes, foreseeing a storm gathering from that source, did not choose to vote for or against them, and therefore evaded the question by design; and it is certain that, in others, it was understood by the people that the question was taken upon the constitution and the decrees together: for lately this was notified to the Convention by several who had voted for the decrees, and particularly Nantes, to prevent a misapprehension of what their real intention was. I send you, however, the several papers which illustrate this point, and by which you will be enabled to form as correct an opinion on it as present lights will admit; observing, further, that the report made by the convention respecting the decrees, was made, as you will perceive, at the same time with that upon the constitution; and that another report, containing a complete detail of the proceedings of every commune, is making out for the satisfaction of the community at large, and which was commenced by order of the Convention, immediately after the first one was rendered. It is to be wished that this had been some time since published; but when it is recollected that the publication must contain the proceedings of upwards of seven thousand primary assemblies, many of which are, perhaps, lengthy, impartial people will perceive that it could not be soon done, especially when it is also recollected that the whole of the interval since the order was given, has been a time of unusual fermentation and trouble.

Under these circumstances, the electoral assemblies were to meet, and the day of meeting was not distant. The decrees, and the evidence of their adoption, were before France, and would, of course, be before these assemblies; nor were the electors bound by any legal penalty to regard them, if they thought they were not adopted, or even disapproved them. The presumption, therefore, was, (and especially if they discredited the report of the Convention) that every assembly whose constituents voted against the decrees, would disregard them, and, rejecting the two-thirds of the present Convention, vote for whom they pleased: leaving it to those who were elected by the several departments, to the Legislature of the new Government, whether they were entirely new men, or partly such, and partly of the Convention, according to the mode that each department might adopt, to settle the point among themselves, and with the Convention, who should constitute the Legislature of that Government; or whether the whole proceeding should be declared void, and a new election called for; and which, in that event, would most probably have been the case. But the party opposed to the Convention preferred a different series of measures whereby to forward its views; the details whereof, so far as I have any knowledge of them, I will now communicate.

The primary assemblies were to meet, by law, on the 10th of Fructidor, and dissolve on the 15th. In general, however, those of Paris prolonged their sitting beyond the term appointed; and many of them declared their sessions permanent, and exhibited, in other respects, a tone of defiance and great animosity towards the existing Government. Finally, however, the primary assemblies were dissolved; and, after which, the sections of Paris, to whom the same spirit was now communicated, became the channel, or rather the instruments of the same policy; many of whom, likewise, declared their sessions permanent, and assumed, in other respects, a tone equally unfriendly and menacing towards the Convention. The section of Lepelletier, in particular, which is in the centre of Paris, and which always was, and still is, the theatre of the greatest gaiety and dissipation, took the lead in these counsels. At one time it presented an address to the Convention, copiously decanting upon the horrors of terrorism, demanding that those who were called terrorists should not only be inhibited the right of voting, but forthwith punished; and that the troops in the neighborhood of Paris should be stationed further off, although there were then in the neighborhood not more than three thousand foot, and six hundred horse, and which were there for six months before. At another time it placed, by its own arrêt, under the safeguard of the primary assemblies, all those who had delivered their opinions in those assemblies, and invited the other sections of Paris to form a meeting of forty-eight commissioners, to declare to all France the sentiments of this commune upon the state of affairs in the present juncture. On the 10th Vendémiaire, this section resolved that a meeting of the electoral corps should be held at the theatre Français on the next day, and admonished the other sections to a like concurrence; as likewise to escort the electors to the place of rendezvous, and protect the assembly whilst sitting, with an armed force, if necessary. A partial meeting was, in consequence, held there, and which continued its sitting for some time after a proclamation was issued by the Convention, ordering the electors to disperse. Indeed, it was not without great difficulty that this proclamation was read before the door of that assembly. An armed force was then ordered out, under General Menou, the Commandant of the guard, to support the proclamation; but they were gone before he arrived. On the 12th, this section issued other inflammatory arrêts; and on the night of the 12th, another fruitless attempt was made by the Government to surround the commune of the section and secure its members; for which failure, General Menou, who withdrew the troops after he had surrounded it, was degraded, and the command transferred to Barras. On the 13th, the catastrophe took place, and ended as I have already stated.

That the party in question meant to subvert the Revolution, and restore the ancient monarchy, and that the destruction of the Convention was the first step in the train of those measures which were deemed necessary to accomplish it, cannot be doubted. A slight attention only to the above facts sufficiently demonstrates the truth of this assertion in all its parts. Even in the primary assemblies a ground was taken incompatible with the present system. Some free latitude, it is true, the people have a right to take in those assemblies, however limited or special the object may be upon which they are convened to decide. But as soon as the sections took the same ground, acting in harmony with the electoral corps, in contempt of the law, and in defiance of the Convention, the case was altered. From that moment rebellion was announced in form, and the sword of civil war was completely unsheathed; nor could it be restored whilst the Convention survived, or without a counter revolution, otherwise than by reducing the revolted sections to order. Fortunately, the latter was the issue, and, in consequence whereof, every thing has since progressed as the friends of the Revolution have wished. The revolted sections were immediately afterwards disarmed, and without opposition, and the electoral corps is now legally convened, (those of it who have not, in dread of punishment, made their escape) and with a disposition to be more observant of the decrees, and accommodating to the existing Government.

But, if this party had succeeded in its attack upon the Convention, what would have followed? Would it likewise have succeeded in the other object, to which this was only a step? A conjectural answer can only be given to a supposititious case. My opinion then is, that, although the impression would have been a deep one, yet the ultimate issue would have been the same. It is said, and perhaps with truth, that in case the attack succeeded, it was intended the electoral corps should immediately assemble, and place itself, in some measure, at the head of France. The overthrow of the Convention would have left the nation without a government or head, to influence public measures; and in which case, this corps, being a legal one, and at the head of this great city, would have had stronger pretensions to the public attention, than any whatever. It is not, however, to be presumed, that it would have assumed the reins of government; but it would doubtless have undertaken to admonish, and the probability is, that, in such a state of things, its admonition would have been regarded. With this view, it is believed that the crisis was brought on, at the precise point of time, before the meeting of the electoral assemblies, to admit, in the interval, the communication of the event (in case it were perpetrated) to all France, without allowing to the people sufficient time to recover from the dismay and confusion into which they would be thereby thrown. In such a state of things, this corps might have made a great impression upon the whole nation, supported, as it would appear to be, by all Paris; and as it really would be, at least to that stage, by a considerable portion. At the head of this corps was already placed the old *ci-devant* Duke of Nivernois—a man not without some literary merit, and whose character had been so free from enormity, and his temper so dormant, that, although imprisoned, and in the list of those who were deemed, under what is called the reign of Robespierre, a fit subject for the guillotine, yet he survived that reign, and received his life as a boon from those who were now threatened with destruction. It was said he declined the presidency; but it is also believed that his modest disqualification was more the effect of an accurate calculation of chances in the great game they were playing, than of principle; and, of course that, if the blow succeeded, he might be prevailed on to serve. A majority of the corps, many of whom were likewise *ci-devant* nobles, was believed to be of the same principles. The nation would therefore have beheld, on the one side, the Convention overthrown, perhaps massacred, and whose members were, in general, known to be attached to the Revolution; and on the other, the electoral corps, with this person at its head, and which it would, of course, conclude was decidedly of opposite political principles; the latter advanced forward upon the ruin of the former, and in some sort possessed of the reins of government. Surely no opportunity more favorable to the views of the royalists could have been sought, than this would have presented. How they meant to improve it, had fortune placed them in that situation, is not known, nor is it probable it will be: for it is to be presumed that, whatever the plan was, admitting there was one already formed for such an event, it had been concerted by the leaders only, and was not to be unfolded until after the sections were thus far plunged into the same atrocity with themselves. There were two ways by which this opportunity might have been improved; the first, by an immediate declaration in favor of royalty; the second, by electing their own deputies, and inviting the other departments to do the same, for the purpose of putting the constitution in motion. Had the first been adopted, the nation would, doubtless, have been greatly confounded, and, in the moment of dismay, the royalists would, most probably, have come forward, and the patriots lain quiet. Soon, however, in Paris herself, symptoms of discontent would have been seen, and, perhaps, even in some of those sections which were foremost in the revolt; many of whose citizens had joined the opposition from principle, in respect to the right of suffrage; some because they had been persecuted, or censured as terrorists, and only because they were patriots; and others because they doubted the political integrity of the present house, and wished it changed. All of these would have been struck with consternation, when they heard that a king was proclaimed, and would have looked back with horror at the scene through which they had passed.

By this time, too, some of the armies would have been seen advancing towards Paris, and which would most probably have had little to do: for I am persuaded that, as soon as the citizens recovered from the extravagance into which they had been betrayed, they would be among the first to fall upon their betrayers. Had the second been adopted, it is probable it would have secured the elections in favor of the royalists; the decrees would of course have been rejected; nor would any of the present members have been re-elected. Soon, however, this would have been seen by the people, and, being seen, half the danger would have been provided against. In the memory of those who were friendly to the Revolution, and the catalogue of its friends must be a long one, counting those only whose fathers and sons were slaughtered in its defence on the frontiers, the destruction of the Convention, under whose banners they had bled, would form a moral cause that would hang heavy on the shoulders of the subsequent administration. The manner of the suffrage, though in form free, would be deemed an usurpation, and the slightest deviation afterwards become a signal for revolt. If they used their power with violence, the same effect would be produced as if a king were immediately proclaimed; and if they used it with moderation, they might perhaps prevent the calamity of another crisis; and while away in office the time allotted by the constitution, be enabled, in the interim, so far to efface the memory of what was passed, as to secure themselves afterwards a retreat which would exempt them from punishment; but in neither case would they be able to restore the ancient monarchy. You will observe that my reasoning is founded upon a belief that the army is sound; that the great bulk of the citizens of Paris are so likewise; and that the farmers, or cultivators in general, if not decidedly in favor of the Revolution, though in my opinion they are, are at least not against it; and which belief, though perhaps erroneous, is the result of an attentive observation to such facts and circumstances as have appeared to me to merit attention.

But you will ask, if Paris is on the side of the Revolution, how happened that such a force was formed there against the Convention, whilst so small a one was marshalled on its side? Let us first establish facts and then reason from them. Paris consists of forty-eight sections, and of which eight only were actually in arms against the Convention; three for it, and the others neutral. Of those, too, who were sent by the eight sections, it is presumable, from the peremptory manner of their retreat, and the ease with which they were afterwards disarmed, as likewise by their uniform declarations at the time and since, that the greater number did not expect to be led against the Convention; or, if they did, that they went with reluctance; so that, in my opinion, the real force which marched out for the purpose of actual hostility was inconsiderable; and this, too, it is said, was in part composed of adventurers from other quarters, and, in some instances, even of foreigners. Still, however, there was an actual revolt by those sections, and at best a neutrality on the part of the others; the three who declared themselves for the Convention excepted. How account for this? That the royalists had gained the preponderance in some few of the sections, and particularly that of Lepelletier, is certain. But that this was not the case with many is presumable. It is well known that the inhabitants of Paris, in general, wished to get rid of their present deputies, and for reasons heretofore explained. The opposition to the decrees, therefore, may be thus accounted for, and with the greater propriety, because it is certain they were opposed, and even by the royalists, upon republican principles, the unalienable right of suffrage, &c.; and by which an impression was made in the primary assemblies upon the audience, and thence gradually extended throughout the city. In the primary assemblies, too, every person was allowed to speak; and it happened that, among the royalists, there were some good speakers, and who, by taking popular ground, en-

grossed for the time the public attention; by means whereof they were enabled to practise more extensively upon the credulity of the less enlightened of their countrymen than they were aware of. It often happens, when a collision takes place between friends, and even upon a trivial cause, one act of irritation begets another, till finally the parties become irreconcilable. How much more easy then was it for artful men, at the present moment, to prevail over the ignorant, and seduce them into error, especially when it is known that the latter already wished a change; that they thought they had a right to make it; and of which right they could not be deprived, without the sacrifice of their liberty, in whose cause they had already so long contended, and so greatly suffered.

How explain the extraordinary phenomenon, why the very sections, who, on the 4th Prairial, were on opposite sides, should now shift their ground, so as that those who then supported the Convention should now be against it, and those who opposed should now be for it? Taking the Convention as the standard, it remains only in any case to explain the motive of such party as wanders from it: for that circumstance alone creates doubt, and of course alone requires explanation. No one will ask why such a party supports the Convention, because there can be no motive for such an inquiry. In some cases, a party, yielding such support, may have less honorable motives for it than another party had. I think I have seen such myself. But in no case can the object be a counter-revolutionary one. To this inquiry, then, in this view, I have already given a satisfactory answer, at least so far as I am able to do it: for I have already explained what I deemed in general the cause of the aberration of the sections upon the present occasion, as I did upon the former one; that of the faubourg of St. Antoine, and whose present conduct warrants the opinion then given upon that head.

But how happened it that so many of the disaffected were chosen into the electoral corps as to give the royalists a preponderance there? How could a people, attached to the Revolution, commit the care of it to those who were its foes, especially to such as, by their station and character, were universally known to be such? This touches a subject extremely interesting: for it leads to facts over which a veil has yet been thrown, but to which history will doubtless do justice; and in which case it will present to view a scene of horror, in some respects perhaps not less frightful than that which was exhibited under the reign of terror. Behind the curtain, as it were, for it has made but little noise in several of the departments, the terrible scourge of terror has shifted hands, and latterly been wielded by the royalists, who, beginning with the subaltern and perhaps wicked agents of the former reign, had persecuted and murdered many of the soundest patriots and best of men. To such a height had this evil risen, and so general was the imputation of terrorism, that, in certain quarters, the patriots in general were not only discouraged, but, in a great measure, depressed. It is affirmed to be a fact, by those who ought to know, and who merit belief, that in some of those quarters, and even where the preponderance, in point of numbers, was greatly in their favor, none attended the primary assemblies; and that, in others, a few only attended, and who took no part in the proceedings. This, therefore, will account why the royalists took the lead in those assemblies, and why so many of them were chosen in the electoral corps.

But by what strange vicissitude of affairs was this effect produced? How could it happen under an administration unfriendly to royalty? In truth the explanation is distinctly marked by preceding events, and has been in part unfolded in preceding communications. Terrorism, or what was then called so, the persecution of the royalists, had gone to such a length that it became indispensably necessary to end it. To this object, therefore, the whole force of the Government was directed, and with effect: for it was accomplished. But, in striking at terrorism, perhaps by the unguarded manner of the blow; perhaps by those consequences which were inseparable from such vibrations, and which I deem the most likely; an elevation was given for a while to the opposite extreme. The terrorism of that day was the excess of the passion for liberty, but it was countenanced by those in office, as necessary, in their judgment, to bring about the Revolution; nor were its acts displayed in private assassinations. On the contrary, they were sanctified by public judgments and public executions. The most culpable, therefore, were those who expiated for their crimes on the 9th Thermidor; but, with others in general, and even where the excess was criminal, the intention was otherwise. At that point, therefore, which discriminated between the vicious extravagancies of the moment, and the spirit of patriotism itself, should the scale have been suspended; and there, by the law, it was suspended: for I do not recollect any act of the Convention which passed beyond it. Special outrages were, it is true, specially corrected; but, even in these cases, I do not know any instance where the correction was disproportionate to the offence. But, so nice was the subject upon which they had to act, and so delicate is the nerve of human sensibility, that it was impossible for the Government, under existing circumstances, to moderate its rigor towards the royalists, without giving, in a certain degree, encouragement to royalty. In this, therefore, it is to be presumed the late event will produce a beneficial effect: for, as the views of the royalists were completely unmasked, and defeated, and which were always denied to exist, until they were thus unmasked, it cannot otherwise than tend to open the eyes of the community in that respect, and in the degree to repress the arrogant spirit of royalty. To your judgment, however, these facts and observations, in respect to the late movement, are respectfully submitted.

I have lately been honored with your several favors of May 29, June the 1st and 7th, and of July 2, 8, 14, 21, 29, and 30, all of which came to hand about the same time, and generally by the route of England; and to which I will certainly pay the utmost attention. As, however, this letter has already gone to an unreasonable length, and especially as I wish you to be correctly informed of the character and fate of the movement in question, I think it best to despatch this immediately, reserving a more particular reply to those favors for a future communication. For the present, however, permit me to add, that, as yet, no complaint has been made to me against the treaty; nor have I heard any thing from the committee on the subject, since the application requesting information in what light they were to view the reports respecting it, and which was made soon after the treaty was concluded. If any thing is intended to be said, I think it will not be said until after the new Government is organized; nor then, until after it is known that the treaty is ratified; and, in which case, I have reason to apprehend I shall hear from them on the subject. I trust, however, let the event in that respect, or the opinion which the committee may entertain, be what it may, I shall find that the same amicable and dispassionate counsels still prevail towards us that have been shown for some time past. To inculcate which disposition, not only by the documents and lights derived from you, but by such others as my own imperfect experience, and often too wandering judgment, have supplied, has been, and be assured will continue to be, equally the object of my most earnest wishes, and undeviating efforts.

P. S. As the vessel by which this will be forwarded will not sail until a gentleman, who is now here, arrives at Havre, I have kept the letter with me for the purpose of adding to it what might immediately happen before his departure. On the day after to-morrow, the new Government is to convene, and the prospect is now favorable that it will then convene, and precisely upon the ground stated in the preceding letter. Some symptoms were latterly seen which gave cause for apprehension that the expiring moments of the Convention would be moments of great agony and convulsion. Denunciations and counter denunciations were made, proceeding from causes connected with the late movement; but happily these are over, without producing any serious effect. A commission of five was appointed to make a supplemental report respecting that movement, and it was expected by many it would end in a proposal to annul the proceedings of several of the departments, whose primary assemblies were said to be under constraint by the royalists, and probably, also, in the arrestation of several deputies; but that commission has freed every one from uneasiness on that account, by a report just made; and which proposes only some new provisions for the trial of offenders in that movement, and others in several of the departments, who have committed atrocities of various kinds, under the pretext of punishing the terrorists. Every moment must be deemed critical in the existing circumstances of this country; being at the eve of a great revolution, a transition from one government to another; and especially when it is known that there is a party, not despicable in point of numbers, and less so in activity and talents, always ready to seize every incident that occurs, to throw every thing into confusion; and which party is connected, not only with the emigrants abroad, but with the surrounding Powers, by whom the necessary means are furnished for the purpose. But yet it seems as if the Convention would retain its strength to the last moment of its existence, and transmit its powers unimpaired to its successor. The decrees are said to be universally observed, and the leading members of both sides of the house are, in general, re-elected; these are to elect the others, so as to make up the two-thirds of the new Government.

Lately, Jourdan received a check on the other side of the Rhine, and which occasioned his falling back to the Rhine; upon which river both his and Pichegru's army are posted. The cause of this is not distinctly known; but certain it is, that the deputy of the military section of the committee of public safety has been since arrested, upon a suspicion of treachery; as are three others, upon a charge of treasonable correspondence with their enemies; but with what propriety I do not pretend to determine. It is worthy of remark, that it was known in England and in Basle, before it happened, that there would be a movement here at the time it happened; at which time, too, the Count d'Artois landed from England upon the Isle of Dieu, near the French coast, opposite the Vendée, where he still is.

A report was yesterday made to the Convention, of an important advantage gained in a rencounter in the Mediterranean, in which the French took a ship of the line and damaged greatly two others; and likewise took fourteen merchant ships, richly laden, and estimated at an enormous sum. Two other advantages in other quarters are spoken of, still more signal than this, but not by authority.

Moneron is returned; but whether by order of the French Government, (as I suspect, and in consequence of the fortunate issue of the late movement) or the failure of his mission, be it what it might, is uncertain. Be assured, if Mr. Jay's treaty is ratified, it will excite great discontent here. Of this, however, I shall be able to speak with more certainty after the new Government is organized.

Mr. Monroe to the Secretary of State.

PARIS, November 5, 1795.

SIR:

On the 27th ultimo the Convention ended its career, by declaring that its powers ceased; and immediately afterwards the installation of the new Government began in the same hall, by a verification of the powers of its deputies, and their distribution into two branches, according to the mode prescribed in the constitution; and which was completed in that and the succeeding day. It was found upon inspection, that the decrees heretofore noticed were universally obeyed, and that, of the two-thirds of its legislative branches who were to be taken from among the members of the Convention, more than a majority were elected by the departments, so that the duty imposed upon those who were elected, of supplying the deficiency by their own suffrage, became proportionably more easy and less objectionable. This, therefore, was immediately executed by ballot; and, after which, the interior organization of each branch followed, and which took up a day or two only; then the members of the directoire, or executive, were chosen, and which was done on the 31st ultimo, and whereby the new Government was completely installed.

When I observe that the scene, which was exhibited upon this great occasion, resembled, in many respects, what we see daily acted on our side of the Atlantic, in our National and State Assemblies, you will have a better idea of the tranquillity which reigned throughout, than I can otherwise describe. Nor shall I be accused of an unbecoming partiality, if I draw, from the increasing similitude in their and our political institutions, which this constitution and other proceedings furnish, the most favorable hopes of the future prosperity and welfare of this republic.

The adoption of a new constitution, founded upon the equality of human rights, with its legislative powers distributed into two branches, and other improvements in the executive and judiciary departments, though still perhaps imperfect, yet certainly far beyond what past experiments here gave reason to expect, is an event of great importance, not only to France, but perhaps to mankind in general. Its complete inauguration, too, assures us that its merits will be tried; though, indeed, under the existing circumstances of a war with the neighboring Powers, who are interested in its overthrow; of a strong party within, incessantly laboring to promote the same object; together with the derangement of the finances and other embarrassments which were inseparable from the difficulties they had to encounter; the experiment ought not to be called a fair one. If, however, it does succeed, and the republican system is preserved here, notwithstanding the various and complicated difficulties which opposed its establishment, and still shakes its foundation, it will certainly furnish a complete refutation of all those arguments which have been, in all ages and nations, urged against the practicability of such a Government, and especially in old countries.

Reveillere, Lepeaux, Rewbell, Sieyes, Le Tourneur, and Barras are elected into the directoire; and who are all distinguished for their talents and integrity, as likewise their devotion to the Revolution; a circumstance which not only furnishes reasonable ground whereon to estimate the principles of those who choose them, but which will likewise tend essentially to give stability to the Revolution itself.

I write you at present only to communicate this important event, and will hereafter, as heretofore, keep you regularly advised of what shall appear to me to merit communication.

P. S. Sieyes has declined accepting his seat in the directoire, and Carnot is appointed in his stead.

Mr. Fauchet is lately arrived, and as he appears to be extremely dissatisfied with Mr. Jay's treaty with Great Britain, and is, apparently, well received by his Government, I doubt not his communications on that head will be attended to.

Mr. Pickering to Mr. Monroe.

DEPARTMENT OF STATE, November 23, 1795.

SIR:

The office of Secretary of State is yet vacant. I write now merely to acknowledge the receipt of your several letters, numbered 16, 17, 18, 19, 20, and 21.

You will see an answer to the last has been anticipated, by a long letter from me, dated in September, on the subject of the treaty between the United States and Great Britain. By that letter, you will understand that the ideas you have detailed are quite foreign to the views of the Government of the United States.

Your suggestions in regard to Mr. Parish, our consul at Hamburg, have led me to remind Mr. Adams of a request formerly made to him, to inquire into his conduct, and report the same to this Department. Such I understand to be the fact, and that no report has yet been received.

I am, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, December 6, 1795.

SIR:

I was lately honored with originals and triplicates of your favors of the 12th and 14th of September last.* The duplicates are yet to be received.

By the first of these letters, I learn that the President has ratified the late treaty with England; and by the second, the measures taken to vindicate our territorial rights, that were violated by the captain of a British frigate, in an attempt to seize Mr. Fauchet, the late French minister, within our jurisdiction, on his return home; and to which communications due regard shall be paid, as occasion requires.

*Ante, pages 596, 666.

That the treaty was ratified, was a fact well established here, before the receipt of your favor. It was, indeed, generally credited before the arrival of Mr. Fanchet, by whom it was confirmed, and afterwards doubted by none. As I had no reason to presume, from any communication from your Department, that the contrary would be the case, so I had never calculated on the contrary; nor had I given this Government any reason to calculate on the contrary; having left it to form its own judgment on that point, according to its own lights, so that, in this respect, I have nothing wherewith to reproach myself on the score of discretion.

The effect which this incident produced in the councils of this country, through its several stages, may be traced in my former communications, and to which I beg to refer you. To these, I have at present nothing material now to add. Symptoms of discontent, it is true, are still seen; but whether they will assume an aspect more unpleasant, I know not. If they do, or any thing occurs of sufficient importance to merit your attention, I will certainly apprise you of it, and without delay.

You likewise saw, by my former communications, that I understood and acted upon that part of my instructions, which explained the object of Mr. Jay's mission to England, differently from what it appears, by your favor of the 12th of September, and by Mr. Randolph's of the 1st of June preceding, it was intended I should understand and act on it; and whereby I was placed, by the course of events, in a very delicate and embarrassing dilemma, from which, indeed, I am not yet perhaps fully extricated, though I hope and think I am. Upon this head, I have only now to observe, that, as soon as I had reason to believe that Mr. Jay's instructions embraced objects which I had before thought they did not, I profited of what I heard, and acted accordingly; keeping out of view, so far as depended on me, what had before passed between the Government and myself upon that subject, and to which I with pleasure add, that I have never heard the least intimation on it since. In reviewing this particular trait in my conduct here, you will, I doubt not, do me the justice to observe, that when I made the suggestion alluded to, it was not rashly done, nor without sufficient motive; on the contrary, that (paying due regard to the actual state of our affairs at the time) I was called on to make it by considerations the most weighty, and which ought not to have been dispensed with; considerations, however, which I now forbear to repeat, having heretofore sufficiently unfolded them.

I have the pleasure to enclose you the report of Mr. Skipwith, upon the subject of the claims of many of our citizens who were heretofore injured by the occurrences of the war, and in consequence entitled to indemnities, and by which you will find that many of those claims are settled, and derive useful information in respect to others.

I likewise send you a letter from Mr. Fenwick, explaining his conduct in regard to the charge exhibited against him in your Department. As Mr. Fenwick has always proved himself to be an useful, indeed a valuable, officer in the station he holds, and as the error imputed to him might be the effect of judgment only, and which I think it was, I have thought I could not better forward your views, or the interest of my country, than by continuing him in the discharge of the duties of his office, till the President shall finally decide in his case. He will doubtless communicate with you on the subject, so that the interval will not be great before I have the decision in question, and which will, of course, be duly executed.

Two days since, Count Carletti, minister from Tuscany, was, in consequence of some offence given by him to the Government, ordered to depart from Paris in forty-eight hours, and the bounds of the republic in eight days. It is said the offence consisted in a demand made to visit the daughter of the late King, of whom he spoke in terms of extreme commiseration, and which was thought to be not only an interference in concerns exclusively their own, but to have thrown some reproach on the French Government. The count, I hear, departs to-night, by way of Marseilles.

Soon after the Government was organized, the minister of foreign affairs announced a day on which the directoire would receive the ministers of foreign Powers; and who were requested to rendezvous for that purpose at his house, to proceed thence to that of the directoire. We did so, and were presented, without regard to precedence, to that body, and whose president addressed the whole diplomatic corps in a short discourse, the principal object of which was, to assure it of the cordiality with which it was welcomed here by the representatives of the French people, which he contrasted with the pomp and ceremony of the ancient court, which, he said, was neither cordial nor fraternal. I mention this latter circumstance merely to contradict the account given of the address by the journalists, and who made a particular speech for the president to each minister.

Manheim has certainly fallen again into the hands of the Austrians, with the garrison; the amount of which is not known, but presumed to be several thousands. But, in Italy, the fortune of the war is on the side of France: for the same day which announced the capture of Manheim, announced likewise a great and decisive victory over the Austrians in the other quarter. The details of the killed and wounded are also not yet accurately known; but it is understood that four or five thousand are taken prisoners, many slain, and the whole army put completely to rout.

Since the organization of the new Government, the character and deportment of all the departments are essentially improved. The legislative corps, in both its branches, exhibits, in the manner of discussion, a spectacle wonderfully impressive in its favor, when compared with what was daily seen in the late Convention. And the executive departments begin to show an energy which grows out of the nice partition of their duties, and the greater responsibility that belongs to each. In truth, the vibration from the system of terror had, by the force of moral causes, gone so far, and produced so deep an effect, as to have greatly relaxed the whole machine of Government. It was certainly felt in the departments, in the public councils, in foreign negotiations, and in the armies. A short space of time, however, will now show how far the change which has taken place in the Government, will furnish the means of an adequate remedy.

Mr. Pinckney has, I hear, closed his business in Spain to his satisfaction, and is now on his route back, intending to take Paris in his way. I trust this report is, in every respect, well founded; of which, however, you will doubtless be correctly informed before this reaches you.

P. S. Count Carletti has notified to the French Government that he cannot depart without the consent of his own.

Mr. Monroe to the Secretary of State.

PARIS, December 22, 1795.

SIR:

Since my last, I was favored with yours of the 9th of October, and a quadruplicate of that of the 12th of September; of which latter, the original and triplicate were before acknowledged.

Since my last, too, I have received a note from the minister of foreign affairs, complaining of the conduct of Mr. Parish, our consul at Hamburg, in granting passports for France to British subjects, equipping the emigrants, and acting in all cases as the English agent; a copy of which note, and of my reply, are herewith forwarded you. I hear, also, that his conduct was even more reprehensible than is stated by the minister: for that he not only equipped the emigrants, but did it in American bottoms, with a view of protecting them under our flag. In calling your attention to this subject, permit me to add, that two American citizens, Benjamin Jarvis and Thomas Randall, both of New York, the former a respectable merchant, as has been represented to me, and the latter known to the President as captain of artillery in the late war, and lately as vice consul at Canton, in China, have requested me to communicate to you their wish to obtain appointments in the consulate, in any of the respectable ports of France, or other European ports connected with the trade of France; and that I have reason to believe they would, either of them, be happy to accept the appointment in question. In case Mr. Parish is removed, permit me further to suggest the propriety of giving to his successor two commissions; one for Hamburg, and the other for Altona, in the neighborhood of Hamburg, but under the jurisdiction of Denmark. Much business is done at Altona, on account of the greater freedom of its trade: for Hamburg, though in some respects a free and independent city, yet in others it feels

the influence of the Emperor, and is therefore a less eligible port for mercantile transactions, and especially those connected with France.

I sent you, with my last, a report of Mr. Skipwith upon the cases submitted to his care for adjustment with this Government, and shall continue to give him all the aid in my power in those cases which remain unsettled, and apprise you regularly of the progress. To that of Mr. Girard, due attention shall certainly be paid.

At present, no symptoms of an approaching peace are to be seen, unless, indeed, the most vigorous preparations for the continuance of war may be deemed such, and which sometimes happens. The directoire has called on the Legislature for a supply of six hundred millions, in specie, which was immediately granted by a law which proposes raising it in the form of a loan; of which I send you a copy. The greatest possible exertions are making by that body, and which seem to be supported by the Legislature, in putting the armies, the fleets, and the interior, into the best possible order; and so far as I can judge from appearances, these exertions seem to produce the effects that are desired from them: for, to those who are friendly to the Revolution, they give confidence; and from those who are not, they command respect. It is said, that Pichegru and Jourdan have lately gained several important advantages over the Austrians, in actions which, though not general, were nearly so; and that, in the result, they have resumed their station before Mayence. The former part of this report is, I believe, to be depended on; the latter wants confirmation. In Italy, the troops of this republic continue to reap new successes; in which quarter, indeed, since the victory mentioned in my last, they have met with but little opposition.

Latterly the views of Prussia have become more doubtful than they were before. The conduct of Prince Hohenloe, who commanded the Prussian troops at Frankfort, in the neighborhood of the French and Austrian armies, during the retreat of the former, and who were stationed there to preserve the line of neutrality in favor of Prussia, it is said, could scarcely be deemed neutral. For the civilities which were shown by him to the Austrians upon that occasion, it is said, he has been rewarded since by some complimentary attention from the Emperor. The Dutch appear apprehensive that the King of Prussia will seize a suitable opportunity, if any offers, to favor the restoration of the Stadtholder; and it is possible the conduct of the Prince Hohenloe, above referred to, may have increased that suspicion, by giving an insight into what might be the views of the Prussian cabinet, in case the retreat had continued; or any great reverse of fortune should hereafter befall the French arms. It is certain, however, that moments of difficulty are always moments of great jealousy; and that sometimes, upon such occasions, suspicion is thrown upon those who do not deserve it.

The Count Carletti, late envoy, &c. from Tuscany, left Paris some four or five days since. He had refused going until he had heard from the Grand Duke; and remained, notwithstanding the reiterated orders of the directoire. Finally, however, he was ordered to depart in twenty-four hours, (this was not done before as I stated in my last) with intimation that force would be used to compel him, in case he did not. He still held out, however, the flag of defiance. The twenty-four hours expired, at which moment a commissary, with a carriage from the Government, waited to receive his orders for departure; or, in other words, to take the Count by force, and conduct him safe beyond the bounds of the republic; which was accordingly done. The diplomatic corps was summoned, by a member either averse to this peremptory mode of proceeding, or friendly to the Count, to interfere with the directoire in his behalf; but several members of that corps were of opinion, that, although sometimes a demand is made on the Government of a minister who gives offence, to recall him, yet there is no obligation on the Government offended, by the law of nations, to take that course; but that it may take any other, and even upon slight occasions, to rid itself of him, more prompt and summary, if it thinks fit; and, in consequence, no step was taken by the diplomatic corps on the subject.

I enclose you, also, a note from the minister of foreign affairs, complaining of the seizure and condemnation of the corvette *Cassius*; which, he says, is in violation of the treaties between the two republics; and to which I replied, that I would present the subject to your attention; and doubted not I should be enabled to give a satisfactory answer thereon.

Mr. Monroe to the Secretary of State.

PARIS, January 26th, 1796.

Some weeks past, the property of William Vans, a citizen of the United States, was attached by Joseph Sands, another citizen of the said States, in a tribunal of France at Havre; where the cause was sustained, and judgment rendered in favor of the plaintiff. From this judgment the defendant appealed to the superior tribunal of the department at Rouen, where I believe it is now depending. As soon as the suit commenced, Mr. Vans applied for my interference; claiming by the twelfth article of the consular convention between the two republics, an exemption, at the instance of a fellow-citizen, from the tribunals of the country; the cognizance of such controversies being, as he supposed, thereby exclusively vested in the consuls of each nation, within the jurisdiction of the other. I examined attentively the convention, and was of opinion, that the construction insisted on by Mr. Vans was sound; but yet, as the subject was important in respect to the principle, and questionable in point of policy, I wished to decline any interference in it, till I had your instruction. He continued, however, to press me; saying that if such was the import of the article, it vested in him a right which I ought to secure him the enjoyment of; the deprivation of which, too, in the present instance, would be his ruin: for that the execution of the judgment by the sale of the merchandises attached at Havre, where there was no demand for it, would not only subject him to a severe loss, but that he was likewise sued for the same sum in America, and where judgment would probably, likewise, be rendered against him. Finally, therefore, I did apply in his behalf, by a letter to the minister of foreign relations, of which I send you a copy; explaining my idea of the import of the treaty in the case in question; and requesting that the Executive (so far as depended on that branch, and provided it concurred with me in opinion) might cause the same to be executed; and to which I have yet received no answer, though I am assured verbally, that the directoire concurs with me in the construction; and that a correspondent intimation thereon will be given by the minister of justice, to the court where the suit now is; with whom it will probably be decisive. I state this case that you may apprise me how it is the wish of the President I should act in cases of the kind in future, and even in the present one, if not finally settled before I hear from you; and which may probably happen. If it is wished that such controversies should be decided by the courts of the country, I doubt not such a construction and practice will be agreeable to this Government; but if the contrary is preferred, you will, I presume, see the necessity of prescribing, by the suitable authority, how the consular courts are to be held, how their process is to be executed, and appeals conducted.

As connected with this subject, permit me to call your attention to another, upon which I likewise wish to be instructed. For the port of Havre there are at present two consuls, or rather a consul and a vice consul; both of whom, Mr. Cutting and Mr. Lamotte, are recognized by this Government. Was it intended the latter commission should supersede the former; or is it intended that both should exist at the same time; the power of the vice consul being dormant only when the consul is present? I wish to know in what light I am to consider these appointments, since thereby I shall likewise know to whom I am to look for the performance of the consular duties of this port.*

A third one of the same kind occurs, and which I think proper to mention to you. Sometime since, Mr. Pitcairn was appointed vice consul for Paris, and in respect to which appointment, I deemed it my duty to present before you several considerations, growing out of his character as a British subject, and the actual state of things here; which made it inexpedient to demand his recognition of this Government, until after they were weighed, and I, in consequence, further instructed on that head. These were stated in my letter of the 17th May last, and to which, as yet, I have received no answer. As Mr. Pitcairn probably expects to hear from me on this topic, I shall thank you for information of what I am to say to him, and how I am to act in that respect.

* Both of these gentlemen are men of merit and great respectability. I wished only the principle settled.

The collection of the forced loan continues, and will, I think, succeed. But what its product will be, is a point upon which there is a diversity of opinion. Some think it will fall short of the sum at which it was estimated, whilst others carry it much beyond that estimation. Certain, however, it is, that by means thereof the embarrassments of the Government will for the present be relieved, and time given for the maturity and adoption of a more complete system of finance; which subject is now under consideration of the council of five hundred.

About the twenty-fifth of December last, a truce was asked by the Austrian Generals Wurmser and Clairfait, of Pichegru and Jourdan, for three months, and granted, subject to the will of the *directoire*, by whom, it is said, it was allowed for one only; the report, at first circulated, that it was wholly rejected, being without foundation. Whether it will be prolonged, admitting the term as here stated to be correct, is unknown, as likewise is the motive of Austria in asking, or of France in granting it. The presumption is, it was to try the experiment of negotiation in the interim; and such is the report. And it is likewise presumable, that such an experiment was made or is now making; but, from what I can learn, there is little prospect of its producing a peace. It will be difficult to part Austria from England, whilst the latter supplies the former with money to carry on the war, and which she will probably continue to do, whilst she carries it on herself. The present prospect, therefore, is, that Europe is destined to sustain the waste and havoc of another campaign, for, superior as England is at sea, with the recent conquest of the Cape of Good Hope, it is not probable, if she escapes an internal convulsion, the symptoms of which have diminished of late, that she will restore every thing on her part, and leave France in possession of the Belgic, and without which, I think France will not make peace. A doubt, indeed, has latterly been circulated, whether England will make any sacrifice in favor of the Emperor; whether, in short, she would agree to restore the possessions taken by her from France and Holland, as a consideration for the restoration of the Belgic to the Emperor. It is even added, that intimations have been made by her, that, if France will leave her in possession of her conquests from Holland, she will restore every thing taken from France, and leave her in possession of St. Domingo and the Belgic. If this be true, and it be credited by the Emperor, it will certainly tend to weaken, and perhaps absolutely to dissolve the connexion between England and Austria.

I communicated to you, in two preceding letters, the application of Count Carloti, minister from Tuscany, for permission to visit the *unfortunate young princess*, &c. and the displeasure which that demand gave to the *directoire*, who suspended his powers immediately, ordered him to leave the republic forthwith, and, finally, sent him, by force, beyond its limits. It was apprehended, by many, that this peremptory mode of proceeding would give offence to the Grand Duke; the contrary, however, was the case: for, as soon as he heard of the transaction, he despatched another envoy to the *directoire*, to disavow the demand of Carloti, and declare his respect for the French Government, and such was the solicitude for his hasty departure, that he actually departed without the ordinary credentials, bearing simply a letter of introduction from the Grand Duke himself. Thus, therefore, this business has ended, without producing any injury to the French republic, whilst it is a proof of the energy of its councils, and of its decision upon the delicate subject to which it refers.

On the 21st instant, being the anniversary of the execution of the late King, the members of the legislative corps of the *directoire*, and all public officers, took a new and solemn oath to support the constitution, or, rather, of hatred to royalty. The *directoire* gave, on the same day, what is called a *fête* in the *champ de Mars*, where an amphitheatre was erected, and from whence the President, surrounded by the other members, and all the ministers of the Government, delivered an oration suited to the occasion, to a numerous audience. It seems to be the policy of the existing Government to revive the zeal of the people in favor of the republic, and of the revolution; and measures of this kind are certainly well calculated to produce that effect.

P. S. Since writing the above, I have heard, through a channel that merits confidence, that the term of the truce is prolonged, and which strengthens what I intimated above, that a negotiation is depending with Austria. The recent departure, too, of one of the Dutch ministers for Holland, after a conference with the *directoire*, and which took place about the time the truce was, probably, prolonged, is a circumstance which I think proper to communicate, since it gives cause to suspect, if a negotiation is depending, it treats for a general, and not a partial peace.

Mr. Monroe to the Secretary of State.

PARIS, February 16th, 1796.

I think it my duty to state to you, and without delay, a communication made me yesterday by the minister of foreign affairs, of a very interesting nature. I called to represent to him the distress of several of my countrymen, occasioned by the protest, at Hamburgh, of bills given them for supplies rendered the Government, and to request his aid with the *directoire* to obtain them relief. This application was intended to harmonise with one that was making informally by our consul general, with the *directoire*, and which was arranged, in a manner to present the demands of the claimants before that body, in a forcible manner, and, at the same time, without wounding its feelings. But, before I entered on this subject, my attention was called to another, more important, and upon which he seemed pleased with the opportunity of addressing me. He observed that the *directoire* had, at length, made up its mind how to act, in regard to our treaty with England; that it considered the alliance between us as ceasing to exist from the moment the treaty was ratified, and had, or should, appoint an envoy extraordinary to attend and represent the same to our Government: that the person in view was known and esteemed in our country, and who would be specially commissioned on this business, and whose commission would expire with it; that Mr. Adet had asked and obtained his recall, but did not say whether any other minister would be appointed in his stead for the present, though, as connected with Adet's resignation, it is reported that Maret, lately returned from captivity in Austria, is to succeed him. The minister added some general observations on the treaty, tending to show that it was considered as throwing us into the scale of the coalesced powers, observing that he should hand me an official note on this subject, being ordered so to do by the *directoire*. As no specific objection was stated, I could make no specific reply. I expressed to him, however, my astonishment and concern at the measure spoken of, and inculcated, in the short time I remained with him, (for he was upon the point of going out) the propriety of candor in the discussion of the treaty, in its several parts, and the benefit of temper in all transactions with us, since we were certainly their best friends. To this he made no answer, and whereupon I left him. I have since heard nothing from him on the subject. I mean to see him, however, to-day, and, in case he permits me to act on the communication as an official one, to demand an audience of the *directoire*, to endeavor to divert it, if possible, from the measure contemplated; of which, and of the business generally, I will write you again in a day or two.

Mr. Monroe to the Secretary of State.

PARIS, February 20th, 1796.

SIR:

Immediately after my last, of the 16th of February, was concluded, I demanded, and had a conference with the minister of foreign affairs, upon the communication given in that letter.

I represented to him that the information he had given me, of the intention of the *directoire* to appoint an envoy extraordinary to repair to the United States, to declare to our Government the dissatisfaction of this, in respect to our treaty with Great Britain, had penetrated me with the deepest concern, because I feared, from a measure so marked and conspicuous, the most serious ill consequences, both to them and to us. I stated to him that such a

mission was calculated to make an impression in America, and throughout the world; not only that they were dissatisfied with us, but, that even the issue of war and peace was suspended on the issue of the mission; that their and our enemies would rejoice at the event, whilst theirs and our friends would behold the spectacle with horror: that the mission itself would place both republics in a new dilemma, and, from which, they could not both well extricate themselves with honor; that something was due, in the opinion of the world, to the character of the mission—its success must be brilliant, or the public would be disappointed, and this might induce them to insist on terms they would not otherwise have thought of, and which would increase their mutual embarrassments; that, as soon as the mission was known to foreign powers, they would commence their intrigues to make it the means of separating us; that all were interested in our separation, none in our union; and, that our separation was an evil to be deprecated by both parties: that the success and terror of their arms might diminish the number of their active enemies, but, as we had never confided in the friendship of any power but in that of France, so I was satisfied they had no real friend except America; that republics could never count upon the friendship of monarchies; if they did count upon it they would be always deceived. Peace there might be, but peace and friendship did not always mean the same thing.

I observed further, that France had gained credit by her late conduct towards us. For whilst England had seized our vessels, and harassed our trade, she had pursued an opposite, and more magnanimous policy; and which had produced, and would continue to produce, a correspondent effect, by increasing our resentment against England, and attachment to France. But as soon as the latter should assume an hostile or menacing deportment towards us, would this motive diminish, and the argument it furnished lose its force? That by this, however, I did not wish to be understood, as advising that well founded complaints, if such existed, or were thought to exist, should be withheld: on the contrary, I was of opinion, they should be brought forward, as well to obtain redress where it was wished, and could be given, as to make known, in a frank and friendly manner, the sentiments which each entertained of the conduct of the other, in case that were interesting to it. That on my own part, I was always ready to enter into such explanations, when required, and would do it in the present instance with pleasure; since, by being possessed of our view of the subject, they would be better able to decide, whether the complaint was well or ill founded, and of course how far it merited to be considered in that light. In short, I used every argument that occurred, to divert the Government from the measure proposed, assuring him, in the most earnest manner, that I was satisfied it would produce no good effect to France; on the contrary, that it would produce much ill both to her and to us.

The minister replied, that France had much cause of complaint against us, independently of our treaty with England, but that, by this treaty, ours with them was annihilated. That the directorate considered our conduct, in these respects, as absolutely unfriendly to them, and, under which impression, that it was their duty so to represent it to us: that the mode which was proposed of making such representation had been deemed mild and respectful, and as such ought not to give offence. He admitted, however, that the objections I had stated against it were strong and weighty with him, and that he would immediately make them known to the directorate, and by whom, he doubted not, all suitable attention would be paid to them. Since this I have not seen him, but propose seeing him again, either to-day or to-morrow, on this subject; and, after which, I will immediately apprise you of the state in which it may be.

This affair has given me great concern, because it opens a new era upon us; and whose consequences, unless the measure itself be prevented, may be of a very serious kind. I shall do every thing in my power to prevent it, and, in any event, communicate to you, and with the utmost despatch, every incident that turns up connected with it.

So far, my object has been to break the measure in question; and after which, if effected, I shall most probably be called on for explanations of the treaty complained of; and, in which case, I shall of course avail myself, in the best manner possible, of those communications which have been heretofore received from your Department.

The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

PARIS, March 5, 1796.

Being informed by you that the executive directory considers the late treaty between the United States of America and Great Britain as derogating, in some respects, from the treaties of alliance and commerce subsisting between the two republics, and that your minister, who is about to depart hence for the United States, will be instructed to represent the same to our Government, I have thought it my duty to ask an audience of the executive directory upon that subject, not doubting that the explanations I shall be able to give thereon will make on that body an impression sufficiently satisfactory to merit all its attention. Permit me, therefore, to request, citizen minister, that you will be so obliging as to obtain for me an audience from the executive directory upon that subject, at such time as may be most convenient for that body to receive me.

The Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 17th Ventose, (March 7th, 1796) 4th year of the republic.

I have the honor to inform you, citizen, that the executive directory will receive you to-morrow, the 18th instant, at ten in the morning.

CH. DE LA CROIX.

Mr. Monroe to the Secretary of State.

PARIS, March 10th, 1796.

I informed you, in my two last of the 16th and 20th ultimo, of a communication made me by the minister of foreign affairs, that the directorate had resolved to send an envoy extraordinary to the United States, to remonstrate against our late treaty with England, and of my efforts to prevent it; and I have now the pleasure to add that I have reason to believe those efforts have been successful, the minister having assured me, in a late conference, that the directory was disposed to accommodate in this respect, and to make its representations, on that subject, through the ordinary channel. He repeated, however, upon this occasion, in terms equally strong with those he had used before, the sense which, he said, the directory entertained of the injury done to France by that treaty, and upon which explanations were expected, and would be sought.

I asked him what were his objections to the treaty, to which he replied, as before, in general, rather than in precise terms; urging that thereby we had violated our treaties with France, and greatly to her injury in the present war. I replied, that it was not admitted by our Government, that any, the slightest, deviation was made from our treaties with this republic; nor ought it to be presumed, until it was shown that such was the case, especially as I had before informed him, and now repeated my willingness to discuss that point, whenever he thought fit. He intimated that I should certainly hear from him on the subject, and in time to receive a reply, and attend to any observations I chose to make on it, but being now before the directory, he could not well enter on it in the manner I proposed, until he had the further orders of that body in that respect. Thus, therefore, the matter now stands, and I have only to repeat to you my assurance that I shall continue to pay to it all the attention it deservedly merits.

The state of affairs here has not varied essentially of late, either in the internal or in the external relations of the republic. The forced loan was less productive than it was expected to be, and of course the relief it gives must be considered as partial, and temporary only. Nor is any system yet adopted to supply what will be necessary, after the amount thus raised is exhausted; though, as the subject is still under discussion, it is possible this may yet be done. On the other hand, the directory, by means of the organization and police, seems to gain strength, and to which a late measure has essentially contributed. At the Pantheon, and other quarters, there were nightly meetings of people, not inconsiderable in point of numbers, and who complained of various grievances, as they said, from the actual Government, and which ought, therefore, to be changed. The directory had its eye upon those assemblages, and, as I hear, gained full proof that they were put in motion by foreign influence; and under the mask of patriotism, more effectually to promote the purpose of disorganization, and in consequence shut the doors of the houses where they resorted. As many of those who were at the head of those meetings were active and ferocious agents in the popular societies during the reign of terror, and were probably then moved by the same cause, this discovery, if to be relied on, tends to throw great light upon the source to which the atrocities that were then practised ought to be ascribed. Time, perhaps, and especially if the Revolution weathers the storms it has yet to encounter, will doubtless more fully unfold the real authors of those scenes, which were so frightful to humanity, and disgraceful to man; and that they may be discovered must be the wish of all those who are the friends of truth, wherever they reside.

Prussia has, in the course of the winter, increased her force forty or fifty thousand men, and, it is said, exhibits a menacing aspect towards Holland, though her minister continues here, and is apparently well received. Spain, too, continues her military establishment as before the peace, and whose minister, Del Campo, is daily expected from England, where he has long resided. The probable conjecture, with respect to Spain, is, that as she feared an attack from England when she made her peace with France, so she finds it necessary to guard herself against it, by suitable precautions, till the war ends. Russia, it is believed, contemplates a blow against the Turks, in the hope now that Poland is annihilated, France otherwise sufficiently occupied, and the other Powers in amity with the Empress, to wrest Constantinople from the Porte, which has long been the object of her inordinate ambition. On the other hand, France seems to be collecting her forces together, and to exert every nerve her system admits of, in preparations for the war; exhibiting to her enemies a countenance firm and independent, and announcing to the beholding nations her resolution to conquer or to perish.

The Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 21 *Ventose* (11th March, 1796.)

4th year of the republic.

I address to you, citizen, a copy of a summary exposition of the complaints of the French republic against the United States of America. I often and very sincerely wish that your Government, better enlightened upon its true interests, will be disposed to give us complete satisfaction.

CH. DE LA CROIX.

A summary exposition of the complaints of the French Government against the Government of the United States.

First COMPLAINT. The inexecution of treaties.

1. The courts of justice in the United States have taken, and continue daily to take, cognizance of prizes, which our privateers conduct into their ports, notwithstanding the express clause of the treaty, which prohibits it. Our ministers have proposed different arrangements to put bounds to this usurpation; the Federal Government had itself proposed measures in this respect: the first propositions were not accepted, and the last measures have fallen into disuse. The disgusts, the delays, and the losses, which result to our marine from a like state of things, are palpable. They almost deprive the republic of the advantage it ought to derive from this article of the treaty.

2. The admission of English vessels of war into the ports of the United States, against the express stipulation of the 17th article of the treaty: that is to say, when they have made prizes upon the republic or its citizens. The weakness with which the Federal Government yielded this point in the beginning, tended to increase the pretensions of Great Britain; so that, at present, the ports of the United States have become a station for the squadron of Admiral Murray, which for two years past has stationed there, to make excursions thence upon the American commerce, and destroy our property. This division carries its audacity even further, by conducting its prizes into those ports.

3. The consular convention, which makes a part of our treaties, is equally unexecuted in two of its most important clauses. The first, which grants to our consuls the right of judging exclusively all controversies which take place between French citizens, has become illusory, from a defect in the law, which gives to our consuls the means of executing their judgments. The consequences of this defect tend to annihilate the prerogatives of our consuls, and by means thereof to injure essentially our merchants. The second gives to our consuls the right of arresting our marine deserters. The inexecution of this part of the convention affects, beyond all expression, our maritime service, whilst our vessels are stationed in the American ports. The judges, charged by the law to deliver mandates of arrest, have lately required the presentation of the original register of the equipage, in despite of the 5th article of the treaty, which admits, in the tribunals of the two powers, copies certified by the consuls. Particular local considerations oppose, in a thousand circumstances, the presentation of the original register; and under these circumstances, the sailors always make their escape.

4. The arrestation in the port of Philadelphia, in the month of August, 1795, of the captain of the corvette *Cassius*, for an act committed by him on the high seas. This measure is contrary to the 19th article of the treaty of commerce, which stipulates "that the commandants of public and private vessels shall not be detained in any manner." It violates, moreover, the right of nations, the most common; which puts the officers of public vessels under the safeguard of their flag. The United States had sufficient proof of the respect which the republic entertained for them, to have counted upon its justice on this occasion. The captain has been imprisoned, though the consul of the republic supported the action, and with difficulty has he been released. The corvette, though regularly armed at the Cape by the General Lavaud, has been arrested (as it appears she still is) under the pretext that, eight months before she sailed from Philadelphia, she was suspected of having been armed in that port.

Second COMPLAINT. The impunity of the outrage made to the republic, in the person of its minister, the citizen Fauchet, by the English vessel, the *Africa*, in concert with the vice-consul of that nation.

The arrestation, in the waters of the United States, of the packet boat in which the minister sailed: the search made in his trunks, with the avowed object of seizing his person and his papers, merited an example. This insult was committed on the first of August 1795, and after which this vessel (the *Africa*) blocked up the rest of that month, at Newport, the frigate *Medusa* of the republic; nor was that vessel ordered to depart, till after this frigate had sailed, and which order was given for a new outrage committed against the United States, by a menacing letter; and, for a participation in which last insult, the exequatur of the English consul was withdrawn.

Third COMPLAINT. The treaty concluded in November, 1794, between the United States and Great Britain. It would be easy to prove, that the United States, in that treaty, have sacrificed, *knowingly and evidently*, their connexion with the republic; and the rights, the most essential and least contested, of neutrality.

1. The United States have not only departed from the principles that were consecrated by the armed neutrality, during the war of their independence, but they have also given to England, to the injury of their first allies, a mark

the most striking of a *condescension*, without limits, in abandoning the rule, which the rights of nations, their treaties with all other Powers, and even the treaties of England with most of the maritime Powers, have given to contraband. To sacrifice, exclusively to this Power, the objects which are necessary for the equipment and construction of vessels, is not this to depart evidently from the principles of neutrality?

2. But they have even gone further. They have consented to extend the denomination of contraband even to provisions. Instead of restricting it, as all treaties have done, to the case of an effective blockade of a port, as forming the only exception to the complete freedom of this article, they have tacitly acknowledged the pretensions of England to extend the blockade to our colonies, and even to France, by the force of a proclamation alone. This abandonment of the independence of their commerce is incompatible with their neutrality, as Mr. Jefferson has acknowledged, by his letter of the 7th September, to the minister plenipotentiary of the United States at London, upon the subject of the order of the 8th June, 1793. After this confession, after, above all, the tyrannical edicts of the King of Great Britain, whereby the commerce, as well as the national honor of the United States have suffered so much, there was reason to hope a different result from the negotiation of Mr. Jay. It is evident, by the clause which limits the continuance of this desertion of neutrality to the term of this war, that Mr. Jay did not hesitate to sacrifice our colonies to Great Britain during the continuance of these hostilities, by which their lot will be decided. It is submitted to Mr. Monroe to judge, in what point these concessions accord with the obligation, by which the United States have contracted to defend our colonial possessions, and with the duties, not less sacred, which the great and inestimable benefits they derive from their commerce with those islands bind them to observe.

CH. DE LA CROIX.

Mr. Monroe to the Minister of Foreign Affairs.

PARIS, March 15th, 1796.

I was lately honored with your note of the 19th Ventose, (March 9th) objecting to several of the measures of our Government, that have occurred in the course of the present war, and to which, I presume, I shall herein render you a satisfactory answer. For this purpose I shall pursue in reply the order you have observed, in stating those objections; and, according to the light I have on the subject, give to each the answer it requires.

These objections are comprised under three distinct heads, a summary of which I will first expose, that my reply to each may be better understood.

First. Your first complaint is, that we have failed to execute our treaties with you, and in the following respects:

1. By submitting to our tribunals the cognizance of prizes brought into our ports by your privateers. 2. By admitting English vessels of war into our ports, against the stipulation of the seventeenth article of our treaty of commerce, even after such vessels had taken prizes from you, and in some cases with their prizes. 3. By omitting to execute the consular convention in two of its most important clauses; having failed to provide, as you suggest, suitable means for carrying those clauses into effect; the first of which secures to your consuls within the United States, the exclusive jurisdiction of all controversies between French citizens; and the second, the right to pursue, and recover, all mariners who desert from your vessels. 4. By suffering, in the port of Philadelphia, the arrestation of the captain of the corvette *Cassius*, for an act committed by him on the high sea, and which you say is contrary to the nineteenth article of the treaty of commerce, which stipulates, that "the commandants of public and private vessels shall not be detained in any manner;" and the rights of nations, which put such officers under the protection of their respective flags: and by likewise suffering the arrestation of that corvette, though armed at Cape François, upon the pretext that she was armed in the United States.

Second. Your second complaint states, that an outrage, which was made to this republic, in the person of its minister, the citizen Fauchet, by an English vessel (the *Africa*) in concert with an English consul, in arresting, within the jurisdiction of the United States, the packet boat in which he had embarked, searching his trunks, and afterwards remaining within the waters of those States for near a month, to watch the movement of the frigate in which he finally sailed, was left unpunished; since you urge, that the measures which were taken by our Government, in regard to that vessel, and the consul, were not taken in a suitable time to remedy the evil, and were produced by a subsequent outrage, and of a very different kind.

Third. Your third and last complaint applies to our late treaty with England; which you say, not only sacrifices, in favor of that Power, our treaty with France, but departs from that line of impartiality which, as a neutral nation, we were bound to observe. Particular exemplifications are given of this charge in your note, and which I shall particularly notice when I come to reply to it.

This is a summary of your complaints, and to each of which I will now give a precise, and, I flatter myself, a satisfactory answer.

First. Of the inexecution of our treaties with this republic, and of the first example given of it: "The submission to our tribunals of the cognizance of prizes brought into our ports by your privateers."

Permit me, in reply to this charge, to ask whether you insist, as a general principle, that our tribunals are inhibited the right of taking cognizance of the validity of your prizes, in all cases; or are there exceptions to it? As a general principle, without exception, I think it cannot be insisted on; because examples may be given, under it, of possible cases, which prove it cannot be so construed and executed, without an encroachment upon the inherent and unalienable rights of sovereignty in both nations, which neither intended to make, nor does the treaty warrant. Suppose, for instance, a prize was taken within our jurisdiction; not upon the high seas, nor even at the entrance or mouths of those great rivers and bays, which penetrate and fertilize our country; but actually in the interior, and at the wharf of some one of our cities. Is this a case over which our tribunals, or some other branch of our Government, have no right to take cognizance? Do you conceive, that the true import of the treaty imposes upon us, and likewise upon you in turn, the obligation thus to abandon, as a theatre of warfare, in which you bear no part, the interior police of your country? Can it be done consistently with the dignity or the rights of sovereignty? Or, suppose the privateer which took the prize and led it into port was fitted out within the United States, the act being unauthorized by treaty; could we tolerate this, and refuse the like liberty to the other nation at war, without departing from that line of neutrality we ought to observe? You well know that those rights which are secured by treaties form the only preference in a neutral port, which a neutral nation can give to either of the parties at war; and if these are transcended, that the nation so acting makes itself a party to the war; and, in consequence, merits to be considered and treated as such. These examples prove that there are some exceptions to the general principles; and perhaps there are others which do not occur to me at present. Are then the cases in question, and which form the basis of your complaint, within the scale of these exceptions? If they are, and I presume they are, I am persuaded you will concur with me in the opinion, that the complaint is unfounded; and that we have only done our duty—a duty we were bound to perform, as well from a respect to our rights as a sovereign and free people, as to the integrity of our character; being a neutral party in the present war.

You will observe that I admit the principle, if a prize was taken upon the high sea by a privateer fitted out within the republic, or its dominions, that, in such case, our courts have no right to take cognizance of its validity. But is any case of this kind alleged? I presume none is or can be shown.

2. The second article in this charge, of failing to execute our treaties with this republic, states, that, in contravention with the seventeenth article of the treaty of commerce, we have admitted British vessels into our ports; even such as have taken prizes from you, and, in some cases, with their prizes. The article referred to stipulates the right for your vessels of war, and privateers, to enter our ports with their prizes, and inhibits that right to your enemies; it does not stipulate that the vessels of war belonging to your enemies shall not enter; but simply that they shall not enter *with their prizes*. This latter act, therefore, is, I presume, the subject of your complaint. Here,

too, it only stipulates, that, in case such vessels enter your or our ports, proper measures shall be taken to compel them to retire as soon as possible. Whether you were rightly informed with respect to the fact is a point upon which I cannot decide, as I know nothing about it. Our coast is extensive, our harbors numerous, and the distress of the weather may have forced them in: or they may have entered wantonly, and in contempt of the authority of the Government. Many outrages have been committed upon us by that nation in the course of the present war, and this may likewise be of the catalogue. But I will venture to affirm, that no countenance was given by our Government to those vessels, whilst they were there; and that all suitable means were taken to compel them to retire, and without delay. You know we have no fleet, and how difficult it is, without one, to execute a stipulation of this kind, with that promptitude which your agents in our country, ardent in your cause, and faithful to your interest, might expect.

3. The third article under this head states, that we have omitted to execute the consular convention in two of its most important clauses; the first of which secures to the consuls of each, in the ports of the other, the exclusive jurisdiction of controversies between their own citizens; and the second of which gives to the consuls a right to recover such mariners as desert from the vessels of their respective nations.

Upon the first point, the supposed incompetency of the law, provided on our part, to execute the judgments of your consuls within our jurisdiction, I can only say, that as no particular defect is stated, so no precise answer can be given to the objection. And upon the second, which states that the judges charged by our laws to issue warrants for arresting such of your mariners as desert from their vessels, have latterly required, and against the spirit of the treaty, the presentation of the original registers of the vessels to which they belonged, as the ground whereon to issue those warrants, I have to observe that, by the clause in question, (the ninth article) the original seems to be required; and that the copies spoken of in another part of the treaty, (the fifth article) obviously apply to other objects, and not to this. More fully, however, to explain to you the conduct of our Government upon this subject, permit me here to add an extract from our law, passed on the 9th of April, 1793, expressly to carry into effect the convention in question, and which applies to both cases.

"The district judges of the United States shall, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said convention; and it shall be incumbent on them to give aid to the consuls and vice-consuls of France, in arresting and securing deserters from the vessels of the French nation, according to the tenor of the said article. And where, by any article of the said convention, the consuls and vice-consuls of France are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid, according to the tenor of the stipulations." By this extract you will clearly perceive, that it was not the intention of our Government to frustrate or embarrass the execution of this treaty: on the contrary, that it was its intention to carry it into full effect, according to its true intent and meaning; and that it has done so, so far as could be done by suitable legal provisions.

It may hereafter be deemed a subject worthy consideration, whether the first of these clauses in that convention had not better be expunged from it. The principle of a foreign court established within any country, with jurisdiction independent of that country, cannot well be reconciled with any correct idea of its sovereignty: nor can it exercise its functions without frequent interference with the authorities of the country; and which naturally occasions strife and discontent between the two Governments. These, however, are not the only objections to the measure, though with me they are unanswerable. Under circumstances the most favorable, it were difficult for these consular tribunals to serve their process, and execute their judgments; a limited jurisdiction to a town or village only admits of it. In the United States, therefore, and in France, where the territory is immense, and the number of citizens of each country in the other considerable, as is now the case, it becomes impossible. Many of these, in each country, dwell perhaps in the interior, and not within one hundred leagues of any consul of their nation; how compel their attendance before him? How execute the judgment afterwards? For the tribunal of one country to call in the aid of the officers of another, to execute its decrees or judgments, is an institution at least objectionable; but to send those officers round the country, through the range of one hundred leagues, is more so.

Permit me, then, to ask, what are the motives, on your or our part, for such an institution? In what respect are you or we interested, that your or our consuls should have the exclusive jurisdiction of controversies between your and our citizens, in each other's country? Why not submit those controversies, in common with all others, to the tribunals of each nation? Some considerations in favor of the institution, it is true, occur; but yet they are light and trifling, when compared with the numerous and strong objections that oppose it. So much, however, by way of digression.

4. Your fourth and last example, under this head, states, that the captain of the corvette *Cassius* was arrested in Philadelphia, for an act committed on the high sea, contrary, as you suggest, to the nineteenth article of the treaty of commerce, which stipulates, "That the commandants of vessels, public and private, shall not be detained in any manner whatever;" and of well known rights of nations, which put the officers of public vessels under the safeguard of their respective flags; and that the said corvette was likewise seized, though armed at the Cape, upon the pretext that she was armed some time before in Philadelphia.

As you have not stated what the act was, with the commission whereof the captain was charged, I can, of course, give no explanation on that head. Satisfied, however, I am, that if the crime was of a nature to authorise our courts to take cognizance of it, he would not be exempted from their jurisdiction by the article of the treaty in question; since that article, as you perceive, was intended to establish a general principle in the intercourse between the two countries; to give a privilege to the ships of war of each, to enter and retire from the ports of the other; and not to secure, in favor of any particular delinquent, an immunity for crimes: nor, in my opinion, does the law of nations admit of a different construction, or give any other protection. I am happy, however, to hear that he is released, since it furnishes an additional proof that the whole transaction was a judicial one; regular, according to the course of our law, and mingling nothing in it, in any view, that ought to give offence here.

With respect to the seizure of the corvette, upon the pretext that she was armed in Philadelphia, I have only to say, that, if she was armed there, it was the duty of our Government to seize her; the right to arm not being stipulated by treaty. And if that was alleged upon sufficient testimony, as I presume was the case, there was no other way of determining the question than by an examination into it, and, in the interim, preventing her sailing. It would be no satisfaction to the other party to the war, for us to examine into the case after she was gone, provided the decision was against her: on the contrary, such conduct would not only expose us to the charge of committing a breach of neutrality, but of likewise doing it collusively.

Second. Your second complaint states an outrage that was committed, by a British ship, upon your minister, the citizen Fauchet, in concert with a British consul, in boarding the packet in which he embarked, opening his trunks, &c. within the waters of the United States, and remaining there afterwards to watch the movements of the frigate in which he sailed; and which you say was not resented, as it ought to have been, by our Government: since you add, the measures which were taken by it, in regard to that vessel, and the consul, were the effect of another and subsequent outrage.

The punishment which was inflicted by our Government upon the parties who committed that outrage, by revoking the exequatur of the council, and ordering that all supplies should be withheld from the vessel; as likewise that she should forthwith depart from the waters of the United States, was, I think you will admit, an adequate one for the offence. Certain it is, that, as we have no fleet, it was the only one in our power to inflict; and that this punishment was inflicted in consequence of that outrage, you will, I presume, likewise admit, after you have perused the act of the President upon that subject, a copy of which I herewith transmit to you; and by which you will perceive, that there was no distinct outrage offered to the United States, upon that occasion, by the parties in question; but that both the one and the other act (the attempt made upon the packet boat in which your minister had embarked, by the captain of a British ship of war, and which constituted the first; and the writing of an insolent letter, by the same captain, to the Governor of the State of Rhode Island, in concert with the British consul there, and which

constituted the second) were only several incidents to the same transaction, forming together a single offence; and for which that punishment was inflicted on those parties.

I think proper here to add, as a further proof that the President was neither inattentive to what was due to your rights upon that occasion, nor to the character of the United States, that he gave orders to our minister at London, to complain formally to that Government of that outrage; and to demand of it such satisfaction upon the parties, as the nature of the insult required; and which has, doubtless, either been given, or is still expected.

Third. Your third and last complaint applies to our late treaty with England; and which, you say, has sacrificed, in favor of that Power, our connexion with France, and the rights of neutrality the most common.

1. In support of this charge you observe, that we have not only departed from the principles of the armed neutrality adopted in the course of the last war, but have abandoned, in favor of England, the limits which the rights of nations and our own treaties with all other Powers, and even England in her treaties with many other Powers, have given to contraband.

2. That we have also consented that provisions should be deemed contraband, not when destined to a blockaded port only, as should be the case, but in all cases, by tacitly acknowledging the pretensions of England, to place at pleasure and by proclamation, not only your islands, but even France herself in that dilemma.

The principles of the armed neutrality set on foot by the Empress of Russia, in harmony with the other neutral Powers, at the time you mention, and acceded to by all the Powers then at war against England, are extremely dear to us; because they are just in themselves, and in many respects very important to our welfare: we insert them in every treaty we make with those Powers who are willing to adopt them; and our hope is, that they will soon become universal. But even in the war of which you speak, and when the combination against England was most formidable, and the maritime Powers being arranged against her, you well know that she never acceded to them. How compel her, then, upon the present occasion, when that combination was not only broken, but many of the Powers, then parties to it, and against England, were now enlisted on her side, in support of her principles? You must be sensible that, under these circumstances, it was impossible for us to obtain from that Power the recognition of those principles; and that, of course, we are not culpable for having failed to accomplish that object.

I regret also, that we did not succeed in obtaining from that Power, a more liberal scale of contraband, than was obtained: for, as our articles of exportation are chiefly articles of the first necessity, and always in great demand here, and every where else, it was equally an object of importance to enlarge the freedom of commerce in that respect, by diminishing the list of contraband. Perhaps no nation on the globe is more interested in this object, than we are. But here, too, the same difficulty occurred, that had in the preceding case; and it was in consequence deemed expedient, for the time, to relinquish a point we could not obtain; suffering the ancient law of nations to remain unchanged in any respect. Is it urged, that we have made any article contraband that was not so before, by the known and well established law of nations; which England had not a right to seize by that law, and did not daily seize, when they fell in her way? This cannot be urged, because the fact is otherwise: for, although we have not ameliorated the law of nations in that respect, yet certainly we have not changed it for the worse; and which alone could give you just cause of complaint.

With respect to the objection stated to a clause in the 18th article of the treaty with England, which presumes we are thereby prohibited bringing provisions from the United States to France, I have only to add, that no such prohibition is to be found in it, or other stipulation which changes the law of nations in that respect: on the contrary, that article leaves the law of nations where it was before; authorizing the seizure in those cases only, where such provisions are contraband "by the existing law of nations," and according to our construction, when carrying to a blockaded port; and in which case payment is stipulated; but in no respect is the law of nations changed, or any right given to the British to seize other than they had before; and such, I presume, you will agree, is the true import of that article.

You will observe, by the article in question, that when our provisions destined for a blockaded port are seized, though by the law of nations subject to confiscation, they are nevertheless exempted from it; and the owners of such provisions entitled to the payment of their value. Surely this stipulation cannot tend to discourage my countrymen from adventuring with provisions into the ports of this republic; nor in any other respect prevent their enterprises here: on the contrary, was it not probable, that it would produce the opposite effects; since, thereby, the only penalty which could deter them, that of confiscation, in the case above mentioned, was completely done away?

Thus, citizen minister, I have answered, according to the views of our Government, and the light I have upon the subject, the objections you have stated against several of its measures adopted in the course of the present war; and I hope to your satisfaction. That any occurrence should take place in the annals of the republics, which gave cause for suspicion, that you doubted, in any degree, our sincere and affectionate attachment to your welfare, is a circumstance that cannot otherwise than give pain to our Government and our people. That these, however, should be removed by a fair and candid examination of your complaints, on both sides, is the best consolation that such an occurrence can admit of. If, by my feeble efforts, I contribute in any degree to promote that end, and preserve the harmony and affection which have so long subsisted between us, and, I trust will always subsist, be assured that I accomplish an object the most grateful to my feelings that I can possibly accomplish.

Mr. Monroe to the Secretary of State.

PARIS, March 25th, 1796.

Finding from the communication of the minister of foreign affairs, that the character of the mission about to be despatched for the United States, and its objects, were still before the directoire, and fearing that the ulterior communication promised by the minister, would be made at such a time, as would render it impossible for me to produce any effect on the measure itself (if indeed, in any case it were so) I deemed it my duty, and accordingly demanded an audience of the directoire on that subject; stating the information already received from the minister thereon, as the basis or motive of that demand. An audience was granted, and in consequence I attended the directoire on the 8th instant, in full council, assisted by the minister of foreign affairs, and the minister of marine. As I had demanded the audience, it became necessary for me to open the subject, and which I did, by stating what the minister had informed me of their dissatisfaction with our treaty with England, and some other of our measures that had occurred during the present war; and respecting which it was contemplated to make some representation to our Government by their minister who was about to depart for the United States. I told them, that unless I knew distinctly what their complaints were, it was impossible for me to refute, or even answer them: that I did not come there to ask from that body such exposition, for the purpose of discussing the subject with it, because I knew it was against rule: that I wished, however, the directoire would cause the minister of foreign affairs to lay open those complaints to me, receive my answer, and enter into a full discussion of them; and in the interim, that it would suspend any decision, in regard to the merit of those complaints, or of the mission spoken of, until the result of that discussion was before it: that the discussion itself could not otherwise than throw light on the subject, and in the degree, promote the interest of both countries, so far as that might be affected by their decision in the case in question. The directoire replied, that nothing was more reasonable than my demand, and that it should be complied with. Some general observations were then made by that body, upon the subject of its complaints, and to which I made the answers that occurred at the time, dissipating its doubts in one or two cases at once, and particularly, with respect to the countenance it heard was given in the United States to their emigrants, by stating, that we received all Frenchmen who visited us, as friends: that we did not, nor could we, discriminate between them generally, on account of their political principles, because we did not know what their principles were: that we saw in them all, the people of a nation to which we were much attached for services rendered us by it in the

day of our difficulties, and treated them accordingly: and with respect to the President, that he had given orders, that certain distinguished emigrants, otherwise in some respect entitled to attention, but known to be obnoxious here, should, on that account, be excluded his public hall, which was open to all other persons. Several of the members of the *directoire* reciprocated, with great earnestness, professions of friendship for us, assuring me, at the same time, that no step should be taken in the business in question, but upon due deliberation, and after the discussion I had asked should be finished, and my arguments fully weighed; and thus I left them.

I shall transmit to you, as soon as it is closed, the result of the communications which may pass between the minister and myself; and I doubt not, the discussion will produce a favorable effect. I shall certainly avail myself of all the lights within my reach, to do justice to a cause of so much importance to my country.

Upon some misunderstanding with the *directoire*, Pichegru has sent in his resignation, and obtained his dismissal; an event that must be deemed unfortunate to the republic, as he is, doubtless, a man of great talents and integrity. Clairfait has done the same thing with the Emperor; so that the account of folly between the two Governments is fairly balanced.

The finances here continue in derangement, and which is not likely to be remedied by a late act, calling in the assignats, and issuing, in their stead, a species of paper called *mandats*, founded on the national domains, with the right in the holder of that paper to take property for it, where he likes, and where he pleases, at the ancient value. This project resembles a bank whose stock consists of, and whose credit of course depends on, land; and which, as it never succeeded well in the lands of individuals, will, most probably, never succeed well in the lands of the public.

I herewith transmit you extracts of two letters lately received from Mr. Barlow, and which I do with a view of giving you every information that comes to my knowledge upon the interesting topic on which they treat.

Mr. Monroe to the Secretary of State.

PARIS, May 2d, 1796.

I informed you in my last, of the 25th of March, that I was promised by the *directoire*, in an audience I had obtained of that body, that the minister of foreign affairs should state to me such objections as were entertained by this Government, to certain measures of our own, and, in the interim, that no step should be taken, under the existing impression, nor until my reply was received, and fully weighed; and I have now the pleasure to transmit to you the result of the communication which afterwards took place between the minister and myself on that subject.

I do not know what effect my reply has had upon the mind of the *directoire*, because it was only sent in a few days since. I shall endeavor to ascertain this, if possible, and in case I do, will immediately afterwards apprise you of it.

* * * * *

The campaign was lately opened on the side of Italy, by a suite of three brilliant victories obtained in the space of a few days, by the French under Bonaparte, over the Austrians, commanded by Beaulieu, and in which the latter lost, in slain, about five thousand men, and in prisoners, between eight and ten thousand. The road is now open to Turin, whither it is thought the French are pressing. On the Rhine, however, the armies are still inactive; and from which circumstance, some persons conjecture that a negotiation is still depending with the Emperor, and will, doubtless, if such is the case, be essentially aided, on the part of France, by these late victories. The Vendée war was lately greatly checked, to say no more, by the total dispersion of the troops gathered there, in opposition to the Government, and the apprehension and execution of Charette and Stofflet, the two principal chiefs who heretofore headed it; and subsequent circumstances favor the idea that rebellion there is laid more prostrate than it was at any preceding period, since it began. But such has been the varied fortune of that extraordinary war, and so often has it revived after it was supposed to be totally extinguished, that appearances, however strong, are not to be too much confided in, nor can it well be pronounced at an end, until the Revolution itself is closed.

I send you herewith an extract of a letter from Mr. Barlow, from Algiers, just received, and which will, perhaps, give you the latest intelligence from that quarter.

Mr. Monroe to the Secretary of State.

PARIS, May 25th, 1796.

Since my last, of the 2d instant, I have heard nothing from this Government upon the subject communicated to you in that and several of my preceding letters; and which had been discussed by the minister of foreign affairs and myself, as was shown by the papers transmitted in my last. Nor have I understood, through any other channel, that any decision is taken on that subject. I flatter myself, therefore, that I shall hear nothing further on it. As yet, however, no successor is appointed to Mr. Adet, according to his own request; and who remains, of course, the *locum tenens* until one is appointed. I mention this circumstance, because as such an appointment was contemplated, when that discussion commenced, and was probably delayed by it, so nothing can be satisfactorily inferred, at least for the present, of the final decision of the *directory*, upon the topic in discussion, until that of the appointment is likewise resumed and settled.

I was lately favored with yours of the 7th of January, communicating the correspondence which took place between the President and the minister of France, when the latter presented the flag which was voted by the Convention; as likewise the resolutions of both Houses of Congress on the same subject, with the letter of the President to the *directory* in consequence thereof, which letter you desired me to deliver without delay. Accordingly, the day after I received it I waited on the minister of foreign affairs, and presented the letter to him, with a request that he would deliver it to the *directory* as soon as possible; and to which communication I have since received the reply, of which I herewith send you a copy.

There was lately announced by the *directory* to the council of five hundred, the discovery of a conspiracy against the Government; whose avowed object was to overthrow the present constitution, and establish that of 1793 in its stead. The details furnished exhibit a project, which sought to marshal one description of patriots against another; the leaders of the innovating party differing from the established order, by the greater fervor of their zeal; and offering as an allurement to the poor, and in support of their interests, the free pillage of the wealthy. Fortunately, however, the project was discovered in good time, by the *directory*, and crushed in embryo. What its real object was, who were its real authors, and how many were comprised in it, time will doubtless disclose. Perhaps the trial of Drouet, a member of the five hundred, lately a prisoner in Austria, and who is accused of being a principal in it, will throw light on the subject in both views.

The discovery of this plot excited anew the jealousy of this Government against foreigners, some of whom were suspected of having an agency in it; and which subjected our countrymen, in common with those of other Powers, to some trouble. The foreign ministers were, in consequence, called on for a list of their countrymen here, with the business of each respectively; which I have given, and by which, I presume, permission to remain will be obtained for all those who are American citizens.

The success of the French troops in Italy, whereby the Austrian and Sardinian armies were completely routed, in several severe conflicts, and with great loss to the Austrians, has already obtained for the republic a very advantageous peace with Sardinia; by which the King has not only abandoned the coalition, but ceded forever to France Savoy and Nice; and even put himself, in effect, for the residue of the war, under the protection of the French republic. The papers forwarded will give you the details of this event, as likewise of the provisional treaty which ensued with

Parma. It is generally admitted that the road to Rome is opened; and said, that the Pope is so sensible of this, that he has offered to the directory, among other inducements, to use his apostolic authority to appease the discontents in the Vendée, and reconcile the disaffected there to the republic, in case they will spare him, for the present, the honor of a visit. A minister or ministers are reported to be on their way from Naples; so that it is probable some adjustment will likewise soon be made with that Power. Beaulieu, with the residue of the Austrian army, has retreated beyond Milan, to the heights between the lake De Garda and Mantua, a strong position, and noted as being formerly occupied by Prince Eugene; whither, too, he was pursued by Bonaparte, who now keeps him in check, or rather invests him there. Efforts are making by both Governments, to send to both their armies reinforcements; so that, perhaps, until they arrive, the final fate of those armies will not be settled.

I enclose you some letters just received from Mr. Barlow, at Algiers, and am, &c.

Mr. Monroe to the Secretary of State.

PARIS, June 12th, 1796.

I have the pleasure to inform you, that in a late informal conference with one of the members of the directory, I was advised by him, that the directoire had done nothing in regard to us, upon the subject communicated to you in several of my preceding letters; and that he presumed they would do nothing upon that subject. I trust, therefore, that their counsels are thus settled upon this interesting topic, and that I shall hear nothing further from them on it. But should they take a different turn, of which at present there is no particular symptom (for the probability of such a course was greatest in the commencement, and whilst the first impressions were at their height) I shall not fail to apprise you of it, and without delay. As yet no successor is appointed to Mr. Adet; nor can I say what the intention of his Government is in that respect. I presume, however, upon the authority of the above communication, that in case one is appointed, it will be merely in consequence of Mr. Adet's request; and be of course only an ordinary official measure, of no particular importance to us.

As yet none of our countrymen have been compelled to leave Paris, under the late decree, respecting foreigners, and which was occasioned by the late conspiracy. Whether they will or not is uncertain; for the directory, in executing the power granted it by the decree, have authorized none to stay of any nation, for whose good conduct their respective ministers have not made themselves personally responsible. I could not discriminate between my countrymen, by admitting some, and rejecting others; but did every thing in my power to obtain an exemption for all. I send you copies of my letters upon that subject to the minister of foreign affairs, and to which I have yet received no official or definitive answer.

The truce was lately terminated by the Emperor, in the manner prescribed by the convention which formed it, which stipulated, that it should cease after the expiration of ten days, upon notice given by either party; and immediately afterwards the campaign was opened by the French, and with the same success, at least to a certain degree, as attended their efforts in Italy. In two encounters between considerable divisions of the army of the Sambre and Meuse and the Austrians, on the right of the Rhine, the former have gained complete victories; taken in the first, (excluding the killed and wounded) about two thousand four hundred prisoners, and in the second, about three thousand, exclusive of the killed and wounded. In Italy, two new victories have been gained, and by which Beaulieu was forced to retreat through the Venetian territory to the Tyrol, leaving the French masters of that country. I send you the papers which give you the details, and am, &c.

The Secretary of State to Mr. Monroe.

DEPARTMENT OF STATE, June 13, 1796.

SIR:

I have to acknowledge the receipt of your several letters of November 5th, December 6th and 29d, 1795, and of January 26th, February 16th and 20th, and March 10th and 25th, 1796.

On a full consideration of the case of the consul at Hamburg, the President has determined to make a change, as soon as a proper person can be found to supply the place of Mr. Parish; the substitute, if possible, will be an American citizen. The minister of the French republic has lately presented the complaints of the French directory concerning that consul; copies of Mr. Adet's letter and my answer you will find enclosed.

With regard to the armed vessel called *Le Cassius*, about which the directory have made the representation which you enclosed, a full statement shall be prepared for your information; at present I will only remark, that she is the same vessel which, under the name of *Les Jumeaux*, was fitted out in the port of Philadelphia, in direct violation of the laws of the United States. This fact has been established by legal process; the agent who fitted her having been convicted of the offence in the circuit court. On her return to this port from the West Indies, she was known to be the same vessel, with a new name. Some Philadelphia merchants, whose vessel had been captured by *Le Cassius*, had her attached by the usual process of that court, and she remains in the custody of the marshal, awaiting the court's decision. If the property of the vessel had not been changed (and that it has been changed is yet to be legally proved) she would certainly be forfeited—*forfeiture* being the penalty of the law, one half to the use of the prosecutors. The alleged change of property gives rise to a question which the judiciary must decide. The process has been issued at the suit of *private persons*, not by the *Government*; and you know that the Executive cannot take the vessel from the cognizance of the judiciary. This has been repeatedly and fully explained, many months since, to Mr. Adet.

But the principal matter which now demands attention is, what concerns the late treaty between the United States and Great Britain.

Of the views of the Government of the United States on this subject, you have long since been possessed, as well before as subsequent to its ratification. These views were communicated to you for the sole purpose of furnishing you with the means of removing objections and dispelling jealousies. By your own representations both objections and jealousies existed. It has, therefore, been a matter of no small surprise to the President, that, during so long a period, you contented yourself merely with having those means in your possession, without applying them to the object for which they were transmitted.

As early as October last, you predicted that if Mr. Jay's treaty should be ratified, it would excite great discontent in France. Early in November, you mentioned the arrival of Mr. Fauchet, extremely dissatisfied with the treaty; adding, that he was well received, and would therefore be attended to. On the 6th of December, you acknowledge the receipt of my letter of September 12th, written subsequently to the ratification of the treaty, to repeat and further explain the principles and views of the Government concerning it. Mr. Adet's objections to the treaty, and their refutation, accompanied my letter; and with such means in your hands—means amply sufficient to vindicate the conduct of the United States—not less regret than surprise is excited, that no attempt was made to apply them to the highly important use for which they were sent. Although you anticipated discontents; although the symptoms of discontent appeared; although these symptoms, unattended to and unallayed, might increase to an inflammation; and Mr. Fauchet's arrival, with all his dissatisfaction and prejudices about him, would assuredly add to the irritation; yet you were silent and inactive, until, on the 15th of February, you were alarmed by the project of the directory, *accidentally* communicated to you by the minister of foreign affairs, of sending to this country an envoy extraordinary, to represent to our Government their decision concerning the treaty with Great Britain; that they considered the treaty of alliance between us as ceasing to exist, from the moment the treaty was rati-

fied." Your letter of the 20th of the same month describes your second interview with the minister, on the project of sending an envoy extraordinary, and the reasons you urged to dissuade them from it were certainly very cogent. Your letter of the 10th of March informs us that the project was laid aside; and your letter of the 25th of March, that you had had an audience of the directory on the subject, and that they had agreed to suspend their proposed extraordinary mission, until the points in question should be discussed between you and the minister for foreign affairs. The result of this audience appears satisfactory; and, from the good effect produced by the partial explanations then given, may be calculated the happy consequences of the full communications which might have been made, and which for so long a time you had possessed the means of making, in vindication of the measures of the Government you represent. That these were not made—that they had not been made even so late as the 25th of March, is again to be extremely regretted; because the justice, the honor, and the faith of our country were questioned, and, consequently, their most important interests were at stake.

It is painful to dwell on this subject. You have here the sensations of the President in relation to the line of conduct you have pursued. He trusts the explanations you proposed have now been given—that they have been full and satisfactory to the French Government. It is unnecessary to add that if, by any possibility, they should not have been given, the President expects they will no longer be withheld. If personal interviews are difficult to be obtained, a written communication may, at any time, be made, and the latter is evidently the most eligible mode; it is the mode which the President expressly desires may be adopted, and that a complete copy of the communication may be transmitted to this office.

I have the honor to be, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, June 28th, 1795.

After my last of the 12th instant, I flattered myself that I should hear nothing further from this Government upon the subject of our late treaty with England; but find that in this respect I was disappointed; having since received from the minister of foreign affairs a letter upon that subject, and of which I herewith forward you a copy, as likewise of the answer I made to it. It is probable that this act of the minister proceeds from himself, and not from the directory; since it is presumable, from the intimation heretofore given me by a very respectable authority (which I communicated to you in my last) that that body had already determined not to trouble us further on that subject; and in which case less inconvenience is to be apprehended from it. But let it proceed from whatever source it may, I shall not fail to use my utmost efforts to prevent its further progress. I shall see the directory to day at a general audience, being a day (the first Decadi of every month) on which they receive all the foreign ministers; and as I propose then to speak with some of the members upon the subject, I shall doubtless be able to give you further, and, I hope, more satisfactory information on that head in my next. I have, notwithstanding, thought proper to forward to you immediately the above, and am, &c.

Mr. Monroe to the Secretary of State.

PARIS, July 24, 1796.

SIR:

I herewith transmit you a copy of a third communication which lately passed between the minister of foreign affairs and myself, upon the subject of our late treaty with England, and which seems to have been produced by my reply to his second letter, which sought information whether the House of Representatives had passed a law to carry that treaty into effect. I presume, therefore, from this consideration, as from the further one, that the directory now possesses our view of that subject, (which was my object in asking, and theirs in granting the discussion) that it may now be considered as closed.

I have endeavored, as you will perceive, in this my last reply, to divert this Government from the subject of this complaint, and which it has so uniformly and vehemently pressed of late, by presenting before it a list of ours also, for injuries received from this republic in the course of the present war. The attempt, I knew, was a delicate one at the present time, and under present circumstances; but yet I thought it my duty to make it, since such a view was intimately connected with the topic in discussion, might produce, and most probably would produce, a good effect, and especially as I presumed it might be made in a manner becoming the dignity of the nation I represented, and be tempered, at the same time, with suitable respect for the councils of that to which it was addressed.

I sincerely wish it were now in my power to say that this affair was ended, and that neither of us should ever hear of it again; but this I cannot say: for so deep founded has their discontent appeared to be, and so vehement their desire to give some signal proof of it, that it is impossible, even at this moment, to determine in what scale their councils will ultimately settle in regard to us. At one time it was whispered that they meant to bring forward a claim against us for all their property taken by the British, in our vessels, including what was taken in the flight of their emigrants from St. Domingo; at another, that they meant to suspend, for the present, all payments to our citizens, and until satisfaction upon their several complaints was obtained; and again, that they would suspend the operation of those articles in our treaty of 1778, which the minister intimated to me in his last letter the directory thought it its duty to modify: but yet none of these things are done, nor have I any particular reason to presume they will be done, other than what appears from the general temper of the Government, and of which you are already sufficiently informed. Upon the whole, therefore, I think I may venture to observe, that as this Government and nation, independent of the points in discussion, are friendly to us, and, as a strong portion of passion has obviously mingled itself with their other motives in respect to these, and which is probably diminished by the time that was gained by the discussion, (admitting that that was the only benefit gained by it) the probability is, that no such measure will now be taken.

Lately, however, a new cause of complaint was suggested to me, but in so indistinct a manner, and upon so peculiar a subject, that I do not even yet comprehend what was meant by it. It was observed to me, by a person in a high station, the other day, when in conversation with him on the other points, that in our late treaty with Spain we had likewise forgotten our relations with France. I expressed my astonishment at the intimation, and asked him in what respect, since I could not conceive to what he alluded, France having no territory in that quarter, and of course no rights or interests depending there. He replied, (at least so I understood him) that he did not mean to intimate we had committed a breach of engagements, but of friendship only. He then descanted upon the intimate relations subsisting between France and Spain at present, the latter approaching and seeking the aid of the former, to support her colonies against Britain; but gave no explanation of what he referred to in the suggestion at first made, nor have I been able since to ascertain it. I will, however, endeavor to fathom this business if possible, and will, in case I succeed, immediately afterwards unveil to you the mystery.

The success of France in her military operations continues to be astonishingly great, both in Italy and upon the Rhine. All Italy may, indeed, be considered as subjugated: for the French troops find at present in that quarter, no opposing force in the field against them; and Mantua, the only garrison which sustains a siege, is closely invested, and it is thought will soon surrender. The Pope, I hear, has made a provisional agreement with Bonaparte, by which he is to pay about twenty-one millions, fifteen of which in specie, and the residue in articles for the army; to give up one hundred pictures, the rarest pieces of art, three hundred manuscripts, and exclude the English from his posts. The King of Naples, too, has an envoy now on his way here, and, it is said, with authority to close

upon terms favorable to France. It is further to be observed, that the French have entered Leghorn, upon the principle that the English held it, or rather made it a place of deposit for all their supplies for Corsica and elsewhere, in that quarter; and had also violated the neutrality of Tuscany against France. In that port, too, much English property was taken by the French, which they deem a lawful prize. The Austrians, when finally compelled to abandon the field, and seek safety by flight into the mountains of the Tyrol, crossed the Venetian territory, and, in consequence whereof, the French pursued them into Verona. Thus it appears, that no part of Italy can now well be said to be free from the effects of the present war, or not to yield, in some mode or other, heavy contributions to its support, except Naples, at the extremity, and who is now about to contribute, and Genoa, who loans money, I presume, voluntarily.

Upon the Rhine, too, the same success has attended the arms of France. Both her armies in that quarter, that of the Sambre and Meuse, under Jourdan, and that of the Rhine and Moselle, under Moreau, have each had several actions with the Austrians, and vanquished them in almost every instance. At one moment, indeed, and after gaining some important advantages, Jourdan retired far before, a more potent enemy, and which brought after him the Austrians, and with accumulated force. At the same moment, however, and whilst the attention of the Austrians, elated with their apparent superiority, was drawn to that point, Moreau, who had been inactive, and even made a show of detaching a considerable part of his force for Italy (provision being made on the route for that purpose) crossed the Rhine also, at a very difficult passage, where it was expected no such attempt would be made, and attacked and defeated the Austrians in several encounters, killing many, and taking likewise many prisoners. Since this event, which was about three weeks past, these armies have gone forward slowly, but with a continued career of good fortune, acting in concert, though at a considerable distance from each other, and penetrating into the interior of Germany. The last achievement was that of Frankfort, and which was taken by Jourdan, and from which city, it is said, a contribution of thirty-five millions of florins is demanded. Where this bold enterprise will end, and to what extremity the French are disposed to press their fortunes, in case they are not repulsed, it is impossible for me to say. Nothing transpires from this Government upon that point, and of course I have no data whereon to rest a conjecture, other than you now possess. It is, however, to be observed, that as the Austrian armies retire, they approach each other as do the French in advancing. Perhaps it is the intention of the Austrian cabinet they shall unite, in the hope, as they are now nearer together, and their junction may, in consequence, probably be sooner made than that of the French, they may, thus united, attempt something, and with better success, against the divided force of France. If this be the case, it is likewise probable we shall shortly witness a greater and more decisive action than has yet been fought. But it is still more probable, that peace with Austria, and upon the terms heretofore insisted on by France, will soon close the war between these two Powers.

In the interior, too, every thing has assumed a new and more invigorating aspect than was shown before since the commencement of the Revolution. Great harmony prevails between the legislative corps and the executive; and a greater spirit of contentment is discerned by those who travel through France, among all ranks of people, than was seen at any time before since the beginning of that era. It is even said that a change is gradually making among those who were heretofore deemed the implacable foes of republican government; many of whom, now that they find they are protected in the rights of person and property, begin to lose much of their hatred to that form. In truth, prior to the establishment of the present constitution, the people of France had little opportunity of judging correctly of the merits of the republican system. They judged of it by what they saw in the Revolution: for Europe exhibited no other example to their view, and estimating its merits by that standard, they saw in it nothing but a series of terrible and convulsive movements, which they dreaded even more than the tyranny that was lately overthrown. When, therefore, this circumstance is considered, and the improvement which the new Government has introduced is properly appreciated, we immediately perceive the cause to which this change of sentiment in that class is to be ascribed.

The misunderstanding which lately subsisted between Russia and Sweden, has been compromised by some concessions on the part of the latter, among which, the recall of Baron de Stael was included, and whose place was committed by the Swedish Government to Baron Rebasey, with the grade of chargé d'affaires; but the French Government refused to receive him, it is said, because he was presumed to be appointed under the influence of Russia. One of the ministers of Holland (Blauw) and Reybaz, from Geneva, were also lately recalled by their respective Governments, upon the demand of the directoire, and apparently much against the wishes of those Governments; each of those gentlemen having since received assurances of the undiminished confidence of his constituents. The motive of the directoire for making this demand, in either case, is unknown; no reason, as I hear, being given for it to either of the Governments to which it was made.

Permit me to make known to you the wish of Isaac Cox Barnett, a citizen of the United States, from Elizabethtown (Jersey) to be appointed consul at Brest. This young man is well recommended to me in point of morality; appears to possess adequate talents, and from what I hear, is industrious; and being in every view strictly an American, and therefore entitled to the confidence of this country, I beg leave to recommend him to your attention. The interest of our country requires that a consul should be placed at that port; and the character of the port, being the great dock-yard of France, requires that the trust should be confided with care, and to some person whose character would repel suspicion. In addition, therefore, to what I have said of Mr. Barnett, I beg to refer you to Mr. Boudinot, of Jersey, whose nephew he is, and who will doubtless give you more correct information of his merits than I possess.

From the Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 19th Messidor, (July 7th, 1796) 4th year of the republic.

CITIZEN MINISTER:

The hope of seeing depart daily the new minister, whom the executive directory proposed to send to the United States, prevented my sooner answering your letter of the 25th Ventose, (15th of March) last. You call my attention in your note of the 9th of this month, (27th of June) to the arguments which that letter contains relative to our complaints against the treaty concluded between the United States and Great Britain. Time, citizen minister, has sufficiently ripened the points that were then in discussion, and, far from being enfeebled, our complaints against that treaty have acquired since, in our estimation, new force. I will content myself, then, without entering into details, to announce to you that the opinion of the directory has never varied upon that point. It has seen in this act, concluded in the midst of hostilities, a breach of the friendship which unites the United States and this republic; and in the stipulations which respect the neutrality of the flag, an abandonment of the tacit engagement which subsisted between the two nations upon this point since their treaty of commerce of 1778. The abandonment of the principles, consecrated by this treaty, has struck us with greater force, from the consideration that all the other treaties, which the United States have made, contain them, as from the further one, that these principles are since so generally acknowledged that they now form the public law of all civilized nations.

After this, citizen minister, the executive directory thinks itself founded, in regarding the stipulations of the treaty of 1778, which concern the neutrality of the flag, as altered and suspended, in their most essential parts, by this act, and that it would fail in its duty if it did not modify a state of things which would never have been consented to, but upon the condition of the most strict reciprocity.

CH. DE LA CROIX.

The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

PARIS, July 14th, 1796.

I have received your favor of 19th Messidor, (7th July) and am sorry to find by it that the answer I gave to yours of 19th Ventose, containing the exposition of your objections to our late treaty with England, was not satisfactory to you. To this latter letter, therefore, I shall also make a reply, and in the hope that it will produce its desired effect.

I observe that you confine your objections in this letter to a simple article in that treaty, which failed to secure protection in our bottoms to your goods; and which you deem a violation of a tacit agreement which, you say, has subsisted between the United States and France since their treaty of 1778; and an abandonment of the principles consecrated by that treaty. You likewise say, that the directory considers the stipulations of our treaty of 1778, which respect the neutrality of our flag, as altered, and suspended by this act; and that it would think itself wanting in its duty if it did not modify a state of things which would never have been consented to but upon principles of strict reciprocity.

You seem aware, and with great reason, that you have no right to complain of that stipulation, unless it violates some existing obligation, either of the law of nations, or of our treaty with you; and in consequence intimate that it has violated both: for you add, that the principles of that treaty have, in that respect, become since the law of all civilized nations. I shall endeavor to show that that article has violated neither the one nor the other.

I presume it cannot be controverted that, by the old and established law of nations, when two Powers are at war, either may take the goods of its enemy in a neutral ship. This doctrine is established by the most eminent writers, and admitted in practice by all nations, between whom particular treaties have not stipulated the contrary. To prove this assertion, in its first part, permit me to refer you to the following authorities, and which are clear and explicit to that effect;* and to prove it, in the second part, permit me to ask, if the law of nations was not so, why were special treaties entered into by particular nations to stipulate the contrary? Is it presumable that any Powers would form treaties to establish what was already established? Or was it thought, when our treaty of 1778 was formed, that, in this respect, it made no change, or, in other words, stipulated nothing?

But you say that the law of nations has changed, and that the principles of that treaty have become since, in that respect, the general law of all civilized nations. Permit me to ask you by what authority was this done; or how it appears that it is done? I admit that it is changed among those nations who have formed treaties to that effect, and between those only who have formed them; but further the doctrine cannot be carried. It cannot be said, for instance, that the assent of a particular number of nations to a rule which ought to operate between themselves only, is to become a rule for other nations, who have never assented to it; or, in other words, that a part of the civilized nations would have a right to dictate a law to another part. Such a doctrine would substitute force to right, and might be productive, in other cases, and especially in the hands of Governments less friendly to liberty than yours and ours are, of consequences the most fatal to society. It is, therefore, in my judgment, not a sound doctrine. That Britain opposed the principle that free ships should make free goods in the last war, and has likewise opposed it in the present war, are facts well known to you; as it likewise is, that all your enemies, in the present war, have done the same, including some who are now your friends, and to the great detriment of America. Admitting, then, that a majority of the civilized nations have a right to bind the minority in a rightful cause (as it is admitted the present one is) how was it to be done upon the present occasion, when the Powers composing that majority had shifted sides, and were now marshalled in opposition to the principle they had lately adopted.

Thus it appears that the article in question has not violated the law of nations, according to the opinion of enlightened authorities, and the practice of nations. Nor has it violated our treaties with France, upon which latter point I shall also add a few words:

It is to be remarked that you do not urge a violation of any positive stipulation in our treaty of 1778; on the contrary, you charge only the breach of a tacit agreement, which you intimate to have grown out of that treaty. But of what nature was that agreement, and whence is it inferred? The treaty contains an express stipulation, between America and France, that, when either of the parties are at war with another nation, it will respect the flag of the other party, trading with that other nation; and it stipulates no more in that behalf. And its reciprocity is to be found in a change of circumstances; whereby the party lately at war is now at peace, and enjoying in turn, (the other being at war) the privilege of its flag in trade with the enemy of the other. It does not stipulate that we will unite in imposing that rule on other nations; nor does it stipulate that we will adopt no other rule with any other nation. Of course we were free to act, in that respect, as we thought fit; and therefore have violated, by means thereof, no agreement with you, either positive or implied.

I concur with you, as I did in my last communication, on this subject, that the utmost respect is due to the principle of free ships making free goods; and with you I also unite in the hope that it will soon become universal; since it is a principle dictated by reason, and necessary to the freedom of the seas, and, in consequence, to the peace and tranquillity of nations. The United States have, too, as you observe, inserted it in all their treaties where they could obtain it; and to which I may add, that they will most certainly continue to press it in their future treaties as opportunities occur, and circumstances may favor, till it becomes general. To promote which end, however, it is proper here to observe, that an harmonious concert between the two nations is absolutely necessary: for, otherwise it were impossible they should succeed.

You will observe, that, in my reply to your complaints, I have heretofore confined myself strictly to the subject of those complaints; never going beyond them, to expose in return the injuries we have received from this republic, in the course of the present war. But I might have told you in the outset that, by a decree of the Convention in 1793, the articles in question of our treaty of commerce were set aside; and, in violation whereof, about fifty of our vessels were brought into your ports; their cargoes taken from the proprietors, and who yet remain unpaid; that, about the same time, and without any motive being assigned, even to the present day, upwards of eighty others of our vessels were embargoed at Bordeaux, and detained there for more than a year; and to the great injury of the proprietors, who yet remain unpaid; that, for supplies rendered to your islands in the West Indies, which have been and still are supported principally from the United States, as for innumerable spoiliations that have been made, and are daily making upon our commerce in those islands; as likewise, for supplies rendered to the republic here; immense sums are due to our citizens, as authenticated by the highest suitable public authorities there and here, and for the want of which many of them are ruined. I say I did not bring these things forward, because it would have borne the aspect of a recrimination, and which I did not wish any part of my conduct to bear in any transaction with the French republic; and because I was disposed to yield every possible accommodation to your present exigencies that my duty would permit; and because I confided and still confide that your Government, paying due regard to those exigencies, was disposed, and would do all the justice in its power to those suffering individuals. Nor do I mention these things now with that view. I do it, on the contrary, merely to inform you of them; since, as the communications that were made on the topics, were made to the preceding Government, and are, in consequence, probably unknown to the present one; and since they are interesting facts which you ought to have before you in all deliberations on this subject; provided it be, as I think it is, equally the interest of both republics to preserve, for ever inviolate, the good understanding which now so happily subsists between them.

For what has passed the United States have always found an excuse in that unhappy state of things that was attendant on your Revolution: and have looked forward to the period, when a free and happy constitution should be established here, as the moment when, by conciliatory and friendly councils, the two republics should harmonize, not in a painful review of any unpleasant incidents that have passed, if such there were, but in devising the means

* Bynkershoek, vol. 2d. Quest. *juris pub.* lib. 1. cap. 14. Voet de Jure militari, cap. 5. 2. No. Vattel lib. 3. cap. 7. sect. 115, and many others.

founded in their mutual interest, and to be secured by suitable and permanent arrangements, whereby to increase their harmony, and cement their union; and greatly mortified would they be if this were not the case. But I trust this will be the case; and under which impression, and upon the observations already made, I submit the subject now in discussion between us to the wisdom and candor of the *directoire exécutif*.

Mr. Monroe to the Secretary of State.

PARIS, August 4, 1796.

SIR:

Within a few days past, Mr. Mangourit, formerly consul at Charleston, now secretary of embassy in Spain, was appointed with the rank of *chargé d'affaires*, to succeed, with us, Mr. Adet. This event, as well in respect to the gentleman employed, as the grade chosen, gave me great concern; and therefore merited my immediate attention. Accordingly I visited the minister of foreign affairs this morning, and remonstrated earnestly against the mission of Mr. Mangourit to the United States; as a person who, having given offence to our Government upon a former occasion, could not be well received by it upon the present one. To the grade, however, I thought proper to make no explicit objection; because I had no reason to conclude that it was chosen with any unfriendly view towards us; and because I presumed if the measure was broken in one part, it would probably be so in the other. The minister replied to me in terms sufficiently respectful; but nevertheless, in such as induced me to believe that, in case any change was accorded in the measure, it would not be with his consent. He observed, however, that if I would write him a short note on the subject, he would lay it before the *directoire*; and which I promised I would do.

Within a few days past, too, I heard that the *directoire* had passed an *arrêté*, authorizing the seizure of neutral vessels destined for England; to take effect when the English likewise seize them. This *arrêté* was not announced officially; but by the copy of a letter from the minister to Barthélemy, the French ambassador at Basle, published in the gazettes, I saw that the report was true. In consequence, I likewise spoke to the minister on this subject; and received from him, in reply to my remonstrance against it, a general answer, corresponding much in sentiment with his letter above mentioned, a copy of which I herewith enclose you.

It is said that the treaty of alliance, offensive and defensive, between France and Spain, is in great forwardness, whereby the latter cedes to the former Louisiana, and perhaps the Floridas. I have no authentic information of this; but the source from whence it came is of a nature to merit attention.

I have the pleasure to transmit to you herewith, some communications respecting our affairs at Algiers, by which it appears that Mr. Barlow had the good fortune to succeed with the Dey, in prolonging the term allotted for the payment of the sum due him, concluded by our late treaty for the ransom of our prisoners, and for peace; and, finally, and although the money was not received, that he had obtained the discharge of our prisoners, and who were fortunately arrived safe at Marseilles. Upon this event, therefore, which not only liberates from a long and painful captivity so many of our countrymen, but in all probability secures the peace which was endangered by the delay of the money stipulated to be paid, I beg leave to congratulate you; since it is an event, not only important in respect to the consolation which it yields to humanity, but equally so in regard to the extension and security of our commerce, in a region of the world heretofore unexplored by it, and where it promises to be very productive.

I commit this letter, with other communications for you, to the care of Doctor Edwards, who will deliver them in person, and to whom I beg to refer you for other details upon the subject of our affairs here, upon which you may wish information. He has been more than a year in Europe, and the greater part of that time here; has had opportunities of correct information, and which he has improved to advantage. To him, therefore, I beg leave to refer you, as to an authority well informed, and very deserving of confidence. I am, &c.

Mr. Monroe to the Secretary of State.

PARIS, August 15th, 1796.

SIR:

Being highly impressed with the impropriety of Mr. Mangourit's mission to the United States, and, in consequence, very desirous to prevent it, I thought proper to state my objections to it in person, to a member of the *directoire*, with a request that he would communicate the same to the *directoire*; and have now the pleasure to inform you, upon the authority of that member, that the *arrêté* appointing him is rescinded.

I lately received an account from England of the capture of one of our vessels upon our coast, on the point of entering one of our ports, taken by a French privateer, upon a presumption she had English property on board, as she was cleared out from that country. Although this report was not so well authenticated, nor accompanied with the necessary details, to enable me to act officially on it yet as it might be, and probably was, true, I communicated it immediately to the minister of marine, asking whether such orders were given. He appeared astonished at the report, and declared that none such were issued. I conclude, therefore, that this outrage, if really committed, is an unauthorized one; and for which we shall obtain from the proper parties, in convenient time, a suitable reparation.

The French troops continue to enjoy an uninterrupted career of good fortune, both in the empire and in Italy. In the former, they meet with little opposition; for, as they have a decided superiority there, the Austrians appear in consequence carefully to avoid a general action; and, therefore, retire slowly before them. And in Italy, a series of victories were lately obtained by Bonaparte over Wurmser, which are deemed more brilliant than even those he had before achieved over Beaulieu, Wurmser's predecessor. To protect the garrison of Mantua, and retrieve the fortune of Austria in Italy, a considerable force was detached from the Rhine, with other troops gathered from other quarters, under Wurmser, and who, passing the Tyrol, descended into Italy, and attacked Bonaparte, and in the commencement with some success. But this reverse of fortune was transitory as it was sudden; for as soon as the latter gathered together his troops, he returned upon his antagonists with accumulated force; and, in the course of a few days, as appears by the official documents, totally demolished his army, killing and taking upwards of twenty thousand men.

It is lately reported that Mr. Hammond is appointed to repair here to treat for peace; but as yet he has not arrived, nor have we other details on that head than are now in the English papers. With, &c.

The Secretary of State to Mr. Monroe.

DEPARTMENT OF STATE, August 22d, 1796.

SIR:

On the 19th of July I received your letter of the 2d of last May, covering the paper bearing date the 9th of March, and signed by M. De La Croix, the French minister for foreign affairs, exhibiting the complaints of his Government against the Government of the United States, and your answer to those complaints; and on the 21st of July, the latter, together with a translation of the minister's statement, were transmitted to the President at Mount Vernon.

Antecedent to the receipt of this letter, the President had conceived it necessary to send a new minister to represent the United States at Paris, and had made a tender of the appointment to General Charles Cotesworth Pinckney, of South Carolina, and a letter of the 19th instant from the President, which I received the 13th, covered Mr. Pinckney's letter of the 27th of July, declaring his acceptance of the office. He may be expected in Philadelphia by

the close of the present month; and he will embark for Europe as soon after as shall be practicable. My letter of the 13th of June (of which a duplicate and triplicate have been forwarded) will have manifested to you the uneasiness and dissatisfaction of the President, and the cause of both will be apparent in the letter itself.

The President, feeling forcibly the obligations of his office to maintain the honor and interests of the United States, in relation to foreign nations, and our connexions with France, in particular, demanding, from various causes, the most constant and pointed attentions, to prevent or remove jealousies and complaints it was impossible to conceal, it was a duty to express his sensations consequent on the receipt of your letters of February 16th and 20th, and March 10th and 25th. A further consideration of these communications, with other concurring circumstances, determined the President to make the appointment I have herein announced. Mr. Pinckney will be the bearer of your letters of recall. To enable him to accomplish the objects of his mission, he will require all the official documents in your possession, including your correspondence with the French Government as well as with your own; and, according to the usual and necessary course of diplomatic agencies, you will be pleased to transfer them to him.

I am, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, August 27th, 1796.

SIR:

After the accommodation which was shown in the case of Mr. Mangourit, by abandoning the project of sending him to the United States, I thought that the crisis had passed here, and that nothing was further to be apprehended from the temper which occasioned it. But in this I was disappointed; for I now hear that it is decided to recall Mr. Adet, without nominating a successor to him; and that he is to be instructed to declare to our Government, that the customary relations between us are to cease, and on account of our treaty with England; with other things to the same effect. * * * I shall see the minister to-morrow, and endeavor to lead him to this subject, if possible, and, in any event, renew my exertions to prevent the measure, though, indeed, I begin to despair of success, so often do they return with the same disposition to the same subject.

I am told the treaty with Spain is probably concluded; and by which France is to have Louisiana and the Floridas. This might have been obtained when peace was made with Spain; but was declined from the fear it might ultimately embroil them with us. The acceptance of it now, therefore, shows that that motive has less weight at the present time than it then had.

It is generally believed that an attempt will be made to invade England, great preparations being made along the coast for that purpose, in troops, boats, &c. and it is also believed that the fleet from Cadiz is intended to make a diversion somewhere, for the purpose of drawing the British fleet out of the channel, to favor the project of a descent. This is strongly supported by circumstances, and is, therefore, more than probable.

It is even whispered that an attempt on Canada is to be made, and which is to be united with Louisiana and the Floridas to the south, taking in such parts of our western people as are willing to unite. This is worthy your attention, though it be mere report.

I will write you again in a day or two, since this is despatched in haste on account of the importance of the communication which it contains.

The Secretary of State to Mr. Monroe.

DEPARTMENT OF STATE, September 9th, 1796.

SIR:

General Pinckney will be the bearer of this letter. He is to succeed you as the minister plenipotentiary of the United States with the French republic.

I enclose a triplicate of my letter to you of the 22d ultimo, in which the motives to his appointment are suggested. I also enclose your letter of recall, addressed to the directory of the French republic, and a copy thereof for your information, of the manner in which the President wishes you to take leave of that body.

The claims of the American merchants on the French republic are of great extent, and they are waiting the issue of them, through the public agents, with much impatience. Mr. Pinckney is particularly charged to look into this business, in which the serious interests, and, in some cases, nearly the whole fortunes of our citizens are involved. You will have the goodness to communicate to Mr. Pinckney such general information as may facilitate his inquiries concerning it, and hasten a successful conclusion.

I am, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, September 10, 1796.

I have been just favored with yours of the 13th of June, the only one received from the Department of State since that of the 7th of January last, a note of Mr. Taylor of the 13th of May excepted.

You charge me in this letter with a neglect of duty, in omitting, as you state, to dissipate, by a timely, and suitable application of the lights in my possession, the discontent of this Government on account of our late treaty with England; and you support this charge by a reference to certain passages in my own correspondence, which state, that this discontent broke out in February last, four months after I had received a letter from yourself and Mr. Randolph, upon the subject of that treaty; and whence you infer, and on account of the delay, or interval which took place between the one and the other event, that I was inattentive to that important concern of my country, and urge the previous and strong symptoms of discontent, which I witnessed and communicated, as an additional proof of my neglect.

Permit me to remark, that this charge is not more unjust and unexpected than the testimony by which you support it is inapplicable and inconclusive. Indeed, it were easy to show, that the circumstances on which you rely, if they prove any thing, prove directly the reverse of what you deduce from them.

If such discontent existed, and the formal declaration of it, or commencement of measures in consequence of it, was delayed (and the greater the discontent, and the longer the delay, the stronger the argument) and any inference applicable to me was drawn from that circumstance, I should suppose it would be precisely the opposite one from that which you draw. Where a discontent exists, it is natural and usual for the party feeling it, to endeavor to remove it, or express its sense of it; but the pursuit of an opposite conduct for a great length of time, and especially a time of revolution, and when a different and more peremptory one was observed to all the other Powers, is no proof, without other documents, of negligence in me.

But why did this discontent not break out before these letters were received? You saw by my communications, as early as December 1794, and which were frequently repeated afterwards, that it existed, was felt upon our affairs here, and was likely to produce the most serious ill consequences, if the cause continued to exist. If these accounts were correct, why did this Government take no steps under its first impressions, and particularly in August 1795, when Paris was starving, and our vessels destined for the ports of France were seized and carried into England? Was not this a crisis difficult for me to sustain here; when the eyes of France were fixed upon me, as the representative of the nation upon whose friendship they had counted; as the man who had just before been the organ of declarations the most friendly? Why leave us afterwards, and until the last stage, to our unbiassed deliberations upon

that subject, and without an effort to impede their free course? Do difficulties like these, with the result which followed, give cause to suspect that I was idle or negligent at my post? That I was at any time a calm or indifferent spectator of a storm which was known to be rising, and which threatened injury to my country? Or that I withheld any light which came to my aid, and which might be useful in dissipating it?

I do not wish to be understood as assuming to myself the merit of this delay, because I know, thinking and feeling as the Government did on this subject, that the strong bias of affection which this nation entertained for us, was the true cause of it. But I well know, that I have done every thing in my power, and from the moment of my arrival to the present time, to promote harmony between the two republics, and to prevent this from taking any step which might possibly disturb it, and which I have done, as well from a sincere attachment to both, as from a persuasion, let the merit of the points in discussion be what they might, that a continual, temperate, and friendly conduct towards us, was the wisest policy which this Government could adopt, and would produce the best effect upon that union, which it is, I presume, equally its wish and its interest to preserve, and of course leave to its councils less cause hereafter for self reproach. It is from the sincerity of these motives and the knowledge this Government has of it, that I have incessantly made efforts to preserve that harmony, and been heard in friendly communications, and often in remonstrance upon the topics connected with it, in a manner I could not otherwise have expected.

But you urge that, as I knew this discontent existed, I ought to have encountered and removed it. I do not distinctly comprehend the extent of this position, or what it was your wish, under existing circumstances, I should have done. Till the 15th of February, no complaint was made to me by this Government against that treaty; nor did I know before that period that any would be; for, from the moment of its organization till then, the utmost reserve was observed to me by it on that subject. The intimations which I witnessed, were written before the establishment of the present Government, and drawn, of course, from circumstances which preceded it. Of the probable views, therefore, of the present Government in that respect, I spoke only by conjecture. Was it then your wish, that, because I suspected this Government would be or was discontented with that treaty, that I should step forward, invite the discussion, and provoke the attack? Would it have been politic or safe for me to do it; and especially upon a subject so delicate, and important as that was? And had I done it, would I not have been justly censured for my rashness and indiscretion? And might not even different motives have been assigned for my conduct? To me, I own it always appeared most suitable, as well as most wise, to stand on the defensive; and to answer objections only when they were made; upon a fair and reasonable presumption, till they were made, that none would be; and upon the principle, if none were made, that our object was obtained; and if there were, that then there would be sufficient time to answer them, and in a regular and official manner. By this, however, I do not wish to be understood, as having declined at any time in formal friendly communications, on this or other subjects, when suitable occasions occurred; for the contrary was the case, as is already observed.

What the circumstances were, upon which I founded my opinion of the probable ill consequences of that treaty, in case it were ratified, were, in general, communicated, as they occurred. There was, however, one other, and which was particularly impressive at the time, omitted then, but which I now think proper to add, because it was that upon which I founded the intimation given you, in my letter of the 20th of October, on that head. Calling one day, upon the subject of our Algerine affairs, informally, upon Jean de Brie, who had, in the committee of public safety, the American branch under his care, I found him engaged upon that treaty, with a copy of it before him, and other papers on the same subject. I began with the object of my visit, and from which he soon digressed upon the other topic, and with great asperity; adding, that he was preparing a letter for me on that subject, to be submitted to the committee. I answered his charges in the manner which appeared to me most suitable, and finally asked him if he had received the correspondence which took place on that subject between Mr. Adet and Mr. Randolph; and to which he replied that he had not. I then informed him I had that correspondence, which was an interesting one; and requested he would permit me to give him a copy of it; and further, that he would delay his report to the committee, until after he had perused and fully weighed it; which he promised; and, in consequence, I immediately after gave him a copy of that correspondence. This incident took place just before the movement of Vendemiaire, by which the execution of the project contemplated was probably prevented. I omitted this before, because I hoped it would never be revived; and because I did not wish to give more pain on this subject, and especially as I soon afterwards found that the treaty was ratified, than could be avoided. And I now mention it, as well to show the strong ground upon which that intimation was given, as to prove that none of the lights furnished me, in that respect, were withheld.

So much I have thought proper to say in reply to your favor of the 13th of June; and now it remains for me to proceed with a detail of the further progress of this business here, since my last; at least so far as I am acquainted with it.

I sought, immediately after my last was written, and obtained, as soon as I possibly could obtain it, an informal conference with some members of the directorate, upon the subject of my last; beginning by expressing my concern to hear they were still dissatisfied with us, and proposed taking some step in consequence thereof; and which I sincerely regretted, because I had concluded the contrary was the case, after the explanation I had given to their several complaints; and because I thought any measure which had an unfriendly aspect towards us, would be equally detrimental to their and our interest. They severally replied, they were dissatisfied with us on account of our treaty with England, and thought that the honor of their country would be sullied in their hands, if they did not say so. I endeavored to lead them into conversation upon the points to which they objected; but soon found they were averse to it, and were of opinion that too much time had already been bestowed on that subject. One of the members, however, observed, that the abandonment of the principle, that *free ships made free goods*, in favor of England, was an injury of a very serious kind to France, and which could not be passed by unnoticed. I told him, that in this nothing was abandoned, since, by the law of nations, such was the case before; and, of course, that this article only delineated what the existing law was, as I had fully proved in my note to the minister of foreign affairs; that we were not bound to impose the new principle on other nations. He replied, if we could not carry that principle with England, nor protect our flag against her outrages, that that was always a reason why France should not complain; that they never asked us to go to war, nor intended so to do; but that the abandonment of that principle, formally, by treaty, at the time, and under the circumstances we did it, in favor of that Power, was quite a different thing. Finding that a further pressure at the time might produce ill effect, and would certainly not produce a good one, I proceeded next to the other points, and to hint what I had heard of their intention with respect to Canada and Louisiana; and to which it was replied, that, in regard to Canada, they had no object for themselves; and in regard to Louisiana, none which ought to disquiet us; that they sincerely wished us well, and hoped matters might be amicably adjusted, since they were disposed to meet suitable propositions to that effect with pleasure; adding, in the close, that the minister of foreign affairs was instructed to communicate to me the arrêté they had passed; but in a manner to impress me with a belief it was done rather for the purpose of enabling me to transmit it to you, than address them at present further on the subject. Through other channels I have since heard, that this arrêté is withheld from me, and will be, until the despatch is gone; and with a view of securing themselves against further interruption from me, in the present stage, upon the measure adopted.

From what information I can collect of the contents of this arrêté from other sources, (for from the above note was collected) it is to suspend Adet's functions; instructing him to declare the motive of it; and which, I presume, will correspond with what was declared here, leaving him there for the present; but what he is further to do is not suggested, nor can I form a conjecture of it, until I receive the communication promised by the minister of foreign affairs, and which I shall endeavor to procure as soon as possible.

I herewith enclose you a copy of a communication from the minister of foreign affairs, with my reply to it; and by which it appears that a truce is obtained by our agent from the regencies of Tunis and Tripoli, and with the aid of France.

Mr. Monroe to the Secretary of State.

PARIS, September 21, 1796.

As yet I have heard nothing from the minister of foreign affairs respecting the *arrêté* of the *directoire*, mentioned in my last; and which I understood he was instructed to communicate to me. I therefore conclude that the delay is intentional; and that I shall not hear from him until the despatch is gone; and after which it will be useless. Indeed, I consider it in that light at present, and for reasons heretofore communicated, which every day further experience more fully confirms.

But, being extremely anxious to fathom the point, whether this Government intended any thing really hostile to us, beyond what it calls a reprisal for our treaty with England, or indemnity against its consequences; and, in particular, whether it meant, in case it became possessed of Canada, Louisiana, and the Floridas, to invite our Western people to a junction with them, and thus eventually dismember us, in case they were willing, I lately revived a conversation mentioned in my last, with a member of the *directoire*, leading it more directly to this point, than I then did or was able to do, and obtained from him the answer I wished. He told me explicitly, they had no object with respect to Canada for themselves, but wished it separated from England; that they were not anxious about Louisiana, and if they took it, it would be only in case of a war between Spain and England, and then the principal motive would be to keep the British from it, who would doubtless endeavor to avail themselves of such an occasion to seize the mouth of the Mississippi; that, with respect to our interior, we had no cause to be uneasy; for there did not exist, in the breast of a member of the Government, an intention or wish to disturb it; that they would take no step they did not avow to our Government, and that therefore we need harbour no suspicion of designs from them, beyond what they did avow.

I have likewise obtained information from other, I think authentic, sources, upon this point, and by which I am the more confirmed in the integrity of the above communication. In short, I am satisfied no such project exists at present, either on the part of this Government, or the Western people of the United States; and that what has been whispered on that subject, is either the suggestion of slander, originating, perhaps, with those who wish it, or the offspring of fancies too much agitated with the danger of the present crisis. From the year 1786, a period remarkable for the pernicious tendency which an unfortunate and disastrous negotiation had upon our affairs in that respect, till our late treaty with Spain, we were always, in a greater or less degree menaced with that misfortune; but, by that treaty all danger from that source was happily done away; and now that equal rights in navigation are secured to every part of the Federal empire, there appears to be nothing in the political horizon which clouds the prospect before us, or which ought to inspire a doubt that our Union will not be perpetual. By this, however, I do not wish to inculcate an opinion, that we ought to be over confident of our security upon this or any other point, or inattentive to the necessary means of preserving it: for, in no situation of affairs ought this to be the case; in the present one, therefore, a greater degree of vigilance is of course the more necessary.

An order was lately issued, as I have reason to believe, to seize British property in neutral vessels; and to bring those vessels into port for that purpose. I did hope, and, indeed, understood at first, that the *arrêté* of the *directoire* was provisional, and intended to be applied only to such cases of British seizure, as occurred last year; and such I think was the case at first. But now it is said it is modified as above. I have written to the minister to demand an official information upon this point; and, in the interim, have communicated the fact, as I understand it to be, to Mr. King, to whom the information may be useful.

I send you a copy of the treaty of alliance, offensive and defensive, between France and Spain; and which, as you will observe, contains no stipulation respecting Louisiana and the Floridas. Nor have I any reason to conclude that there is any secret article on that subject. I rather think, from what I can collect, that it is a point still in negotiation between those Powers; and protracted by the indecision of France, whether to accept or reject it; and whose decision upon it may be essentially influenced by the relation which is to subsist, for the future, between this country and ours. If this relation is established upon the close footing they wish it, then I think it probable (should the question be so long protracted) this Government will decline accepting it, from the fear it might prove a cause of jealousy between us, and weaken that connexion. But, should the contrary be the result, then I think they will act otherwise, and endeavor, not only in this respect, but by every other practicable means, to strengthen their own resources, and to make themselves as independent of us as possible. Upon this subject, however, I never touched with them, nor do I hazard a conjecture on it other than general circumstances already known to you.

Jourdan was lately compelled to retreat through a considerable tract of country; being defeated, as I presume, (for the details are unknown) in several severe actions, and encounters, and doubtless with great loss. He at present sustains himself upon the Lahn, where he occupies a strong position, and thinks himself secure. Beurnonville is, however, on his route from Holland, at the head of twenty-five thousand men, to join, and, as it is reported, to supersede him; it being a maxim of this Government to remove, and without delay, every unsuccessful general, upon the presumption that the spirit of the troops cannot be well revived under the same person with whom they were depressed. Moreau writes that he is doing well; and Bonaparte renders an account of a recent and more brilliant victory obtained over Wurmsier, in the Tyrol, if possible, than the former ones; having actually taken sixteen thousand prisoners, about seventy cannon, with all kind of military stores, and completely broken the army he had lately formed there.

The march of Beurnonville from Holland argues a secret understanding between the *directoire* and the King of Prussia; and the late treaty between France and Spain, almost the certainty of a war between the latter and England.

An attack was lately made upon a camp near Paris, consisting of six or eight thousand men, by about as many hundred; and in which the latter were repulsed, many of them taken prisoners, and who are now under trial by a military commission. Of these upon whom sentence is pronounced, some were condemned to capital punishment, which was immediately executed; others to transportation, and some to confinement; the residue, which constituted by far the greatest part, were acquitted and discharged. This enterprise was undertaken by a party who wish to overthrow the Government, or rather to make confusion, (for so small a number could not expect to overthrow the Government) and whose ostensible object was to establish the constitution of 1793. The presumption, too, is, that it had favorers in the camp, or that it would not have made an attempt on the camp; but of this there was no proof that I have seen. It is doubtless a suite of Babœuf's conspiracy, originating in the same source, and conducted by the same active, though invisible agents. To the details of this trial we must look for a more accurate development of the character of this affair, than can be obtained, at present, from any other source.

In general, the people of this country are wearied with the war, but yet there are no symptoms of an approaching peace with the Emperor, or with England. The *directoire*, it is said, wishes peace, and upon reasonable terms; but of this I have no information to be relied on. The state of the finances, too, must be bad; indeed, it is inconceivable how three or four hundred thousand men, the minimum, in my judgment, of the French, force on foot, with the expenses of the civil Government, the colonial establishment, and the navy, are sustained. True it is, that immense contributions have been levied, in the course of the present year, in foreign countries; and in addition to which it may be observed, that the occasional sales of the national domains, and the various taxes which are collected, might likewise form a considerable resource. The conflict of parties also in the two councils is often great. The fact is, the present constitution was formed by the party of moderates; and, by the movement of *Vendémiaire*, in which neither had a hand, the execution of its functions was committed to the opposite one. The former party, therefore, was dissatisfied with this event, and looks forward to the approaching elections as to a period when it will begin to recover back the power it then lost. To this period also the royalists look forward, with anxious hope that it will present something favorable likewise to their views. This period is, however, now distant six months, and, though a circumstance in perspective, worthy of attention in a sound calculation of the probable ultimate issue of the revolution; yet, perhaps, too remote, and even too trivial, considering the immediate and urgent pressure of other causes, to have much influence with either of those Powers, and especially the Emperor, in deciding him, at present, upon the great question of war or peace.

Mr. Monroe to the Secretary of State.

PARIS, October 6, 1796.

I enclose you a copy of my letter to the minister of foreign affairs, demanding whether orders are issued for seizing the property of their enemies in our vessels; and to which I have yet received no answer. I am confident, however, that such orders are issued, being assured of it through other channels, apparently too direct to admit any doubt of the fact.

I enclose you also copies of three notes from him, and of my replies; the two first of which respect the judicial process sustained in one of our courts against Governor Collot, late of Guadaloupe; and the third, a report said to be circulating here, that the President had laid an embargo on all French vessels in our ports. These communications contain every thing that has passed between this Government and myself, since my last; and, of course, every thing that I can now add to what you have already received.

The army of Sambre and Meuse has retreated to the Rhine, where it was met by twenty-five thousand men from Holland, under Beurnonville, to whom the chief command is transferred. The reports of the loss sustained by this army are various; some accounts make it twenty thousand, whilst others reduce it to six, but, in my judgment, the former approaches nearer the truth; great part of its artillery must likewise have been lost. The retreat of this army exposed the other, of the Rhine and Moselle, under Moreau, to danger; and from which it is not yet extricated. It is known that this latter is also on the retreat, and the Archduke is now bending his force towards it. Some accounts say that Beurnonville will be able so to co-operate, as to give effectual aid, but which is denied by others. At the present moment, therefore, nothing certain can be given you of the actual state of that army, or of what will probably result from it. In a short time, however, I expect to be able to be more full and explicit on this subject.

It is said that an English minister is at Dieppe, on his way here; and that a Portuguese one is in town, with a view, no doubt, on the part of each, to treat of peace.

Mr. Monroe to the Secretary of State.

PARIS, October 21, 1796.

I have lately received, from the minister of foreign affairs, the note I intimated to you, some time since, I had reason to conclude he was instructed to write me a copy of which, with one of my reply, I herewith enclose to you. I likewise send you copies of two other notes from him, and of my replies upon other subjects, and which are only deserving of attention, as they serve to show the actual disposition of this Government towards us at the present moment.

Upon a critical view of the note first above mentioned, it was doubtful whether my functions were not likewise suspended with those of Mr. Adet; and I was disposed in consequence to ask an explanation on that head, but from this I was swerved by the following considerations: First, that, if it were so intended, it would probably have been so expressed, and in explicit terms; Secondly, As it was not so expressed, that such a demand might tend to irritate and thereby widen the breach; and thirdly, That the same end might be obtained by the submission of one of my passports to the minister for legalisation, since it would tend to prove, in case he performed that office, that they were not suspended. Accordingly, I took this latter course, and found, so far as any inference was to be drawn from that circumstance, that it was not the intention of the directoire to suspend them.

This subject is now before the President upon the representation of Mr. Adet; and upon which, as I know nothing beyond what you now have, it is impossible for me to make any comment. He will, of course, dispose of it in such a manner as he thinks most conducive to the honor, the interest, and welfare of our country; and, in the interim, and until I hear from you, I shall endeavor, and without a compromittment of any kind, to conciliate, so far as in my power, the good disposition of this Government towards us.

I send you a gazette, which contains an official account of the arrival of Moreau at Fribourg, after making a safe and honorable retreat through a great extent of country, and to which he was exposed by the defeat of Jourdan. He is now considered as out of danger. The army, too, under Beurnonville is said to be reorganized, and in considerable force, so that it is possible, notwithstanding the late season of the year, something further may be done, and especially if the Archduke, by advancing, courts a new encounter.

Yesterday the English minister arrived; but what the prospect of peace is, there is no datum whereon to hazard a conjecture.

The Minister of External Relations to the Minister Plenipotentiary of the United States of America.

PARIS, 16 Vendémiaire, (Oct. 7th, 1796)

5th year of the republic.

CITIZEN MINISTER:

The executive directory charges me to notify to you the suspension of all the functions which it has prescribed to the minister plenipotentiary of the French republic near the United States. It charges me, likewise, to communicate to you the *arrêt*, of which I have the honor to send you a copy, and agreeably to which our ships, armed for war, will treat the United States, as these suffer the English to treat them.

The first step, citizen minister, does not need to be commented on. My despatches of the 19th Ventose, and 19th Messidor last, and more especially the events which have, for some time past, followed each other in the United States, sufficiently explain its motives. Citizen Adet will enter with the Federal Government upon further explanations, which, I dare hope, will fully justify to it the measure of the executive directory. It is painful for the French Government to see itself forced to acts which bespeak a coldness between two nations, whom so many circumstances engage to unite themselves more and more closely. But, citizen minister, you know too well from what side the first blow was given to that friendship, which our two nations had sworn to. It is very consoling for the executive directory, on reviewing its conduct, and that of the Government which preceded it, to find that the French republic is blameless in this respect. At present, its dignity would evidently be brought into question, it would neglect its duty, if it did not give unequivocal proofs of a just dissatisfaction.

The ordinary relations subsisting between the two people, in virtue of the conventions and treaties, shall not, on this account, be suspended. The consuls will remain charged to superintend them. The eventual modification which shall be produced, in that state of things, by the *arrêt* of the directory, I communicate to you, can, in no manner, be considered as alterations made by us. These would generally be commanded by the circumstances, and by the violation of the most general laws of neutrality, which the English take the liberty to commit, if they were not, as they are, the fulfilment of the treaty between the two republics, and the necessary consequence of the treaty since concluded between the United States and England. The Federal Government is too enlightened not to have foreseen all the results of that treaty, and, no doubt, too just to desire that its whole weight should fall on the French republic.

It shall not be the fault of the executive directory, citizen minister, if the political relations between the two nations are not speedily re-established on the footing they ought to be, and if the clouds, which cast a gloom on our alliance be not dispelled by frank and loyal explanations, to which it will be anxious to listen; above all, citizen minister, when they shall be made through you.

Health and fraternity.

CH. DE LA CROIX.

The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

PARIS, October 12th, 1796.

I have just been favored with yours of the 7th instant, (16th Vendemiaire) announcing that the *directoire exécutif* had suspended Mr. Adet's functions as minister plenipotentiary to the United States; and had likewise given orders that the armed ships of the republic should treat our vessels in the same manner as the English treat them; and that both measures were taken in consequence of certain acts of our Government, which have occurred in the course of the present war; and particularly our late treaty with Great Britain.

I have received this communication with real concern, because I had presumed that the explanation I had given in my replies to your several complaints, stated in the two notes to which you refer, was satisfactory; and because I cannot otherwise than lament that any incident should occur, and especially during my service here, which betrayed a diminution on either side of that harmony and friendship which ought always to subsist between our Governments. I flatter myself, however, that this discontent will prove transitory, and that I shall soon have the pleasure to witness the complete restoration of that sincere and cordial amity which has heretofore so happily subsisted between the two republics.

I forbear to add any thing, at present, upon the subject of your complaints, because, in the state in which that business now is, it could not otherwise than be unprofitable, and because it would illy accord with the respect I owe to my own Government, before whom that subject now is, for me to address you further on it, at the present moment. I shall await, therefore, with patience, as it is my duty to do, the orders of the President in this respect, to whom it belongs to direct the course it may be deemed suitable for me to take in the present conjuncture.

Be assured, sir, that, as there is no political object which I have more sincerely at heart than a continuance of perfect harmony between our two republics, so no political incidents can occur, to give me so much pleasure, as those in which I become the organ of such communications as have a tendency to promote it.

I cannot close my reply, citizen minister, without making to yourself, and the *directoire exécutif*, my sincere acknowledgment for the attention with which you have heard my several communications, formal and informal, on this subject; and in which I have endeavored, with the best views towards the interest and welfare of both countries, to divert you from any measure of this kind, and I beg to assure you that the liberal sentiments you have been pleased to express in my favor will always prove a source of the most grateful remembrance.

Minister of Foreign Affairs to Mr. Monroe, Minister Plenipotentiary of the United States of America.

PARIS, 12th Frimaire, (Dec. 2d, 1796) 5th year of the republic.

CITIZEN MINISTER:

As the arrival of Mr. Pinckney at Paris seems to be near at hand, if it has not already taken place, I thought it incumbent on me to inform you of the formalities which you will have to observe on that occasion. It is customary that the recalled minister and his successor transmit to the minister of external relations the copy of their credentials and letters of recall. Presuming that your letters of recall have already been received by you, I invite you to communicate them to me as soon as possible.

Health and fraternity.

CH. DE LA CROIX.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs.

PARIS, December 3, 1796.

I have been honored with your favor of yesterday, prescribing the mode to be pursued upon the arrival of Mr. Pinckney, who succeeds me in the office of minister plenipotentiary, with the French republic, by forwarding to you his letters of credence with mine of recall, and which I will most willingly comply with as soon as he arrives. He may be daily expected; perhaps he is already arrived, of which I will inform you as soon as advised of it. I have not yet received my letter of recall, or would now send you a copy of it: I expect it by Mr. Pinckney, being so advised by our Secretary of State, who then announced to me only the fact that I was recalled.

Accept the assurance, &c.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs.

PARIS, December 6, 1796.

I have the honor to inform you that my successor (Mr. Pinckney) is arrived, and is desirous of waiting on you for the purpose of presenting a copy of his letter of credence for the *directoire exécutif* of the French republic. By him I have also received my letter of recall. Permit me, therefore, to request you will be so obliging as to appoint a time when Mr. Pinckney and myself shall have the honor to attend you, for the purpose of presenting you copies of these documents.

The Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 19th Frimaire, (December 9, 1796) 5th year of the republic.

CITIZEN MINISTER:

I have received the letter you did me the honor to write to me, in which you demand an interview for the citizen Pinckney, appointed your successor, in order to deliver me a copy of his credentials and of your letter of recall. I shall be glad to receive you this very day, from one o'clock in the afternoon to four, if you can find it convenient. I request you to propose it to citizen Pinckney.

Health and fraternity.

CH. DE LA CROIX.

PARIS, 21st Frimaire, (December 11, 1796) 5th year of the republic.

CITIZEN MINISTER:

I hastened to lay before the executive directory the copy of your letter of recall and of the credentials of Mr. Pinckney, whom the President of the United States has appointed to succeed you as minister plenipotentiary of the said States near the French republic. The directory has charged me to notify to you "that it will no longer recognize nor receive a minister plenipotentiary from the United States, until after a reparation of the grievances demanded of the American Government, and which the French republic has a right to expect."

I beg you, citizen minister, to be persuaded that this determination, which is become necessary, does not oppose the continuance of the affection between the French republic and the American people, which is grounded on former good offices and reciprocal interest; an affection which you have taken pleasure in cultivating by all the means in your power.

Accept, citizen minister, the assurance of my perfect consideration.

CH. DE LA CROIX.

James Monroe, citizen of the United States, to the Minister of Foreign Affairs.

As my functions as minister plenipotentiary with the French republic have ceased by the letter of recall which I had the honor to present you some time since, and as it is my wish, in obedience to the order of my Government, to take my leave of the *directoire exécutif* without delay, permit me, citizen minister, again to request that you will be so obliging as present this subject before that body, and obtain from it as early an appointment for that purpose as may suit its convenience.

Accept the assurance, &c.

The Minister of Foreign Affairs to Mr. Monroe.

PARIS, 7th Nivose, (Dec. 27, 1796) 5th year of the republic.

I have the honor of informing you, citizen, that the directory will give, next Decade, (December 30) a private audience, for the delivery of your letters of recall. I invite you to come, between 11 and half past 11 o'clock, to the house of external relations. We will proceed together to the directory, to whom I shall have the honor to present you.

Accept, citizen, the expression of the high consideration and of the sincere attachment which are due to your civic virtues.

CH. DE LA CROIX.

Address of Mr. Monroe to the Directory on presenting his letter of recall.

I have the honor to present you with my letter of recall from the President of the United States of America, which closes my political functions with the French republic; and I have likewise the honor to add, that I am instructed by the President to avail myself of this occasion to renew to you, on his part, an assurance of the solicitude which the United States feel for the happiness of the French republic.

In performing this act, many other considerations crowd themselves upon my mind. I was a witness to a Revolution in my own country. I was deeply penetrated with its principles, which are the same with those of your Revolution. I saw, too, its difficulties; and remembering these, and the important services rendered us by France upon that occasion, I have partaken with you in all the perilous and trying situations in which you have been placed.

It was my fortune to arrive among you in a moment of complicated danger from within and from without; and it is with the most heartfelt satisfaction that, in taking my leave, I behold victory and the dawn of prosperity upon the point of realizing, under the auspices of a wise and excellent constitution, all the great objects for which, in council and the field, you have so long and so nobly contended. The information which I shall carry to America of this state of your affairs will be received by my countrymen with the same joy and solicitude for its continuance, that I now feel and declare for myself.

There is no object which I have always had more uniformly and sincerely at heart, than the continuance of a close union and perfect harmony between our two nations. I accepted my mission with a view to use my utmost efforts to increase and promote this object, and I now derive consolation in a review of my conduct, from the knowledge that I have never deviated from it. Permit me, therefore, in withdrawing, to express an earnest wish that this harmony may be perpetual.

I beg leave to make to you, citizen directors, my particular acknowledgments for the confidence and attention with which you have honored my mission during its continuance, and at the same to assure you that, as I shall always take a deep and sincere interest in whatever concerns the prosperity and welfare of the French republic, so I shall never cease, in my retirement, to pay you, in return for the attention you have shown me, the only acceptable recompense to generous minds, the tribute of a grateful remembrance.

Answer of the President of the Directory.

Mr. Minister Plenipotentiary of the United States of America:

By presenting this day to the executive directory your letters of recall, you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to the wishes of its ancient tyrants. The French republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous friendship of the French people, with the crafty caresses of perfidious men, who meditate to bring them again under their former yoke. Assure the good people of America, Mr. minister, that, like them, we adore liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace, as well as to cause its sovereignty to be respected.

As for you, Mr. minister plenipotentiary, you have combated for principles; you have known the true interests of your country—depart with our regret. We restore, in you, a representative to America; and we preserve the remembrance of the citizen whose personal qualities did honor to that title.

4th CONGRESS.]

No. 119.

[2d Session.]

FRANCE.

[1797]

COMMUNICATED TO CONGRESS, FEBRUARY 28, 1798.

The Secretary of State, in pursuance of an order of the Senate of the eighteenth of May, 1796, on the memorial and petition of sundry citizens of the United States, residing in the city of Philadelphia, relative to the losses they had sustained by the capture of their property by French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandise, to the officers of the colonial administration of the French republic, having examined the same, together with accounts of similar losses sustained by American citizens from the French, in the European seas, or in the ports of France, which, in the details, were necessarily connected with the former, respectfully reports:

That, since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the Department of State, and to the ministers of the United States in France, of injuries done to their commerce under the authority of the French republic, and by its agents. These injuries were

1st. Spoliations and maltreatment of their vessels at sea by French ships of war and privateers.

2d. A distressing and long continued embargo laid upon their vessels at Bordeaux, in the years 1793 and 1794.

3d. The non-payment of bills, and other evidences of debts due, drawn by the colonial administrations in the West Indies.

4th. The seizure or forced sales of the cargoes of their vessels, and the appropriating of them to public use, without paying for them, or paying inadequately, or delaying payment for a great length of time.

5th. The non-performance of contracts made by the agents of the Government for supplies.

6th. The condemnation of their vessels and cargoes under such of the marine ordinances of France, as are incompatible with the treaties subsisting between the two countries. And

7th. The captures sanctioned by a decree of the National Convention of the 9th of May, 1793, (hereto annexed, and marked A.) which, in violation of the treaty of amity and commerce, declared enemy's goods on board of their vessels lawful prize, and directed the French ships of war and privateers, to bring into port neutral vessels laden with provisions and bound to an enemy's port. It may be proper to remark here, that this decree of the Convention, directing the capture of neutral vessels laden with provisions and destined for enemy ports, preceded, by one month, the order of the British Government for capturing "all vessels loaded with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France."

Such was the general nature of the claims of the citizens of the United States upon the French republic, previous to the departure of Mr. Monroe, as minister plenipotentiary to France, in the summer of 1794, and since his residence there. To him were intrusted the documents which had been collected to substantiate particular complaints; and he was instructed to press the French Government to ascertain and pay what might be found justly due. From time to time, as additional cases rose, they were transmitted to him, with the like view. In September of that year, he assigned to his secretary, Mr. Skipwith, (with the provisional appointment of consul for Paris) the charge of stating the cases, and placing them in the proper train of settlement, reserving to himself the duty of fixing general principles with the Government, and of patronizing and superintending his proceedings.

In conformity with the direction of the minister, Mr. Skipwith, shortly afterwards, made a general report on the injuries, and difficulties and vexations to which the commerce of the United States was subjected by the regulations and restraints of the French Government, or by the abuses practised by its agents; to which he added a number of particular cases. A copy of the whole, marked B, is hereto annexed. This report was laid before the French Government; and, added to the various representations of Mr. Monroe, and his predecessor, it produced a decree of the joint committees of public safety, finance, commerce, and supplies, dated the 15th November, 1794, a copy of which, marked C, is annexed. This decree, apparently calculated to remedy many of the evils complained of, afforded but a very partial, in respect to compensations a comparatively small, relief, while it continued in force the principle of the decree of the 9th of May, 1793, which rendered liable to seizure and confiscation the goods of enemies found on board neutral vessels. American vessels had been declared exempt from that part of the decree of the 9th of May, which authorised the seizing of vessels going to an enemy's port with provisions, by the decree of the National Convention of the 27th of July, 1793.

On the appearance of the decree of the 9th of May, the American minister at Paris remonstrated against it, as a violation of the treaty of commerce between France and the United States. In consequence hereof, the Convention, by a decree of the 23d of the same month, declare, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May." M. le Brun, the minister for foreign affairs, on the 26th of May, communicated this second decree to our minister, accompanying it with these words: "you will there find a new confirmation of the principles from which the French people will never depart, with regard to their good friends and allies, the United States of America." Yet, two days only had elapsed before those principles were departed from: on the 28th of May, the Convention repealed their decree of the 23d. The owners of a French privateer that had captured a very rich American ship, (the Laurens) found means to effect the repeal, to enable them to keep hold on their prize. They had even the apparent hardness to say, beforehand, that the decree of the 23d would be repealed.

The American minister again complained. So, on the first of July, the Convention passed a fourth decree, again declaring "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May, conformably to the sixteenth [it should be the twenty-third] article of the treaty concluded the 6th of February, 1778." The new minister for foreign affairs, M. Desforgues, accompanies this new decree of July 1st, with the following expression: "I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to maintain to the utmost of their power, the treaties subsisting between the two republics." Yet this decree proved as unstable as the former—on the 27th of July it was repealed.

The next decree on this subject was, that of the joint committees, of the 15th of November, 1794, already mentioned. Then followed the decree of the committee of public safety, of the 4th of January, 1795, (14th Nivose, 3d year) repealing the 5th article in the decree of the 15th of November preceding, and, in effect, the articles in the original decree of the 9th of May, 1793, by which the treaty with the United States had been infringed. It is not necessary for the secretary to add, that the decree of the 4th of January, 1795, has been repealed by the decree of the executive directory of the 2d of July, 1796, under color of which are committed the shocking depredations on the commerce of the United States which are daily exhibited in the newspapers. The agents of the executive directory to the Leeward Islands, (Leblanc, Santhonax, and Raimond) on the 27th of November, 1796, passed a decree (marked C. C.) for capturing all American vessels bound to or from British ports. The Secretary presumes this is not an arbitrary, unauthorised act of their own, but that it is conformable to the intentions of the executive directory, the privateers of the French republic in Europe having captured some American vessels on the same pretence, and the consul of the republic, at Cadiz, having explicitly avowed his determination to condemn American vessels on that ground, pleading the decree of the directory for his authority.

The Secretary has already intimated that the decree of the 15th of November, 1794, was not followed by the extensively good effects expected from it. By a communication from Mr. Skipwith, of the 10th of last September, (the latest communication from him in answer to the Secretary's request for information) it appears that the claims

for detention of one hundred and three American vessels, by the embargo, at Bordeaux, remained undetermined, no funds having been appropriated by the legislature for payment of them, and that none of the bills drawn by the colonial administrations in the West Indies had been paid to him, the treasury having tendered payment in assignats at their nominal value, and, afterwards, in another species of paper called mandats, which had suffered a great depreciation, even before they were put into circulation; both which modes of payment were refused to be accepted. The progress made by Mr. Skipwith in the adjustment of other claims, so far as known to the Secretary, will appear in the annexed printed statement, marked D, copies of which were transmitted, ten months ago, to the offices of the principal collectors of the customs, from the Department of State, for the information of our mercantile citizens.

That nothing might be left undone which could be accomplished by the Executive, the attention of General Pinckney, the present minister of the United States to France, was particularly directed to the subject of these claims: but the interval which has elapsed since his departure has not admitted of any interesting communication from him, on this business.

In connexion with other spoliations by French armed vessels, the Secretary intended to mention those committed under a decree dated the 1st of August, 1796, issued by Victor Hugues and Lebas, the special agents of the Executive directory, to the Windward Islands, declaring all vessels loaded with contraband articles of any kind, liable to seizure and confiscation, with their entire cargoes; without making any discrimination in favor of those which might be bound to neutral, or even to French ports. This decree has been enforced against the American trade, without any regard to the established forms of legal proceedings, as will appear from the annexed deposition, marked E, of Josiah Hempstead, master of the brigantine Patty of Weathersfield. A copy of the decree, marked F, is also annexed.

The Secretary has received a printed copy of another decree, of the same special agents to the Windward Islands, dated the 13th of Pluviose, fifth year, answering to February 1st, 1797, authorizing the capture of all neutral vessels destined to any of the Windward or Leeward Islands in America, which have been delivered up to the English, and occupied or defended by emigrants, naming Martinique, Saint Lucia, Tobago, Demarara, Berbice, and Essequibo; and to Leeward, Port-au-Prince, Saint Marc, L'Archaye, and Jeremie; declaring such vessels and their cargoes to be good prize; as well as all vessels cleared out *vaguely* for the *West Indies*. A copy of this last decree will be added to this report, as soon as it shall be translated.

All which is respectfully submitted.

TIMOTHY PICKERING.

DEPARTMENT OF STATE, February 27, 1797.

A.

Copy of a decree of the National Convention, of the 9th of May, 1793, 2d year of the French republic.

The National Convention, after having heard the report of its committee of marine; considering that the flag of neutral Powers is not respected by the enemies of France; that two cargoes of flour having arrived at Falmouth, in Anglo-American vessels, and been brought before the war, for the service of the French marine, have been detained in England by the Government, which would not pay for it but at a price below what it had been sold for; that a vessel of Papenbourg, called the *Therisia*, commanded by Captain Hendrick Kob, loaded with various effects belonging to Frenchmen, was carried into Dover, the 2d of last March, by an English cutter:

That a privateer of the same nation carried into the same port of Dover, on the 18th of the same month, the Danish ship *Mercury* Christianland, Captain Treuchen, which had sailed from Dunkirk on the 17th, with a cargo of wheat, for Bordeaux:

That the ship *John*, Captain Shkeley, loaded with about six thousand quintals of American wheat, in going from Falmouth to Saint Malo, was stopped by a frigate, and carried to Guernsey, where the agents of Government have simply promised to pay the value of the cargo although it was not on French account:

That one hundred and one French passengers, of different professions, embarked at Cadiz, by order of the Spanish minister, on board the Genoese ship *Providence*, Captain Ambrose Briasco, to be carried to Bayonne, were shamefully pillaged by the crew of an English privateer:

That various reports, which are successively made by the seaport towns of the republic, announce that the same acts of inhumanity and injustice are multiplied and repeated with impunity every day along the whole seacoast:

That, under such circumstances, all the laws of nations being violated, it is not permissible that the French people should fulfil towards all the neutral Powers, in general, the vow they have so repeatedly manifested, and constantly make for the full and entire liberty of commerce and navigation, decrees as follows:

ART. I. The French ships of war and privateers may stop, and bring into the ports of the republic, such neutral vessels as are loaded in whole or in part, either with provisions, belonging to neutrals, and destined for enemy ports, or with merchandise belonging to enemies.

II. Merchandise belonging to enemies shall be declared good prize, and confiscated for the benefit of the captors; the provisions, belonging to neutrals and loaded for enemy ports, shall be paid for according to their value in the place for which they were destined.

III. In all cases, neutral vessels shall be released when the unloading of the provisions which are stopped, or the merchandise which are seized, is completed; the freight for them shall be paid at the rate stipulated by the persons who shipped them. A just indemnity shall be made, in proportion to their detention, by the tribunals who have cognizance of the validity of the prizes.

IV. Those tribunals shall be bound also to transmit, three days after their sentence, a duplicate of the inventory of the said provisions or merchandise to the minister of marine, and another duplicate to the minister for foreign affairs.

V. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect after the enemy Powers shall declare free, and not liable to seizure, although destined for the ports of the republic, provisions which may be neutral property, and merchandise loaded in neutral ships, which belongs to the French Government, or to French citizens.

B.

To James Monroe, Minister Plenipotentiary of the United States of America, at Paris.

PARIS, Vendemiaire, 3d year, (October, 1794.)

SIR:

At your request I now lay before you a statement of the innumerable embarrassments and difficulties which our commerce has, for a long time, and still continues to labor under, in the different ports of the French republic. It is evident, if their Government does not soon remedy the incessant abuses and vexations practised daily upon our merchants, vessels, captains, and crews, the trade of the United States with France must cease. I cannot give you an ample detail of all the inconveniences and oppressions which have been thrown upon our commerce; many of the consuls and their agents to whom you have written to forward such documents to my office, having not yet done it; besides, it would take volumes to expose them at full length.

From the communication, however, already received from the different ports, and from the information I have collected from the captains present, I can assure you that there are near three hundred sail of American vessels now

in the ports of France; all of whom have suffered, or are suffering, more or less delay and difficulties, of which the examples annexed will afford you a general view. The hardships of which I have chiefly to complain, and out of which there grows incalculable evils, may be developed under four general heads.

1st. The capture indiscriminately of our vessels, at sea, by the vessels of war of the republic.

2d. The impossibility of Americans selling their cargoes, and receiving payment at the ports to which they are conducted, or of their own accord arrive.

3d. The difficulties and procrastination which they find in their transactions with the boards of marine and commerce.

4th. The non-compliance, or heretofore delay, in fulfilling the contracts, made by the agents of the French republic in America, for supplies of provisions.

The seizure of our vessels at sea often gives rise to the most serious and well founded complaints. The stripping them of their officers and crews, who are generally replaced by boys and inexperienced hands, in order to be conducted to ports, exposes them to much injury, and sometimes total loss; the confinement of our sailors taken out of those vessels, the seals upon their cargoes, and, above all, the sending the papers to the commission of marine, at Paris, involves the most unwarrantable hardships and delays, and, I am sorry to add, that all our vessels experience some of those difficulties; and, indeed, such as arrive with cargoes on account of the republic, months elapsing before the captains can get their clearances and papers, many of which are often lost or mislaid.

As to the second head, the agents of the commissions of commerce at the different ports, having no power to treat directly for cargoes, it follows, that they must write to the commission at Paris for orders; and, after one or two months' fruitless correspondence, it often happens that the captains are obliged to come up to Paris, where, being ignorant of forms and language, they have to encounter a thousand difficulties.

It would be too tedious to mention all the inconveniences resulting from the third general complaint. In the first place, the delays at the commission of marine are incredible. The captains, whose vessels are brought into ports by the armed vessels of the republic, cannot withdraw their papers from the hands of the marine agents, but are forced to Paris, to solicit, time after time, of the marine, a report upon them to the committee of public safety. The cruel delays attending this will be illustrated in the examples annexed. The report being made before it can reach the latter body, it must have the signature of the commissaries, and go through other formalities, and when it receives the sanction of the committee of safety, has to travel nearly the same road back. Judge, sir, of the tedious delay attending this; indeed, you will see cases where the poor captains have been many months in arriving at the above point; and I, myself, after having pressed several reclamations for weeks past, have not yet been able to bring one to that issue.

To sell to the commission of commerce, is still more difficult. When a bargain is concluded with them, an order is issued to the keepers of the public magazines to receive the cargo sold; who often pretend that there is no room to receive it, and frequently they keep the captains waiting weeks before their whim or convenience will induce them to receive it; this point gained, application must then be made at Paris, to the commission of commerce, for payment, who refer the captain to their board of agency; they make a report to the comptabilité of the same commission, from thence it must go to the committee of finance, then to the committee of public safety, from whence it can reach the latter body, it must have the signature of the commissaries, and go through other formalities, and when it receives the sanction of the committee of safety, has to travel nearly the same road back. Judge, sir, of the tedious delay attending this; indeed, you will see cases where the poor captains have been many months in arriving at the above point; and I, myself, after having pressed several reclamations for weeks past, have not yet been able to bring one to that issue.

The fourth and last general complaint is of a delicate and important import. Mr. Fauchet, the French minister, has made considerable purchases of provisions in America for account and in the name of the French republic; one house has engaged to furnish twenty thousand barrels of flour; thirteen vessels loaded with these provisions have already arrived; and in vain have I demanded of the commission of commerce their answer respecting the payment of those contracts; except that in the commencement, they assured me the committee of finance had ordered the payment of three cargoes at Bordeaux; but to my surprise, two days after, I found that no report had been made by the commission of that committee.

You have judged, sir, the commerce of this country being immediately under the control of one branch of the administration of its Government, that it was necessary to adopt some corresponding measures in order to protect the rights and interests of our citizens, and, for that purpose, having provisionally named me to the place of consul, I have accepted it, as well to answer your views, as in the hope of rendering some good to both republics.

Before I conclude, permit me to observe that it is of indispensable importance to obtain some mode of having the claims of our citizens adjusted, for supplies furnished to the colonies of the French republic, and, likewise, the numerous claims in consequence of the late embargo at Bordeaux. I am authorized by many of the claimants to adjust them, and have many of the documents in hand, but wish for further instructions from you.

I would offer to your view a statement of the immense sums already paid by this republic, and to be paid, as indemnities for the extraordinary and useless delays of our vessels; but the consuls and agents have not yet furnished me with the requisite documents; it is, however, a fact, that not a single vessel arrives from America and departs, without having some such reclamation to make. I am persuaded that many millions are absorbed in this manner.

It is with real regret, sir, that I find myself obliged, the duties of my station requiring it, to present to your view so many complaints of so serious a nature, as, in my opinion, calls for your earliest attention; but, in doing this, I do not forget, and it will ever be my effort to cultivate, as much as possible, a good understanding between the citizens of our country and those of France.

With respect, &c.

FULWAR SKIPWITH.

The Hon. Col. MONROE.

A report on some of the American vessels captured by the armed vessels of the French republic, and carried into the various ports of the republic.

1st. The ship Alexander, Captain Woodward, with a cargo of flour, on account of the French Government, was captured on the 5th of August last, by the frigate Agricola, and conducted to Rochefort, being stripped of all her crew, except the cabin boy. This vessel, from extreme neglect, since her arrival at Rochefort, is in a condition unfit for sea, without undergoing considerable repairs, and remains there deprived of her people. The demand of the freight, agreeable to the charter party signed by Mr. Fauchet, has been long since, and remains, with the commission of commerce.

2d. The brigantine Olive Branch, Captain John Buffington, taken by the frigate Semillante, was conducted to L'Orient on the 30th of August, with a mixed and perishable cargo; the seals remain upon her hatches; and besides

having been rudely insulted by having her colors hauled down, by order of the captain of a French sloop of war, she was deprived of her crew, and ran many risks of being wrecked by the inexperience and negligence of those who were put on board of her.

3d. Brigantine Polly and Nancy, captain Brien, was taken into Brest the 26th of August, after being deprived of ten of her ship's company.

4th. The brigantine Apollo, Captain Parker, taken the 26th of February, and carried to Rochefort, and not liberated until the beginning of September, and the captain has not yet been able to prevail on the commission to make a report to the committee of salut public, in order that he might obtain the indemnity so justly due him.

5th. The ship Robert, Captain Whippey, taken by the Proserpine frigate, and conducted to Brest.

6th. Ship James, taken by an armed vessel, and conducted to L'Orient, in the month of August, after being deprived of mate and ten men.

7th. Schooner Ruth, Captain John Peter, taken by the frigates the Railleuse, la Resolve, and the Insurgent, and conducted to Rochefort, after being stripped of all her crew, except the cabin boy, where she remains with her hatches closed, and the cargo (of fish) in a perishing state.

Vessels of the United States now detained in different ports, loaded on account of the republic, their contracts signed by the French Minister, and payments not obtained, or at present likely to be obtained, of Government here.

At Bordeaux, since the 6th of August, 1794, the Ariel, Captain Decator; brigantine Mary, Captain Flemings; brigantine Susannah, Captain Towers.

I have demanded payment of the cargoes of those three vessels of the commission of commerce, and was answered that the committee of finance had given an order for that purpose; but on my application to that body, I find they have not.

Arrived at Nantes in the month of August, the Goddess of Liberty, Captain Glad, and Mary, Captain Puller, 2,720 barrels of flour; the Norfolk, Captain Baron, and Bellona, Captain Brooks, 4,203 barrels of flour.

At L'Orient, 5th August, the Alexander, Captain Woodward, 1,595 barrels of flour.

At Brest, 26th August, the Polly and Nancy, Captain Bryan, loaded with flour, and three others.

At Rochefort, 2d September, brigantine Sally, Captain Grice, 1,638 barrels of flour.

All the above vessels are waiting; and though I do not get a positive denial, I can obtain no promise of payment for their cargoes.

Particular cases of American vessels.

1st. The Paragon, Captain Gerrish, I laded at St. Lucie in September, 1793, and cleared her for Amsterdam; in the month following she was stranded upon the French coast, in the Department of Montagne sur mer. The judges of the Canton of St. Jose ordered the part of the cargo damaged to be sold, and the good to be stored. The captain, after four journeys to Paris, fruitless attendance on the marine, and twelve months detention, has been forced to abandon the pursuit; and since my residence here, though in the quality of proprietor as well as consul, I have not been able to obtain restitution of the property.

2d. Captain Newell arrived at Havre in the month of June, 1793, with a cargo eighty-eight thousand livres value, which he sold, and purchased to the amount of forty-seven thousand livres in articles of luxury. At the moment his vessel being ready to depart, a decree of the National Assembly appeared, prohibiting the exportation of all merchandise whatever: Newell was consequently obliged to despatch his vessel empty. Many months, however, after, he procured from the commission of commerce permission to export those goods; and at his arrival at Havre, where they lay, not finding an American vessel to be hired, he chartered a Danish one, and shipped the goods; but, applying for a clearance at the custom house, he was required not only to give approved surety of his landing the goods at his particular port of residence in America, but likewise that he should ship them in an American vessel only. The hardship of the case compelled him, of course, again to Paris; and he is now in vain soliciting that he may be relieved from giving a security, that as a stranger, he cannot obtain, and being allowed to export his property in other than a neutral bottom, the one he has chartered lying all the while, at his expense, at nine pounds sterling per day.

3d. The brigantine Hope, Captain Hooper, captured and sent to Rochefort in March last, whose cargo was sold soon after to the commission of commerce, has only from that time to this been able to obtain a report from the commission of commerce to the committees of salut public and finance.

4th. The ship Kensington, Captain Kerr, was taken by a frigate, and sent to Morlaix, the 28th April last; the commission of commerce refused to purchase his cargo, notwithstanding he has been detained in port ever since.

5th. Some time ago, the commission of commerce purchased the cargo of the brigantine Iris; but finding afterwards that the articles which composed that cargo might be bought on lower terms, they refused to comply with their contract; the proprietor therefore demanded restitution of a considerable part of his cargo remaining unsold, and offered to take the price they pleased for the part that was; this was rejected; and the captain at present can get no satisfaction whatever.

6th. The agents of the commission of commerce purchased at Havre, the cargo of the ship Fabius payable in bills on Hamburg; but after a tedious delay, they would only give him bills on Basle, pretending they could not draw on Hamburg; though they gave immediately after bills on that place to others. However, after another month's vexation and delay in this situation, Mr. Vans, the proprietor, obtained bills on Hamburg, which have come back protested for non-payment, and the commission refuses to allow the customary damages. Mr. Vans likewise sold to their agent at Dunkirk a valuable cargo, and the sale was ratified and approved by the representative of the people, then with the northern army, and who was possessed of the power from the Convention of making unlimited purchases; still the commission of commerce oppose the fulfilment of the contract.

Vessels of the United States captured going to and coming from different ports, and their treatment by armed vessels of the republic.

1st. The ship Mary, Captain Titcomb, on her passage from London to Boston, was captured by the sloop of war the Hendrick, (a prize to the French frigate the Surveillante.) Her passengers, among whom there were three American families, were plundered of their hats and watches; the crew experienced no better fate, and the cabin was entirely ransacked. The passengers, though late at night, and the sea running extremely high, were hurried into a small boat, and sent at some distance on board the sloop of war. The women, of whom there were several, from the hardships they underwent, have been indisposed ever since. The ship entered Brest on the 1st of September; the passengers remain at this time on board a prison ship, and the commissary of marine has not yet made a report upon the business.

2d. The ship Severn, Captain Goodrich, on her passage from Bristol to New York, with several families on board, who were going to settle in America, was captured by the Proserpine frigate, who took out of the Severn the passengers, crew, papers, and live stock, and sent her into Brest on the 1st of September, where the passengers remain on board the prison ship called the City of L'Orient, and no report can be obtained from the commission of marine.

3d. The ship Mary, Captain Preble, was captured by the above mentioned frigate, on the 18th August, on her passage from England to America, with a number of passengers, and has experienced the same treatment in every respect that the Severn did.

4th. The brigantine *Theodosia*, Captain Justice, was captured by a French squadron on the 14th September, and conducted to Brest, with a perishable cargo, where she remains, her hatches closed; and as yet I cannot obtain a report from the commission of marine.

5th. The schooner *Roebuck*, Captain Kensman, captured by the frigates *Surveillante* and *Fidele*, was carried into Brest in May last. Her bills of loading were given to the commission of marine at L'Orient, but not having been forwarded to the commission here, no report can yet be had.

6th. The ship *Canton*, Captain M'Ghee, captured in the East Indies in the month of October, 1793, by a French privateer, and sent to the Isle of France.

7th. The ship *Woodrup Sims*, Captain Hodgson, captured by the *Jacobin* and *Atalanta* frigates, and sent to Rochefort the 12th September, remains with a perishable cargo on board, and no report can yet be obtained of the commission of marine; this vessel, on her last voyage to Bordeaux, was detained nine months.

8th. The brigantine *Peggy*, —, taken by an armed brigantine of the republic, was conducted to Rochefort the —; the captain and crew were in prison during eight days, the seals put upon the hatches, and the papers taken from the captain.

9th. The ship *George*, Captain Symes, captured by the frigate *La Galathie*, and carried into Morlaix in January last, her papers and crew were wrested from her, and, after considerable delay of the cargo on board, it was landed and stored by order of the judge of the peace, and not till some months after was a report made to the committee of sal public.

10th. The brigantine *Hope*, Captain Hooper, taken by three frigates, and conducted to Rochefort in the month of March, remains there still, and the captain at Paris unable to close his business.

11th. The ship *Union*, Captain Biard, taken the 12th January, by the frigate *La Resolue*.

C.

Extract from the Register of the Decrees of the Committee of Public Safety, of Finance, of Commerce and Supplies, of the National Convention of the 25th Brumaire, (15th November, 1794) in the 3d year of the French republic, one and indivisible.

Art. I. The vessels of the United States, and those of the other neutral powers, may freely enter the ports of the republic, and go out thence, whenever they shall think proper; and it shall not be permitted that any constituted authority may delay their departure, or oblige the masters to sell their cargoes, against their consent.

II. When the masters or owners of neutral vessels think proper to sell their cargoes to Government, they shall be paid in the manner which shall be mutually agreed upon.

III. It is enjoined upon all commanders of naval armaments, divisions, squadrons, fleets, or vessels, to respect and cause to be respected, under their responsibility, towards neutrals, and the allies of the republic, the law of nations, and the provisions of treaties, by a strict compliance with the terms of the decree of the National Convention of the 27th July, 1793.

IV. In consequence, they are expressly forbidden to make these vessels deviate from their voyages; to take from on board of them the captains, sailors, or passengers, except soldiers actually in the service of enemy Powers; and to seize the effects or merchandise which may be found therein.

V. There is excepted from the prohibition contained in the foregoing article:—

1st. Merchandise belonging to Powers in enmity with the French republic, until those Powers shall have declared free, and not liable to seizure, French merchandise loaded in neutral vessels.

2d. Merchandise, though neutral, which is called contraband or prohibited. There is comprised under the name of contraband or prohibited merchandise, arms, instruments, and munitions of war of every kind, horses and their furniture, and every kind of goods, wares, and merchandise, destined for a place actually besieged, blockaded, or invested.

VI. All merchandise seized on board of neutral vessels, as belonging to enemies of the republic, shall be unloaded without delay, and, at most, within the term fixed for lay days by the charter party, which the master of the vessel may carry.

VII. The freight of enemy goods shall be paid at the rate contained in the bill of lading or charter party; and the master shall have permission to employ the amount of it in the purchase of merchandise of the growth or fabric of the republic, the exportation of which may be permitted.

VIII. The master of a vessel, on board of which shall be found the merchandise above described, shall be free to depart as soon as they shall be unloaded.

IX. In case merchandise, seized as belonging to enemies, shall appear to belong to neutrals, and be declared, in consequence, not to be good prize, they shall be restored unchanged to the owner, if he shall not rather agree to sell them.

X. The commission of marine shall immediately present to the committee of public safety a list of every native subject of the Powers with whom the French republic is at war, who may (up to this day) have been seized in neutral vessels, and their complaints shall be decided upon by particular decrees.

XI. The indemnities due to neutral masters, who have been detained at Bordeaux, in consequence of the embargo which was laid there, shall be adjusted, without delay, by the commission of marine, conformably to the decree of the committee of public safety of the 7th Germinal.* This commission shall render an account, within six days, of the present situation of those claims.

XII. The commission of marine is specially charged to receive and to examine the accounts which shall be presented to it by the agent of the United States, concerning the supplies which the American merchants have furnished to the administrators of St. Domingo. It shall take all necessary measures to procure for the interested the most speedy justice; and it shall present to the committee of public safety, finances, commerce, and supplies, the result of its doings on this subject.

XIII. The commission of marine is charged to cause the present decree to be published in all the ports of the republic.

The commission of foreign relations shall transmit it to the agents of the republic, to the allied or neutral nations, with orders to communicate it to them.

A copy of it shall be delivered to the minister plenipotentiary of the United States of America, to serve as an answer to the memorial presented by him on the 17th of last Fructidor.

The members of said committees united.

MERLIN, (D. D.)
CAMBACERE,
CARNOT, &c.

C C.

Extract from the register of the resolves of the Commission delegated by the French Government to the Leeward Islands.

The commission resolves that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony American vessels bound to English ports, or coming from the said ports.

The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony until it shall be otherwise ordered.

At the Cape, the 7th Frimaire, (27th November) in the fifth year of the French republic, one and indivisible.

Signed on the record of the procès-verbal,

LEBLANC, *President.*
SONTHONAX, } *Commissioners.*
RAIMOND, }
PASCAL, *Secretary General.*

A true copy.

The secretary general of the commission,

PASCAL.

D.

A statement of the claims of citizens of the United States upon the French republic, presented by Mr. Skipwith, Consul General of the United States at Paris; and also of his proceedings and remarks upon them: viz.

List of American claims settled with the French Government, by Fulwar Skipwith.

	Livres Specie.	Livres Assign.
No. 1. Brig Apollo, of Boston, Captain Benjamin Parker, captured, and carried into Rochefort. Recovered an indemnity. Paid to the captain	34,791 00 0	4,454
2. Ship George, of Boston, Captain Elias Dawes Symes, captured, and carried into Morlaix. An indemnity was allowed by the committee of salut public for her detention, to be regulated by arbitrators, who made up their award for demurrage in assignats; but by my repeated applications to the committees of Government, I obtained the payment of £1,355 sterling, in silver	32,520 00 0	
3. Schooner Trial, Captain Timothy Tuft, was detained, by embargo, at Calais. I recovered for him an indemnity. Paid to the captain		176,000
4. Ship Alexander, Captain Thomas Woodward, captured, and carried into Rochefort. I obtained for him the payment of his freight; also an indemnity for demurrage of 39,676 livres specie, 3,418 assignats. The specie part was paid in assignats, with the depreciation; and I accounted to the captain for specie: besides, I had his vessel repaired at this Government's expense. Paid to the captain	39,676 00 0	3,418
5. Brig Margaret, Captain Benjamin Berry, captured, and carried into Havre. I recovered for him. Paid to the captain	34,887 00 0	11,560
6. Ship Minerva, Captain Thomas Cutts, captured, and carried into Brest. I recovered for her demurrage £2,460 sterling. Paid to the captain, in bills	59,040 00 0	
7. Brig Robert, Captain Coffyn Whippley, captured, and carried into Brest. I recovered for her demurrage 26,136 livres specie; paid in assignats, at the course of exchange, and in assignats 12,100 for the captain's expenditures. Settled with the captain	26,136 00 0	12,100
8. Ship McGilvra, Captain Hugh Gemmel, captured, and carried into Brest. I have recovered the payment of freight and demurrage, amounting to 35,661 marcs banco, and 15,000 assignats. Remitted, agreeably to the captain's orders,	65,982 13 7	15,000
9. Ship Kensington, Captain Walker Kerr, captured, and carried into Morlaix. Indemnity for demurrage recovered and paid		86,320
10. Schooner Helen, Captain John Craft, captured, and carried into Bordeaux. His cargo of corn seized upon by the officers of Government. Recovered, in payment of his cargo, 46,321 livres, specie, and for demurrage and indemnity, 13,104 livres, specie, and 5,425 in assignats	13,104 00 0	5,425
11. Brig Nancy, Captain Andrew Dunning, captured, and carried into Brest. Recovered for his detention and demurrage £460 sterling, in specie, 14,600 in assignats, and £12 sterling for two thousand staves	11,328 00 0	14,600
12. Brig Hope, Captain Asa Hooper, captured, and carried into Rochefort. Recovered an indemnity of 53,370 livres, specie, and 3,110 assignats.	53,370 00 0	3,110
13. Ship Fabius, Captain Conan, captured, and carried into Bordeaux. Recovered his indemnity. Paid to the captain, to the amount of	39,807 05 0	
14. Messrs. Patten and Prentiss, citizens of the United States, owned half of the cargo of the Swedish ship, the Nittumfork, captured, and carried into Brest: the price of which they recovered. I obtained for them an indemnity for their expenses, from the date of their settlement to the day of their payment, of		6,250
15. Benjamin Jarvis had the French minister Fauchet's bills on the commission of supplies, for 165,000 livres, specie; the payment of which I obtained in assignats, at the rate of exchange, and paid Mr. Jarvis in bullion	165,000 00 0	
16. The ship President, Captain John Anderson Smith, brought from Baltimore a cargo of flour, on account of the French republic; nine hundred and ninety-four barrels of which remained unpaid, on account of some difficulties between the supercargo and the French agents. I recovered the payment of £2,236 10s. sterling, on account of Oliver Kane, assignee of Mr. Barton	53,676 00 0	
17. The brig Eagle, Captain William Conan, came as a cartel from Jersey, with prisoners of war, to Roscoff, where she was stopped and detained. I obtained her release, with permission to sail out; but no indemnity was granted, this Government referring the captain to the Power that employed him.		
18. The brig Friendship, Captain Ebenezer Hoyt, arrived at Rochefort. I obtained for him the payment of his freight, amounting to 36,869 livres, specie; and also an indemnity of 18,144 livres, specie, for his detention.	55,013 00 0	
19. The brig Hiram, Captain James Craig, ran aground near Boulogne; she was got off, but carried into Boulogne, and detained there. I procured her release, but have not yet been able to obtain an indemnity for her detention.		
20. Thackster Tailor had received from his house of Baltimore bills of citizens Le Compte and Gornon, agents of the French republic in America, to the amount of 30,000 pounds sterling. Those bills having protested for non-payment at Hamburg, I recovered the amount from the Government, 720,000 livres, specie,	720,000 00 0	
21. Ship Rising Sun, Captain Welkey; recovered the payment of his freight, of 8,580 dollars. Demurrage is not yet paid,	46,332 00 0	
22. William Vans had made a contract with some of this Government's agents; I recovered the payment for him (all but a small part, which remains unpaid) in brandies and wines, specie,	385,926 00 0	
23. John Dickey, agent of the house of Oliver and Thompson, of Baltimore, sold to the Government a cargo of hemp, iron, and lead. I recovered the payment for him, of	161,479 10 0	
24. Bark Apollo, Captain M'Gruder; recovered the payment of her cargo of flour, in specie,	107,070 00 0	

I am soliciting the payment of the demurrage.		
25. Messrs. Townsend, Franklin, and Sadler, made contract with the French Government; I have obtained for them arrêtés from the committees of Government, for the payment of, in specie, -	2,239,693 00 0	
N. B. Remains unpaid 1,009,793 livres.		
26. The brig Two Brothers, Captain Carman, delivered by contract a cargo of leather; I have obtained an arrêté for the payment, in specie, of -	260,526 00 0	
N. B. There is but one quarter paid.		
27. Ship Hawk, Captain Moses West, delivered at Brest, by contract, a cargo of leather; obtained an arrêté for the payment, in specie, of -	130,938 00 0	
N. B. Only one quarter paid.		
28. Ship Olive Branch, Captain Buffington; obtained an arrêté for the payment of her cargo, in specie, -	147,537 00 0	
N. B. Only one-fourth paid.		
29. The schooner Success, Captain Elias Low; her cargo of fish taken for Government's use; obtained an arrêté for the payment of -	35,762 10 0	
30. Schooner Industry, Captain Isaiah Snow; her cargo of fish taken for Government's use; obtained an arrêté for the payment of -	42,300 00 0	
N. B. One-third remains unpaid.		
31. Joseph Pitcairn, agent of Colonel Smith, delivered to the republic, by contract, the cargoes of the ships George and Lydia; recovered the payment of the same, amounting to, in assignats, -	6,480,400	
32. Ship Ann, Captain Coffin, delivered at Havre, by contract, a cargo of pearlsh, and potash; obtained an arrêté for the payment of, in specie, -	155,567 16 0	
33. Ship Severn, Captain Jared Goodrich; obtained an arrêté for the payment of her freight, in specie, -	22,641 19 0	
N. B. Only one-fourth paid.		
34. Captain Jacob Smith, of the ship General Green, sold to this Government a cargo of hemp and iron, the payment of which I recovered, independently of the amount of the iron, -	42,275 00 0	
35. Brig Polly, Captain Richard Christie. Obtained an order for the payment of demurrage, of -	3,847 10 0	
36. Brig Henry, Captain Henry Hodge, captured and carried into Morlaix. Got so much endamaged, under the command of the prize master, that the captain abandoned her, entering his protest before the proper officer. Having previously obtained an arrêté, that declared the vessel American property, I obtained likewise an order for another vessel of the republic, in lieu of the Henry, at the choice of the captain, who pitched upon an English prize, the Quaker. I have also obtained an indemnity for his detention, of 11,284 livres, specie, and 11,536 assignats, -	11,284 00 0	11,536
N. B. The indemnity is not yet paid.		
37. Brig Four Friends, Captain Joseph Gleen. Recovered the payment of his freight, (this vessel having been captured) in specie, -	35,196 00 0	
Obtained also an arrêté for his indemnity, amounting to 12,012 curr. in specie, -	26,693 00 0	
N. B. The indemnity is not yet paid.		
38. Brig Theodosia, Captain John Justice, captured and carried into l'Orient. I have obtained an arrêté for the payment of the indemnity, of 2,600 florins, equal, in specie, to -	5,777 00 0	

Claims before the Government.

39. The ship Severn, Captain Jared Goodrich, owned by Messrs. Thomas Piersall and Elijah Pell, of the city of New York, bound from Bristol to New York, was captured by the French frigate Proserpine, and carried into Brest. I obtained an arrêté on the 24th day of October, 1794, which released the vessel, but condemned the greatest part of the cargo, ordering the payment of the freight of the part condemned, and an indemnity for the detention.

N. B. The indemnity is fixed by the arbitrators, but not yet obtained.

Claims for the Cargo.

40. James Davy. I have claimed for him the release of the articles contained in his bill of lading, consisting of three casks of merchandise, one long bundle do, three bundle shovels, one bundle pans, and six casks of iron weights. As most of this cargo has been distributed, I want the original invoices and testimonials of the value of the articles, in order to recover the value of them; not determined.

41. Messrs. Malcomb McEwen and Son. I have claimed for them the release of tin and lead, to the amount of £240 lrs. sterling; but the original invoices are wanting for the recovery of the value; not determined.

42. Messrs. Moses Rogers and William Woolsey. I have claimed for them the release of their part of the cargo; not determined.

43. Messrs. John Cane and Brothers. Claimed their part of the cargo; not determined.

44. Andrew Van Tuyl. Claimed his part of the cargo; not determined.

45. Messrs. Peter Goelet and Robert Katsey Goelet. Claimed their part of the cargo; not determined.

46. Samuel Amos. Claimed his part of the cargo; not determined.

47. Nicholas Van Antwerp. Claimed his part of the cargo; not determined.

48. Francis Basset. Claimed his part of the cargo. The commission of Marine has answered that the property was released by the arrêté of October, 1794; it is supposed, of course, that it was re-shipped by the captain. I have wrote to Brest, and to Mr. Basset, for information.

49. John Haster. Claimed his part of the cargo; not determined.

50. Messrs. Bbediat Bown and Andrew Bowne. Claimed their part of the cargo; not determined.

51. Joseph Blackwell. Claimed his part of the cargo; not determined.

52. Thomas Cadle. Claimed his part of the cargo; not determined.

53. Stephen Deblais. Claimed his part of the cargo; original invoices and prices of the goods, copy of the bill of lading, wanting.

54. Messrs. Douglass and Roe. Claimed their part of the cargo; not determined.

55. Daniel Dunscomb. Claimed his part of the cargo. The property released, by arrêté of the 26th of April, 1795. The value yet to be recovered.

56. James Farley. Claimed his part of the cargo; not determined.

57. William Gazzam. Claimed his part of the cargo; not determined.

58. John J. Glover. Claimed his part of the cargo; not determined.

59. Peter Goelet. Claimed his part of the cargo; not determined.

60. John Ever. Claimed his part of the cargo; not determined.

61. Messrs. Hallet and Bowne. Claimed their part of the cargo; not determined.

62. Andrew Hammersly. Claimed his part of the cargo. I have wrote to Birmingham for a duplicate of the invoice, that forwarded by Hammersly being so wet that no use can be made of it.

63. Uriah Hendricks. Claimed his part of the cargo. I have no invoice.
64. Messrs. Oliver and Hull. Claimed their part of the cargo; not determined.
65. John Lawrence. Claimed his part of the cargo; not determined.
66. Messrs. Loomess and Tillinghast. Claimed their part of the cargo; not determined.
67. Messrs. Lyde and Rogers. Claimed their part of the cargo; not determined.
68. Messrs. Outhout and M'Ewen. Claimed their part of the cargo; not determined.
69. Messrs. Pearsall and Pell. Claimed their part of the cargo; property released by arrêt^é of the 26th April.
1795. Invoices wanted to recover the value.
70. Messrs. Thomsen and M'Grego. Claimed their part of the cargo; not determined.
71. Walter Weyer. Claimed his part of the cargo; not determined.
72. Abraham Varick. Claimed his part of the cargo; not determined.
73. Messrs. Underhill and Son. Claimed their part of the cargo; not determined.
74. Messrs. Alexander and John Mowatt. Claimed their part of the cargo; property released, but the value not yet recovered.
75. Schooner Lark, Captain Samuel Lovet, was captured at sea. The prize master lost both vessel and cargo, on the coast near Bayonne. I obtained an arrêt^é, which acknowledges the property of both vessel and cargo to be American property, and orders the payment of the value thereof; which value is to be ascertained by arbitrators. The arbitration not yet made.
76. Brig Mary, of Haverhill, Captain Jonathan Titcomb, captured and carried into Brest. Obtained an arrêt^é which releases both vessel and cargo, and orders an indemnity for deviation and detention; the award is made up, but the order of payment not yet issued.
77. Ship Fame, Captain John Coleman captured and carried into L'Orient. Obtained an arrêt^é for an indemnity; the award made up, but the order of payment not yet obtained.
78. Snow Mercury, Captain George Todd, captured and carried into Morlaix, and released. The demand of an indemnity not yet answered.
79. Ship Andrew, Captain Samuel Makin, captured and carried into L'Orient. Claims made for the value of the cargo, and for an indemnity for the detention of the vessel; not determined.
80. Brig Trenton, Captain George Graham Hussey, captured by the French and retaken by the English. Claims made for an indemnity on behalf of the mate William Cook, who was taken out of her and was plundered; not yet determined.
81. The Ruby, Captain Dexter, captured and carried into Morlaix. Claimed for Mr Blake the value of the cargo; not determined.
82. Mr. Thomas Hickling, acting as American consul at St. Michael. Claimed for him his half of the cargo of the Swedish ship the Nellsurlok, captured and carried into Brest; not yet determined.
83. Ship Little Cherub, Captain Rat. Bird, owned by Thomas Ramsden; captured and carried into Dunkirk. Claimed an indemnity, demurrage, &c. not determined.
84. Brig Amphion, Captain Joshua Sayer, captured and carried in Cayenne. Claimed the payment of the freight; not determined.
85. Brig Hero, Captain George Frost Blunt, captured and carried into Cherbourg. An arrêt^é orders the indemnity to be settled by arbitrators. The award giving less demurrage than what is specified in the charter party, remonstrances are put in against; not yet determined.
86. Brig Hero, Captain George Frost Blunt, captured and carried into Cherbourg. Messrs. James Burgess and Co. of Charleston. Claimed for their part of the cargo; not determined.
87. Brig Hero, Captain Blunt; Messrs. David Lamb, Montgomery. Claimed for their part of the cargo; not determined.
88. Brig Samuel, Captain Alexander Black, captured and carried into St. Malo. Part of the cargo has been endangered; recovered the payment of that part of the cargo that was not damaged; claims for the damaged part and for an indemnity, is pending before the Executive commission of marine. The part of the cargo paid amounted to liv. 61,847 specie.
89. Schooner Abigail, Captain George Dunham, captured and carried into L'Orient. Obtained an arrêt^é for the indemnity which has been awarded, but the order of payment not yet obtained.
90. Ship Union, Captain Richard Beard, captured and carried into Cherbourg. Arrêt^é granted for the payment of the cargo and for an indemnity for detention; nothing yet paid.
91. Schooner Retrieve, Captain Daniel Jackson. Claimed part of her cargo taken by the French at Leogane, in Hispaniola; no determination.
92. Schooner Ruth, Captain John Peters, captured and carried into Rochefort. An indemnity was awarded for his detention, but the captain not being satisfied with the award, a demand is put in to overset it.
93. Ship Ann and Susannah, Captain Richard Lane, captured and carried into L'Orient. The indemnity is awarded, but not yet obtained.
94. Captain Joshua Barney sold to this Government the cargoes of the Sidney, Adriane, Pomona, Harmony, Fame, and Moggys. Obtained an arrêt^é that the demurrage of these six vessels be settled by arbitrators. The award not yet made.
95. Brig Olive Branch, Captain John Buffington. Indemnity for demurrage not yet obtained.
96. Schooner Success, Captain Elias Low. The award for the indemnity made up, but the payment not yet obtained.
97. Schooner Industry, Captain Isaiah Snow. The award for the indemnity made up, not yet paid.
98. Henry Saddler. Claimed for him demurrage of the Iris, Betsey and Enterprize; not yet determined.
99. Joseph Pitcairn. Claimed for him the demurrage of the George and Ann; not yet determined.
100. James Robert Livingston. Claimed for him the demurrage of the two brothers; not determined.
101. Isaac Cox Barnett. Claimed for demurrage of the Hawke; not yet obtained.
102. Ship Ann and Susannah, Captain Richard Lane. Her cargo was sold to the Government by Mr. George Bunker, one of the owners. Obtained the payment of it, liv. 96,390 specie.
103. Ship Hamilton, Captain Teer. Claimed her demurrage; not yet obtained.
104. Ship Cincinnatus — agent, John Dickey. Claimed demurrage; not determined.
105. Barque Apollo, Captain M'Gruder. Claimed demurrage; not determined.
106. Schooner Sally, Captain John Hall. Her cargo of warlike stores was delivered to the administration of Guadaloupe, but not yet paid. Claimed the payment of the same; rejected by the commission of marine for want of an account liquidated at Guadaloupe, and proper vouchers; a fresh claim put in notwithstanding.
107. Ship Carolina, Captain Samuel Gerrish. This vessel was cast away on the coast near Boulogne; the Government officers seized on the property that was saved, and the committee of public safety passed an arrêt^é, ordering the sale of the same, and that out of the proceeds the captain should receive his freight. The goods saved were sold at vendue for assignats at the maximum price, which assignats would hardly pay near one-third of the freight. I have remonstrated against the illegality of the proceeding as contrary to the convention made between France and America; no determination.
108. Brig Triton, Captain William Ridgway, captured by the French privateer Rochambeau, and carried into Martinico, where the vessel was released, but the captain condemned to pay 3,300 liv. specie to the privateer. Claimed a restitution, and an indemnity for detention. The whole rejected by the commission of marine, because the captain was not on board, nor the ship's papers, when the capture was made.
109. Brig Mary, Captain Nathaniel Halley, captured and carried into Brest. Claim is put in for an indemnity for demurrage and detention, as also the freight of the goods condemned.
110. Brig Mary, Captain Halley; Peter Goelet. Claimed for him part of the cargo.
111. Brig Mary, Captain Halley; Charles Hopkins. Claimed for him part of the cargo.

112. Brig Mary, Captain Halley. Messrs. Richard Hallet and Walter Bowne. Claimed for their part of the cargo.
113. Brig Mary, Captain Halley. Messrs. Samuel Dexter and Thaddeus Pomeroy. Claimed their part of the cargo in behalf of Messrs. Robert Dale, Charles M'Ever, jun. Theophilus Bache, and Comfort Sands.
114. James Grubb. Claimed for him the payment of 66,000 livres specie, for flour delivered to the French administration of Hispaniola.
115. Sloop Jenny, of Savannah, Delaroque, master and owner; captured and carried into Cape François, and condemned. Claimed the value of the sloop and cargo, but it is impossible to obtain an order of payment, without some documents to prove the value, which Mr. Delaroque has never transmitted. When the necessary papers arrive, a claim will be put in for an indemnity.
116. Brig Friendship, Captain Henry Olney; supercargo, Ephraim Talbot; captured and carried into Bayonne. Claimed an indemnity.
117. Brig Betsey, Captain Daniel Boyer; owner, Mr. Stephen Vernon, of Philadelphia. Claimed the payment of the cargo delivered at St. Domingo. Rejected by the commission of marine, referring to the administration of St. Domingo. A new claim put in.
118. The ship Jones and Richard, of Philadelphia, Captain Edmund Nowland, entered at Bordeaux, coming from Hamburg, with dollars on board to purchase wines and brandies. He declared at the custom house on entering the cash he had on board, and lodged it with the consul; ready to sail, the captain took his cash on board, where it was seized. Claimed for him restitution of the same.
119. Armstrong and Barwell, of New York. Claimed for them the payment of a bill of the French administration of St. Domingo on the French minister near the United States, for liv. 16,225, which bill has been duly protested for refusal of payment by citizens Genet and La Forest.
120. James Vanuxem, for citizen Faure. He remitted four ordonnances on the minister plenipotentiary of France near the United States, drawn at St. Domingo, to the amount of liv. 39,751. Claimed for him the payment of the same; but the letter of attorney of Faure is wanted.
121. Peter La Maigre. Claimed for him the payment of six ordonnances on citizen Genet, duly protested, amounting to liv. 138,776; not determined.
122. Schooner Dairy Maid, Captain John Hammel, plundered by the French privateer the Little Democrat. Claimed the payment of the effects plundered agreeably to the accounts furnished; not determined.
123. Brig Maria, Captain Keyran Walsh; owned by Mr. Ebenezer Stocker, of Newburyport, Massachusetts; captured by the French frigate Medea, and recaptured by a British letter of marque. Claimed for the effects plundered, and detention of the vessel, 2,204 dollars, agreeably to the accounts furnished.
124. Sloop Diligent, Captain John Cunningham; owned by Messrs. Solomon Wilson, George Benn, and Nathaniel Norsworthy; captured and carried into Basseterre, island of Guadaloupe. Claimed an indemnity for the detention and effects plundered, of \$737 10.
125. Brig Thomas, Captain John Salter. Claimed the payment of the freight from Martinico to France, for transporting a number of French sailors and soldiers.
126. Schooner Alice, Captain Joseph Gould; owned by John Bullock, of Providence, Rhode Island; captured and carried into St. Lucie, and there condemned. Claimed the value of the vessel and cargo, and an indemnity.
127. Brig Gayoso, Captain Joseph Graisbury; owned by Messrs. Reed and Ford, of Philadelphia, plundered by the French privateer Little Democrat. Claimed \$2,386 90, agreeably to the account.
128. Brig William, Captain Benjamin Henderson; owned by William Gray, jun. of Salem; plundered by the French privateer citizen Genet. Claimed the amount of the effects plundered, and an indemnity; not determined.
129. Schooner York, Captain Andrew Burk; owned by Mr. Nicholas Cruger, of New York; captured at Port au Prince; both vessel and cargo condemned. Claimed the value of the whole, and an indemnity.
130. Ship Indian Chief, Captain Swail; captured and carried into Cherbourg. An arrêté orders the payment of an indemnity; but the award of the arbitrators is in assignats, which, by the considerable depreciation, cannot be received. I am soliciting the payment of it in specie.
131. The John, Captain Clarke; captured and carried into Cherbourg. In the same situation as the Indian Chief.
132. The Jerusha, Captain Ebenezer Giles; captured by the French, recaptured by the British. Claimed an indemnity for damages sustained whilst in the possession of the French.
133. Brig Hope, Captain Joseph Poole.
134. Sloop Rainbow, Captain Isaac Mackie; Messrs. Edward Dunant and Joshua Gilpin. Claimed for them the payment of their accounts of flour delivered at Cape François, &c. &c. cargoes of the two above vessels.
135. Schooner Juno, Captain Archibald Maxwell. Claimed for William Lynch the payment of the cargo of flour, beef, pork, &c. delivered at Cape Nicholas Mole.
136. Schooner Sally, Captain William Edgar.
137. Ship Robin, Captain John Brock, of Philadelphia. Claimed for Philip Care the payment for the cargoes of the two above vessels, as also the value of his effects burnt and destroyed in the stores of Messrs. Creven Jeune & Co. at the Cape.
138. Schooner James, Captain Dallstrandt; Christopher Lewis Lente, of New York. Claimed for him 125 half Johannes freight, and \$2,000 indemnity for the loss of his vessel.
139. John Burrows, master of the sloop Lark, of Philadelphia. Claimed for him the payment of five colonial bills of Guadaloupe on the French minister near the United States, on the protests of the said bills. It would have been well that the first had been transmitted to my office.
140. Sloop Confidence, of Newburyport, Captain Bradbury. Claimed the value of that part of the cargo that was condemned at Port de la Liberté, island of Guadaloupe, and an indemnity.
141. Schooner Success, Captain John Watson; George Brock, a passenger. Claimed for him the effects plundered by the boat of the French frigate Concorde.
142. Danish ship Krageroe, Captain Hans P. Kinck; James Muschett. Claimed for him his part of the cargo of tobacco, the said vessel being captured and carried into Brest.
143. Brig Eunice, Captain Benjamin Carleton; John Norris, John Barr, and James Barr, owners. Claimed an indemnity for being embargoed at Brest.
144. Messrs. Cruger & Co. of New York. Claimed for them the payment of two original drafts of the administration of Port au Prince on citizen Genet, the one, No. 19, for liv. 10,951 17 9, and the other, No. 20, for liv. 8,808 17. I wish they had been protested, and the protest transmitted to my office.
145. Ship Commerce, Captain Enoch Preble. Claimed for Messrs. Smith, De Saussure, and Darrell, the price of four casks of indigo, taken by the captain of the French privateer Tyger, of St. Malo.
146. British brig Mary Ann, Captain John Simpson; Archibald Gracie. Claimed for him the tobacco he had on board, as it was shipped before the time allowed by the treaty to take notice of hostilities.
147. Dutilh and Wachsmuth. Their claim for an ordonnance from Port Republicain, island of St. Domingo, for 12,980 liv. specie, and that for a bond of 5,744 liv. 12 sous, 6 den. signed Bonevane, cannot be supported for want of original papers and vouchers.
148. Paul Siemen. His claim for supplies of flour and gin cannot be supported for the same reasons.
149. Dutilh, of Philadelphia. Several of his claims, to the amount of liv. 9,445, for supplies furnished at St. Domingo, cannot be supported for the same reasons.
150. Peter La Maigre, of Philadelphia. There are a number of copies of colonial draughts and ordonnances, the payment of which cannot be claimed for want of original papers; also some original colonial bills, which the Government pay in assignats, at their nominal value, and which I have not thought proper to receive till authorized to that effect by the executors of La Maigre, deceased.
151. Fair American, Captain Rt. Gillet. Claimed for Messrs. Vanuxem and Lambaert the amount of the cargo abandoned at Cape François at the time of its destruction, amounting to liv. 143,855 12 7. Claimed at the same

time, for the same owners, liv. 35,695, for flour delivered at Port Republicain in 1793. Claimed, likewise, for the same, liv. 19,470, for five hundred barrels of flour, sold to the administration of Port au Prince. Those three claims rejected for want of original papers and vouchers.

152. James Gamble, of Philadelphia. Claimed for him the payment of liv. 14,576 8, for the amount of a colonial draft on citizen Genet. Rejected, and the papers delivered back to Mr. Monroe.

153. Brig Kitty, Captain William Waters; owned by Stephen Girard, of Philadelphia; condemned at Basse-terre, Guadeloupe. Having no official paper, not even a legal copy of the judgment, I have wrote to Mr. Girard, for the necessary papers and vouchers to support the claim.

154. Schooner Atalanta, of Washington, in North Carolina, (formerly the Washington) Captain Hugh Huston; captured, condemned, and sold at Basseterre, Guadeloupe. No official copy of the condemnation; no other paper but the Captain's protest, which is insufficient to present a claim upon.

155. Ship Favorite; supercargo, Samuel Montgomery Brown, of Philadelphia. Ship and cargo were condemned at Port au Prince for having not declared all the produce on board. Not a single official paper to support the fact; only relations of it by the supercargo.

156. Messrs. James McCurrach & Co. of Philadelphia. Two copies of drafts from Port Republicain on citizen Genet. There should have been, at least, certified two copies by the French consul at Philadelphia, and they should be under a certificate of the said consul, that the originals were deposited in his office.

157. Walter Stewart, of Philadelphia. His claim for livres 90,344.18, for supplies to the French Government of St. Domingo, proceeding from the cargo of the brig Active, Captain Aaron Welch, and his other claim, for 32,450 livres, for flour delivered at St. Marc, are only supported by copies of ordonnances, certified by a public notary, which is not sufficient.

158. Bartholomew Sarrazin, of Philadelphia. His claim for property destroyed at the Cape is not supported by affidavits of indifferent persons, of the amount and value of it, or by any other testimony than his own.

159. Brig Brothers, Captain John Baptist Smith, owned by James Barry, of Philadelphia. There is only the captain's protest of his being taken by a French letter of marque, the Ca Ira, Captain Paris, fitted out at Charleston, and carried into St. Bartholomew, whence the captain fled before condemnation. No claim can be supported without the assistance of some other evidence.

160. Sloop Matsey, Captain Frederick King. No other paper but the protest to prove that the cargo, left in the hands of Michael Levy, Aux Cayes, was taken by the orders of the Commissary Polverell, and not paid for.

161. Messrs. Nicholas Cruger, George Codwise, and Joseph Rose. The copies of three ordonnances of Guadeloupe, on citizen Genet, not sufficient to obtain payment; claims suspended for want of vouchers, original papers, or copies authenticated.

162. Schooner Polly, Captain Matthew Price, captured by the French privateer Narbonnaire, and carried into Port au Prince, where the cargo was condemned.

163. Messrs. Petit and Bayard, of Philadelphia. Copy of an ordonnance from Port Republicain on citizen Genet, on account of pork, proceeding from the cargo of the schooner Industry, and oil, of the schooner Franklin, delivered at the Cape, and on account of property left at the Cape at the time of its destruction; but no pieces of evidence or vouchers to support any part of the claim.

164. John Mayben, of Philadelphia. Several copies of ordonnances from the French West India Islands; but no original paper to support a demand of payment.

165. Sloop Mary Anne, of New Haven, Captain William Breutnall. Nothing but the copy of a declaration, on oath, of the mate and one of the hands, that the said vessel was plundered by the French, and then captured by the British.

166. Schooner Polly, of Washington, in North Carolina, Captain Nathaniel Willis. Freight and cargo plundered by a French privateer; no other paper to ground a demand but upon the protest.

167. Schooner Lucy, Captain Loudon Bailey. The captain's account of what the administration of Port au Paix, island of St. Domingo, allowed him for his cargo, and what it would have fetched at the current price; no evidence to support the fact.

168. Schooner Betsey, Captain John Murphy. Mr. William Patterson, of Baltimore, has transmitted an account of the cargo belonging to him, taken by the municipality of Pointe à Petre, but no evidence to support the demand of payment.

169. James Saddler. Claimed his part of the cargo; not determined.

170. Messrs. Talbot, Allum, and Lee. Claimed their part of the cargo; property released by arrêté of 26th April, 1795; invoices wanted to recover the value.

In witness of the foregoing being a true statement of the one hundred and seventy American claims, as therein respectively described, and as will appear to be supported upon the various documents deposited in the chancery of my office, I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, one thousand seven hundred and ninety-five, and of American independence the twentieth.

FULWAR SKIPWITH,

Consul General of the United States of America, near the republic of France.

List of American vessels detained by embargo, at Bordeaux, and of the sums claimed for each, by the Consul at Bordeaux.

No.	Vessels.	Masters.	Sums in livres, specie.
1.	Thomas Wilson, - - -	J. F. Goelet, - - -	38,431 01 00
2.	Richmond, - - -	R. Lee, - - -	24,572 14 00
3.	Lydia, - - -	Shubael Gardner, - - -	102,173 18 00
4.	Bethia, - - -	J. Brumble, - - -	164,967 19 08
5.	Good Friends, - - -	J. H. Ellison, - - -	40,442 03 00
6.	Harmony, - - -	J. Osmond, - - -	48,813 16 00
7.	Two Polly's, - - -	William Fairchilds, - - -	21,033 05 00
8.	Favorite, - - -	Samuel Lewis, - - -	38,116 09 10
9.	Sterling, - - -	Clement Drew, - - -	40,491 14 00
10.	Prudence, - - -	William Miller, - - -	40,138 00 00
11.	Peter, - - -	Thomas Wall, - - -	58,573 04 00
12.	Hope, - - -	Nathaniel Shadwick, - - -	44,879 12 00
13.	Mary, - - -	John Church, - - -	61,144 00 00
14.	Caroline, - - -	P. Wilder, - - -	56,153 00 00
15.	Pallas, - - -	William Wildes, - - -	52,476 00 00
16.	Fame, - - -	Jn. Coleman, - - -	148,038 00 00
17.	Molly, - - -	Henry Johnson, - - -	63,693 09 04
18.	Nymph, - - -	Thomas Webb, - - -	13,885 04 00
19.	Baring, - - -	Samuel Cooper, - - -	89,972 00 00
20.	Minerva, - - -	James Suett, - - -	26,755 03 04
21.	Merchant, - - -	Jn. Jones, - - -	23,384 14 06

LIST OF AMERICAN VESSELS—Continued.

No.	Vessels.	Masters.	Sums in livres, specie.
22.	Mary, - - - -	Rowling Jones, - - - -	31,222 01 00
23.	Favorite, - - - -	J. Orne, - - - -	25,996 16 00
24.	Somerset, - - - -	Christie Miller, - - - -	49,353 11 09
25.	Elizabeth, - - - -	Nat. Clift, - - - -	23,811 18 00
26.	America, - - - -	Js. Ewing, - - - -	48,760 05 00
27.	Sally, - - - -	Jn. Collins, - - - -	27,560 00 00
28.	Penelope, - - - -	B. Hammond, - - - -	38,597 13 00
29.	Fanny, - - - -	Ganaliel Perry, - - - -	29,030 01 00
30.	George, - - - -	Daniel Prowse, - - - -	30,309 06 00
31.	Fame, - - - -	Alexander Fraser, - - - -	36,140 06 00
32.	Molly, - - - -	Joshua Farrel, - - - -	42,490 02 06
33.	Commerce, - - - -	Enoch Preble, - - - -	56,869 11 00
34.	Agnes, - - - -	Richard Wells, - - - -	27,976 18 00
35.	Harmony, - - - -	Diedrich Tegler, - - - -	30,155 15 06
36.	Thomas, - - - -	John Revell, - - - -	22,388 12 00
37.	Vulture, - - - -	Jn. March, - - - -	28,567 16 00
38.	President, - - - -	William Russell, - - - -	17,418 17 06
39.	Hannah, - - - -	William Garhart, - - - -	17,886 06 08
40.	Maryland, - - - -	J. M. Speaks, - - - -	42,570 19 06
41.	Diana, - - - -	Robert Emery, - - - -	33,970 12 00
42.	Sans Soucie, - - - -	J. Crozier, - - - -	16,813 00 00
43.	Massachusetts, - - - -	J. White, - - - -	17,056 00 00
44.	Zephyr, - - - -	J. Popper, - - - -	25,492 02 00
45.	Speedwell, - - - -	J. Crawford, - - - -	22,690 08 00
46.	Diana, - - - -	Martin Pease, - - - -	23,160 00 00
47.	Columbia, - - - -	William Potte, - - - -	14,904 15 00
48.	Nancy, - - - -	William Gerrish, - - - -	16,368 15 00
49.	Carolina Planter, - - - -	Henry White, - - - -	53,606 16 00
50.	Franklin, - - - -	J. Wildrage, - - - -	26,329 04 00
51.	Louisa, - - - -	William Morgan, - - - -	42,762 00 00
52.	Russell, - - - -	Daniel Reed, - - - -	72,248 04 00
53.	Union, - - - -	Thomas Johnson, - - - -	26,717 14 00
54.	Two Brothers, - - - -	Amos Greenleaf, - - - -	29,821 04 00
55.	Nancy, - - - -	Ed. West, - - - -	22,755 00 00
56.	Eliza, - - - -	J. Worsley, - - - -	41,453 10 00
57.	Patuxent Planter, - - - -	F. Dorsett, - - - -	10,304 08 00
58.	Neptune, - - - -	Lemuel White, - - - -	21,433 10 00
59.	Hope, - - - -	S. Butman, - - - -	28,830 00 00
60.	Harriet, - - - -	Js. Bently, - - - -	27,710 00 00
61.	Ruby, - - - -	Samuel Dexter, - - - -	25,697 01 00
62.	Friendship, - - - -	William Backhouse, - - - -	29,949 10 00
63.	Hector, - - - -	Thomas Barker, - - - -	22,018 17 06
64.	James, - - - -	R. Palmer, - - - -	14,018 00 00
65.	Polly, - - - -	Thomas Carter, - - - -	16,968 02 03
66.	Cumberland, - - - -	Andrew Scott, - - - -	36,085 12 04
67.	Minerva, - - - -	Russel Allen, - - - -	17,869 10 00
68.	Minerva, - - - -	F. Cutts, - - - -	31,032 07 06
69.	Pattern, - - - -	Js. Blackington, - - - -	23,931 12 00
70.	Two Sisters, - - - -	G. Pike, - - - -	22,819 17 06
71.	Rambler, - - - -	El. Minor, - - - -	23,993 10 00
72.	Nancy, - - - -	Nat. Sergeant, - - - -	12,516 08 00
73.	Ann, - - - -	P. Coleman, - - - -	39,514 02 06
74.	Harmony, - - - -	Michael Alcorn, - - - -	40,831 00 00
75.	John, - - - -	Jn. Pollard, - - - -	25,091 16 00
76.	Hannah, - - - -	William Springer, - - - -	11,973 12 00
77.	Catharine, - - - -	William Teer, - - - -	24,263 08 00
78.	Aurora, - - - -	Jn. Leaward, - - - -	12,512 10 00
79.	Connecticut, - - - -	Alexander Little, - - - -	34,217 12 06
80.	Liberty, - - - -	Jon. Fields, - - - -	16,801 04 00
81.	Union, - - - -	Jn. Millinger, - - - -	14,964 08 00
82.	Britannia, - - - -	Js. Young, - - - -	14,544 15 00
83.	John, - - - -	J. Millet, - - - -	13,458 03 00
84.	Nancy, - - - -	Joshua Gage, - - - -	12,474 00 00
85.	Active, - - - -	Jn. Robertson, - - - -	13,131 00 00
86.	Hibernia, - - - -	J. Obrien, - - - -	15,584 08 00
87.	Eliza, - - - -	Js. Clark, - - - -	37,776 00 00
88.	Thomas, - - - -	Nehemiah Andrews, - - - -	14,949 05 00
89.	John, - - - -	G. Howland, - - - -	11,392 10 00
90.	Sally, - - - -	D. Lamb, - - - -	11,175 10 00
91.	Diana, - - - -	Js. Dickey, - - - -	17,178 10 00
92.	Martin, - - - -	Caleb Knowles, - - - -	11,666 03 00
93.	Industry, - - - -	Amb. Atkins, - - - -	11,443 10 00
94.	Jane, - - - -	Jn. Rodgers, - - - -	20,496 09 00
95.	Peggy, - - - -	John Derby, - - - -	14,546 14 00
96.	Genet, - - - -	Ephraim Wales, - - - -	12,668 08 00
97.	Betsy, - - - -	Jacob Greenleaf, - - - -	12,714 09 00
98.	Penelope, - - - -	Jn. Bray, - - - -	5,457 16 00
99.	Chelse Anne, - - - -	Stanton Prentice, - - - -	5,827 10 00
100.	Betsy, - - - -	Neid Reading, - - - -	13,390 17 06
101.	Washington, - - - -	N. B. Ash, - - - -	15,966 00 00
102.	Hope, - - - -	Benjamin Shillaber, - - - -	6,988 10 00
103.	Hunter, - - - -	Thomas Chipman, - - - -	8,844 00 00

In witness of the foregoing being a true and exact copy of the original deposited in the chancery of my office.
 [L. s.] I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, 1795, and of
 American Independence, the twentieth.

FULWAR SKIPWITH.

E.

I, JOSIAH HEMPSTED, late master of the brigantine Patty, which, with her cargo, were the property of Justus Riley, merchant, of Wethersfield, in the State of Connecticut, testify and declare, that I sailed in the said brigantine from New London, in the same State, on the 31st day of July last, bound to the island of St. Bartholomew's: that, on the second day of September following, being in the latitude of seventeen degrees and twenty-four minutes north of the equator, according to my observations, I was captured by a French cruiser, called the Iris, Lemot captain, and carried into Guadaloupe, arriving on the fifth of said September at Basseterre: that on the same day I was taken before Victor Hugues, whose first words addressed to me were these: "I have confiscated your vessel and cargo, you damned rascal," doubling his fist and running it close to my face; and he continued talking for some time, reviling the Government and people of the United States: that, on the 8th of September, I applied to Victor Hugues to be informed when my vessel and cargo were to be tried, and he answered, that they had been already tried, and I might go about my business. I then requested a paper to produce to my owner as evidence of the capture and condemnation of his vessel and cargo, which was granted: that I twice applied to Victor Hugues to allow me something to enable myself and people to leave the island, but could obtain nothing.

I further certify, that the sloop Lucy, George Gilbert, master, belonging to Norwich, in Connecticut, was carried into Basseterre on the same day with the brigantine Patty, and, with her cargo, was condemned, without the examination of a single paper, which remained in the hands of Captain Gilbert till after sentence of condemnation had been pronounced: nay, when I took into my hands Captain Gilbert's orders from his owners, and attempted to read them in the hearing of Victor Hugues, he would not hear them. The next day the same orders were carried to the linguister, to present to Victor Hugues; but, in the afternoon, the linguister brought them back to Captain Gilbert, saying that Victor Hugues would not receive them. The orders showed that Captain Gilbert was to perform a voyage to St. Croix, with liberty to touch at St. Bartholomew's, but was not to deviate from those orders, because the sloop was chartered for those two ports only, and that insurance was made accordingly.

JOSIAH HEMPSTED.

CITY OF PHILADELPHIA, 39.

On the ninth day of November, Anno Domini, 1796, before me, Hilary Baker, mayor of the city of Philadelphia, personally appeared the within named Josiah Hempsted, who being duly sworn on the Holy Evangelists of Almighty God, doth solemnly declare and depose, that all and every the facts stated in the within declaration, by him this day before me subscribed, are true. In witness whereof, I have hereunto set my hand and seal, the day and year aforesaid.

HILARY BAKER, Mayor. [L. s.]

F.

EQUALITY.

LIBERTY.

Extract from the Registers of the Special Agency of the Executive Directory to the Windward Islands.

The special agents of the executive directory to the Windward Islands:

Considering that the laws as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandises:

Considering that, notwithstanding the complaints of the minister plenipotentiary of the French republic near the United States of North America, of which he has informed us by his letter of the 2d July, 1796, those States, and especially Virginia, have fitted out vessels loaded with horses for the English:

DECREE, that from this day forward, all vessels loaded with merchandises designated by the name of contraband, as arms, instruments, munitions of war of what kind soever, horses, and their furniture, shall be stopped by the ships of war and privateers, to be seized and confiscated for the benefit of the captors.

At Basseterre, Guadaloupe, the 1st August, 1796. Signed on the register.

VICTOR HUGUES—LEBAS.

Compared with the register.

VAUCHELET, Secretary of the agency.

EQUALITY.

DECREE.

LIBERTY.

The Special Agents of the Executive Directory to the Windward Islands.

Considering that the ports of the Windward and Leeward Islands, as well as those of Demarara, Essequibo, and Berbice, delivered up to the English, occupied and defended by emigrants, are in a state of regular siege, and not entitled to the same advantages as the ports of the different English colonies, possessed by that Power before the war, or to other rights.

Considering that it is against every principle to treat a horde of insurgents, destitute of country, without government, and without a flag, with the same respect as civilized nations preserve towards each other during a war.

Considering that, by the authentic acts which are in our possession, it is proved that the divers places of the colonies delivered up to the English by the rebel Frenchmen and Batavians no more belong to the British Government than la Vendée, in which the English ministry had, in like manner, mercenary troops under pay,—some regiments clad in the same uniform as those of England: considering that, in virtue of the 2d article of the treaty of alliance, concluded at Paris on the 6th of February, 1778, between the United States and France, the former Power engaged to defend the American possessions in case of war, and that the Government and the commerce of the United States have strangely abused the forbearance of the republic of France, in turning to its injury the favors granted to them of trading in all the ports of the French colonies.

That, by permitting neutral vessels any longer to carry provisions of war and of subsistence to men, evidently in state of rebellion, would be to prolong civil war, and the calamities and crimes flowing therefrom—decree as follows:

ARTICLE 1. The ships of the republic and French privateers are authorized to capture and conduct into the ports of the republic neutral vessels destined for the Windward and Leeward Islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are, Martinico, St. Lucie, Tobago, Demarara, Berbice, Essequibo;

And at the Leeward, Port au Prince, St. Mark's, l'Archaye, and Jeremie.

ART. 2. Every armed vessel, having a commission from either of the said ports, shall be reputed a pirate, and the crews adjudged and punished as such.

ART. 3. The vessels and cargoes described in the 1st and 2d articles are declared good prize, and shall be sold for the benefit of the captors.

ART. 4. Every captured vessel, which shall have cleared out under the vague denomination of *West Indies*, is comprehended in the 1st and 2d articles.

ART. 5. The decree of the 4th of last Nivose, in pursuance of the resolution of the executive directory, of the 14th Messidor, 4th year, shall be executed till further orders, as far as shall not be contravened by the present decree.

This decree shall be printed, transcribed in the register of the criminal and commercial tribunals, sent to all the French colonial ports, read, published, and posted up, wherever it may be necessary.

It shall be notified officially to the neutral Governments of St. Croix, St. Thomas, and St. Bartholomew's.

Enjoining the criminal and commercial tribunals of Guadalupe, their delegates in the different French colonies and elsewhere, the rear admiral commandant on the West India station, and the head of the administration, to aid in executing the present decree, each in his respective department.

Done at Basseterre, island of Guadalupe, the 13th of Pluviose, 5th year of the French republic, one and indivisible.

VICTOR HUGUES & LEBAS.

To the Senate and House of Representatives of the United States in Congress assembled, the memorial and petition of the subscribers, citizens of the United States, dwelling in Philadelphia, respectfully sheweth:

That your memorialists, and divers others, in the regular course of their trade, in the years 1793, 1794, and 1795, invested very large sums of money in provisions and other merchandises suited to the West India market, and sent them thither, where many cargoes were sold to the officers of colonial administration of the republic of France, to be paid for in cash or colonial produce; many others were taken by force by the said officers from the supercargoes and consignees, at prices arbitrarily fixed by themselves, to be paid for in produce at rates and terms of credit fixed at their pleasure, and that others have been arrested on the high seas, carried into their ports, and taken for the use of the republic without any stipulated price or contract: that your memorialists confidently believe, that the amount of property belonging to the citizens of the United States, thus delivered to, and taken by, the administrative bodies of the French republic in the West Indies, exceeds two millions of dollars now in arrear, for which your memorialists and others concerned, have no mode of obtaining payment, satisfaction, or redress; that the usual course is, after taking the cargo by force and duress, to detain the vessels under pretence of paying in produce, until the masters and crew are wearied with sickness, delay, and insult, so as to be willing to return, either altogether without payment, or with such small portions thereof, as scarcely to pay the freight and charges occasioned by these long delays, whereby, in most instances, the whole capital has been left behind, and in those instances, where a considerable part of the cargo has been paid for in colonial produce, the expenses of demurrage have consumed almost the whole, as by vouchers ready to be laid before the House, or a committee thereof, will abundantly appear.

Your memorialist further show, that some of the earliest sufferers among them applied personally, and by memorials, to citizens Genet, Fauchet, and Adet, the first and succeeding ministers of the French republic, for redress, without obtaining it: they also applied, by memorial, to the President of the United States, who referred them to the Secretary for the Department of State, whose advice they pursued in committing their claims to James Monroe, Esq. minister plenipotentiary of the United States to the republic of France, at the time of his embarkation. That, although your memorialists are perfectly satisfied that the executive authority of the Union hath done all within its power to procure redress to your memorialists, yet it has not had the desired effect.

Your memorialists further represent, that they had hoped that some arrangement would have been assented to, whereby, the debts due from the republic of France to the citizens of America might have been discharged, out of the debt due to her from the United States, and, under this expectation, they exercised patience, but finding that money funded and transferred to an agent of the republic, all hope, from that resource, is vanished: your memorialists feel the more concern that, while provision has been made by the Executive of the Union for obtaining from other nations a redress for spoliations committed on their commerce, no measures hitherto adopted have been successful for procuring satisfaction from that nation, which the merchants of this have shown so decided an affection to, by supplying their islands with provisions and necessities, at a greater risk than attended any other branch of their trade, supplies that were absolutely necessary to their colonies, and which they could, from no other place, nor in any other manner, be furnished with.

Your memorialists therefore pray, that the Legislature will take their suffering case into consideration, and afford them such relief and protection as to their wisdom shall seem consistent with right and justice.

Clement & Taylor,
Joseph Brown,
John Taggart,
Montgomery & Newbolds,
Nathan Field,
William Ls. Sonntag & Co.
John Steinmetz,
William Bell,
Amb. Vasse,
John M'Culloh,
Petit & Bayard,
Conyngham, Nesbit & Co.
George Davis,
Nathaniel Lewis & Sons,
John Clark,
Thomas Fitzsimons,
Philip Care,
Charles White,
Walter Stewart,
David H. Conyngham,
James M'Curach,
Edward Dunant,

Isaac Hazlehurst & Son, for
John Wilcocks,
George Armroyd,
Nalbro' & John Frazier,
E. Dutelh & Wachsmuth,
James Gamble,
John Rytherford,
James Yard,
James Vanuxem,
Summerl & Brown,
Daniel Vincent Thuun,
Grubb & Mather,
Charles Massey,
John Maybin,
John Gardiner, jun.
John Savage,
Maddock, Jackson & Co.
Edward Carrell,
Philip & Thomas Reilly,
Sam. A. Otis, on behalf of
Sam. A. Otis, jun.
Rd. Gilmer & Co.

AMERICAN SEAMEN.

REPORTED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1797.

Mr. LIVINGSTON, from the committee appointed on the 20th December last, to inquire into the operation of the act for the relief and protection of American seamen, and to report what amendments are necessary to be made thereto, made the following report:

That, from the neglect of the collectors of the different ports, to transmit the returns directed by the said act to the Secretary of State, it is difficult to present any precise result of the operation of the law to the House.

For the quarter ending with the 30th of September, 1796, the collectors of the following ports only had made the return of impressments directed by the 7th section of the act aforesaid, viz: Providence, (Rhode Island) Washington, South Quay, Ipswich, Dighton, and Philadelphia.

For the succeeding quarter, ending the 31st of December, 1796, the returns were made on this subject only by the collectors of Philadelphia, Ipswich, Dighton, Providence, (Rhode-Island) verbally by the collector of Boston.

It, however, appears, from the communication received from the Secretary of State, and annexed to this report, that affidavits have been transmitted to his office, taken, as well pursuant to the 5th section of the said act, as under the direction of a circular letter written from that department on the 25th of March last, and that from those documents there appear to have been impressed, by British ships of war and press-gangs, from on board American vessels, 114 seamen—

Of whom 54 are citizens of the United States, twenty-nine of whom whose States are particularly designated in the return.

12 natives of Great Britain or Ireland.

19 foreigners, natives of other countries than Great-Britain or Ireland.

29 whose citizenship is uncertain.

Total, 114

The same neglect of the collectors, to make the proper returns, has prevented your committee from procuring and submitting to the House an accurate statement of the number of seamen enregistered pursuant to the 4th section of the said act. It appears, however, that, in the two quarters preceding the 1st of January, 1797, there were registered by the several collectors who have completed their returns, the number of 4,892 seamen—

Of whom 4,633 are native Americans.

304 citizens by residence prior to the 3d of September, 1783.

41 naturalized citizens.

14 children of American citizens, born in a foreign country.

Total, 4,892

As to the operation of part of the law, directing the appointment of agents to reside in foreign ports, your committee report that no regular returns have been received from the said agents of the number of impressed seamen they have been able to discharge; but they understand, generally, that the law has operated beneficially in this respect.

Your committee also further report, that they have examined the suggestions contained in the letter annexed to this report from the Secretary of State, on the subject of the allowance to sick, disabled, or needy American seamen, in foreign ports; and are of opinion that some further legislative provision is necessary for their support; and, as connected with that subject, that some provision is necessary for the relief and support of such disabled or invalid seamen as may arrive at the different ports of the United States.

The committee find that numbers of seamen, as well foreigners as natives, arriving at the different ports of the United States, in such disabled situation, either become a great burthen to the public hospitals, where any such are established, or are left to perish for want of proper attention.

They are of opinion that a sufficient fund might be raised for the support and relief of sick or disabled American seamen, as well in foreign ports as in the United States; either by an additional tonnage duty on all vessels entering the ports of the United States, or by a charge on the wages of all seamen shipped within the United States, proportioned to the length of the voyage, to be paid or secured by the master, and deducted from the wages of his crew.

The committee, therefore, in relation to the several objects above specified, recommend the following resolutions, viz:

Resolved, That the Secretary of State be directed to lay before this House, at its next meeting, an abstract of all the returns which shall then have been made to him, by the collectors of the different ports, pursuant to the directions of the act for the relief and protection of American seamen; and also such communications from the agents employed by virtue of the said act, in foreign ports, as may then be received.

Resolved, That, instead of the allowance directed to be made by the act, "concerning consuls and vice-consuls," for the relief and support of American seamen in foreign ports, provision ought to be made, by law, for allowing the sum of fifty cents per day, to each man, and for defraying the expense of transporting sick or disabled seamen to the United States.

Resolved, That provision ought to be made, by law, for collecting the sum of — cents, per month, from the wages of every seaman sailing from any port of the United States, to be appropriated—

1. To the temporary support and relief of sick or disabled seamen of the United States;

2. To the foundation of hospitals for the relief of such sick or disabled seamen, (when a sufficient fund shall be collected.)

DEPARTMENT OF STATE, February 17, 1797.

SIR:

I have the honor to enclose, agreeably to your request, a copy, marked A,* of the instructions prescribed by the President of the United States, relative to the proofs of citizenship, and mode of taking the same, to entitle the applicants to be registered as American seamen. An abstract, marked B,† of the returns received from different collectors, of the seamen they have registered pursuant to the act of Congress. The committee will observe, that a number of the collectors have made no returns. A statement, marked C, of seamen impressed or detained by foreign Powers, extracted from the returns of the collectors. Copies, marked D, and DD, of returns of impressments, from the collector of Pennsylvania; and an account, marked E, of such protests as have been transmitted to my office, relative to impressed seamen, as well in pursuance of the fifth section of the act for the relief and protection of our seamen, as in compliance with my request, in a circular letter sent to the collectors, in March, 1796. The dates

* Not to be found.

† See Commerce and Navigation, No. 41.

of the protests, compared with the date of the President's instructions, transmitted by the Secretary of the Treasury to the collectors, will indicate what protests have been returned pursuant to the act of Congress.

I have no particular information to communicate on the operation of the act in question, having heard no complaints of difficulties or inconveniences in executing it. But, in other respects, our seamen need more effectual protection and support.

By the consular act, every master of an American vessel is required to receive and bring home, at least two of our seamen whom he may find in foreign ports, for every hundred tons burthen of his vessel, without compensation other than the service of the seamen, on their passage, if able to work; and if he refuses to receive them, the consul of the place is authorized to prosecute him for a penalty of thirty dollars, *in any court of competent jurisdiction*, for every seaman so refused. Now, if the master wants seamen, he will gladly ship them as part of his crew; if he is full manned, to receive them will be inconvenient to him, or, at least, a burthen on his owners; and, in such cases, the master will contrive to evade the law, and our seamen will suffer, if not be lost to their country. Besides, in many foreign ports we have no consuls, and the penalty mentioned is incurred only when the master refuses to receive the seamen *on the request or order of the consul*. And in what courts are our consuls, resident in foreign countries, to prosecute the delinquents? I have asked the Attorney General's opinion. He answers: in the courts of the United States. The provision for such prosecutions may, then, be considered as a nullity.

Why should not compensation be given to encourage the bringing home of destitute seamen? A very small duty on every vessel, or on every seaman, (as formerly they were taxed for the support of Greenwich hospital) would furnish an adequate fund.

The consular act also authorizes our consuls to support our needy or sick seamen in foreign ports, but restricts the allowance to twelve cents a day, a sum that in but few ports in Europe would procure them a single meal; and, as to the sick, they must be left to perish, unless the consuls, at their own expense, provide clothing, nurses, and physicians. And who is to bury the dead? Funeral expenses, in many places, are considerable.

Our consuls have been in the practice of giving certificates to protect our seamen from impressments. These certificates have formerly been respected, with some exceptions. Lord Grenville has complained to Mr. King of numerous abuses by such protections being given to British subjects. It is highly probable that some abuses have taken place; yet, as seamen sometimes lose their protections, it seems necessary that the consuls should continue to give them. The consuls of other nations do the same, and the difference of language is a guard against frauds. Perhaps some rules might be prescribed to the consuls for their direction, to prevent abuses which, by bringing the consular acts into discredit, will destroy their usefulness. The fee taken by the consuls, (some few, I believe, issue the certificates gratis) is two dollars for each protection. This seems too burthensome on the seamen; and if, after all, carelessness, or other fault in some consulates in issuing certificates, should destroy the faith which ought to be given to the consular seal, the evil will be greatly increased.

These hints, written at your request, I submit to the consideration of the committee,

And am, sir, with great respect, your obedient servant,

TIMOTHY PICKERING.

EDWARD LIVINGSTON, Esq. *Chairman of the Committee of the House of Representatives, on the act for the relief and protection of American seamen.*

C.

A Statement of Seamen belonging to ships and vessels of the United States, impressed or detained by foreign Powers, taken from the returns of the Collectors of the Customs, to the Secretary of State, for the quarter ending the 30th September, 1796, in pursuance of the seventh section of the "act for the relief and protection of American Seamen."

Return of the collector of Providence, Rhode Island: That Benjamin Philips, master of the ship Rebecca, of Providence, who entered, on the 17th September last, from the Havanna, had two of his seamen impressed on his passage thence.

Return of the collector of Washington: That there were none.

Return of the collector of South Quay: That there were none.

Return of the collector of Ipswich: That there were none.

Return of the collector of Dighton: That there were none.

The foregoing are all the returns yet received relative to impressments and detentions, for the quarter aforesaid, except that from Pennsylvania district, a copy of which is annexed, marked D.

On the 25th of last March, and previous to the passing of the act above mentioned, the Secretary of State had addressed a circular letter to the collectors of the principal ports in the United States, requesting them to take and transmit to him affidavits relative to impressments, and other outrages committed on citizens of the United States, by British ships of war. This they have ever since continued to do, seldom distinguishing, with much precision, whether the affidavits transmitted were pursuant to the act of Congress, or the circular letter; and as returns of registered seamen have been made by many collectors who do not, at the same time, notice the impressments and detentions which may have taken place, it is probable that they considered the transmission of the affidavits themselves, as superseding the necessity of a formal return. An account of those affidavits or protests, as far as they come within the meaning of the act, will be found in the paper marked E.

A Statement of Seamen belonging to ships and vessels of the United States, impressed or detained by foreign Powers, taken from the returns of Collectors of the Customs, to the Secretary of State, for the quarter ending with the 31st December, 1796, in pursuance of the seventh section of the "act for the relief and protection of American Seamen."

The collector of Ipswich: That there were none.

The collector of Dighton: That there were none.

The collector of Providence, Rhode Island: That one seaman had been impressed from on board the brigantine Betsy, of Providence, Zachariah Rhodes, master, on the 4th August, 1796, at Port-au-Prince, by the British ship of war Indostan, captain Bostick; but he was afterwards restored.

The collector of Boston reported personally to the Secretary of State: That, in his district, he had received no information of the impressment of a single seaman.

The return of the collector of Pennsylvania is annexed, marked DD.

D.

COPY OF THE RETURN OF IMPRESSMENTS, MADE BY THE COLLECTOR OF PENNSYLVANIA.

Abstract of American Seamen impressed by the belligerent Powers, commencing the 1st of July, and ending the 30th September, 1796.

Date of entry.	Names of vessels.	Names of masters.	Where from.	Names of Seamen.	Places of birth.	Places of impressment.	BY WHOM IMPRESSED.		Nations to which vessels impressing belong.
							Names of vessels.	Names of commanders.	
Aug. 2,	Schooner Ann,	E. D. Brown,	Jeremie,	Peter Vantuyt,	Uncertain,	Irish Bay, Hispaniola.	Argonaut,	Ball,	British.
3,	Ditto,	Ditto,	Ditto,	James Collins,	Ditto,	Ditto,	Ditto,	Do.	Do.
4,	Brig Molly,	Walter Midlen,	Port-au-Prince,	John Rush,	Philadelphia,	Port-au-Prince,	Ceres frigate,	-	-
	Six Brothers,	John Waters,	Port-au-Paix,	An Irishman, naturalized in Baltimore,	-	Cape Nichola Mole,	-	-	Do.
8,	Amiable Creole,	James M'Kever,	Port-au-Prince,	John Baue,	Sweden,	Kingston,	Africa,	-	Do.
9,	Ship American,	— Griswell,	Londonderry,	20 passengers and one boy,	Ireland,	-	-	-	Do.
15,	Active,	— Robertson,	St. Ubes,	Philip Hay, a citizen by residence,	Ditto,	-	-	-	Do.
18,	Brig Isabella and Ann,	George Hawkins,	Port-au-Prince,	George M'Cormic,	Unknown,	Bristol,	Press Gang,	-	Do.
22,	Sloop Sally,	George Watts,	Ditto,	A seaman,	Sweden,	St. Marks,	Frigate Success,	Pigot,	Do.
	Snow Hope,	— Ridge,	Jamaica,	Ditto,	Unknown,	-	-	-	Do.
27,	Brig Fame,	Thos. Churnside,	Jeremie,	John White,	State of Delaware,	Off Virginia,	Thetis,	-	Do.
29,	Malabar,	James Mitchell,	Port-au-Prince,	Three seamen, no protection,	Uncertain,	-	Sampson,	-	Do.
	Aurora,	Amasa Parker,	Cape Nicola Mole,	James Mason, had a protection,	Rhode Island, per mate's declaration,	-	Ditto,	-	Do.
	Rebecca,	Dominic Davine,	Madeira,	Alexander Porter, mate,	Philadelphia,	-	-	-	Do.
	Sloop Nancy,	William Small,	Leogan,	Robert Young and Wm. Braten,	Unknown,	-	-	-	Do.
Sept. 5,	Brig Governor Brook,	Andrew Kelly,	Cuba,	A seaman,	Holland,	-	-	-	Do.
6,				John Malone, no protection; had taken an oath of allegiance to the United States.	Ireland,	-	Drake sloop of war,	-	Do.
17,	Brig George,	— Glen,	Jamaica,	Three foreigners impressed, and two Americans returned in their place,	-	-	-	-	Do.

D D.

COPY OF THE RETURN OF IMPRESSMENTS AND DETENTIONS, BY THE COLLECTOR OF PENNSYLVANIA.

Abstract of American Seamen impressed by the belligerent Powers, commencing the 1st of October, and ending the 31st of December, 1796.

Date of entry.	Names of Vessels.	Names of Masters.	Where from.	Names of Seamen.	Places of Birth.	Place of Impressment.	BY WHOM IMPRESSED.		Nations to whom they belong.
							Names of Vessels.	Names of Masters.	
1796. Oct.	Ship Eagle,	Kearney,	London,	Thomas Jackson,	Englishman,	At Sea,	-	-	British.
17	Ship Driver,	Corry,	Port au-Prince,	Name unknown,	Two Englishmen,	-	-	-	Do.
13	Ship Edward,	Hovland,	Liverpool,	William Collet,	Uncertain whether a citizen,	-	-	-	Do.
14	Ship Wilmington,	Shields,	-	Name unknown,	A foreigner,	-	-	-	Do.
15	Golden Age,	Earl,	Kingston,	-	A Dane,	-	-	-	Do.
17	George,	Rice,	Hull,	-	Two Irishmen,	-	-	-	Do.
	Caroline,	Hilton,	Liverpool,	Jonathan Glover,	Massachusetts,	-	-	-	Do.
	Schooner Virginia,	Sellick,	Port-au-Prince,	Name unknown,	Two Foreigners,	-	-	-	Do.
18	Brig Caroline,	Morton,	Rotterdam,	Name unknown,	Uncertain whether a citizen,	-	-	-	Do.
	Friendship,	Repley,	Port-au-Prince,	Joseph Johnson,	Two foreigners,	Port-au-Prince,	-	-	Do.
	Sea Nymph,	Hastie,	Grenada,	Isaac Lawrd,	Delaware,	At Sea,	-	-	Do.
19	Schooner Hannah,	Phlippen,	Jeremie,	John Smith,	Uncertain,	-	Thetis Frigate,	-	Do.
20	Ship Charlotte,	Bell,	Greenoch,	John McCarley,	Pennsylvania,	-	-	-	Do.
24	Brig Ann,	Copperthwait,	St. Petersburg,	Name unknown,	Philadelphia, since cleared,	-	-	-	Do.
Nov. 3	Ship Henrietta,	Crane,	St. Ubes,	-	An Irishman,	-	-	-	Do.
14	Schooner Harriot,	Vaughn,	Port-au-Prince,	-	A foreigner,	-	Argonaut,	-	Do.
19	Dolphin,	Tice,	Jamaica,	Richard Lary,	Uncertain whether a citizen,	-	-	-	Do.
	Brig Cincinnati,	Seiple,	Hallfax,	Wm. McMullen, <i>Mate</i> ,	Had sailed out of the U. S. since 1783,	Off our Capes,	Resolution,	-	Do.
	Rambler,	Johnson,	Jeremie,	Name unknown,	A Swede,	-	-	-	Do.
21	Schooner Musquito,	Hershan,	-	John McDonald,	New York, had a protection,	-	Thetis and Prevoyante Frigates,	-	Do.
	-	-	-	Thomas Cooper,	A foreigner, had a protection,	-		-	Do.
	-	-	-	Negro George,	A native of Maryland,	-		-	Do.
	-	-	-	Name unknown,	A Frenchman,	-	-	-	Do.
	Schooner Eagle,	Dana,	Port-au-Prince,	Lewis Rollen,	Rhode Island,	-	-	-	Do.
	Ship Sally,	Watt,	-	Name unknown,	A foreigner,	-	-	-	Do.
26	Ship Old Tom,	Florton,	Kingston,	John Crater,	A Swede,	-	-	-	Do.

E.

An account of the contents of all such protests or affidavits of masters of ships and vessels of the United States, transmitted to the Secretary of State, as come within the meaning of the 5th section of the "Act for the relief and protection of American seamen."

1. Affidavit of John Compton, late master of the schooner Active, dated Baltimore 30th May, 1796.

William Davis, a citizen of the United States, and Thomas Spiers, a native of the Eastern shore of Maryland, were impressed from the service of the said schooner, on or about the 11th March, 1796, at Kingston, Jamaica, by the British ship of war Jamaica, Captain Bingham.

2. Affidavit of Robert Stanley, master of the schooner Adelaide, of Baltimore, dated Baltimore, 1st June, 1796.

On a voyage from Jacmel, the said schooner was captured by the British ship of war Argonaut, Captain Ball, and sent to Jamaica. On making the capture, all the men were taken out of the schooner, but restored at Jamaica. Whilst she continued at Jamaica, Lemuel Brown and Joseph Richards, both natives, and William Jones, a citizen of the United States, were impressed by the British ship of war Jamaica, Captain Bingham. But they were afterwards restored.

3. Affidavit of Thomas Holden, master of the ship Hearts of Oak, dated at Providence, Rhode Island, 17th June, 1796.

Daniel Bragg, a native of North Kingston, in Rhode Island, Joseph Hazard, a native of Nantucket, and John Rion, a native of Virginia, were impressed from the said ship, on the 24th December, 1795, on a voyage from Brest to Guadaloupe, by the British frigate Resource, Captain Watkins, who transferred them to Admiral Laforey's ship, the Majestic.

4. Affidavit of William Davis, master of the schooner Industry, of Newburyport, dated Essex county, Massachusetts, 23d June, 1796.

Nathaniel Harris, a native of Ipswich, in Massachusetts, was impressed from on board the said schooner, on the 9th day of March, 1796, by the British ship of war Sampson, in sight of Tortuga.

5. Affidavit of John Tillinghast, master of the schooner Dolphin, of Providence, Rhode Island, dated Providence, 28th June, 1796.

Derrick Solomon, a native of the island of St. Thomas, who was brought up, from a lad, in Rhode Island, and Prince Hunter, a native of Africa, manumitted in Rhode Island, were impressed from on board the said schooner, on the 14th of March, 1796, at Barbadoes, by the British frigate La Pique.

6. Protest of James Lowell, master of the brig Union, of Newburyport, dated Newburyport, 8th July, 1796.

Stephen Thompson, who said he was a native of Booth Bay, in Massachusetts, Thomas M'Donald, who said he was a native of Machias, and John Andrews, a native of the same place, were impressed from on board the said brig, on the 5th of July, 1796, about twenty leagues from Cape Ann, by a British frigate of twenty-eight guns, supposed to be the Hussar.

7. Protest of Thomas Robinson, master of the brigantine Apollo, of New York, dated New York, 25th August, 1796.

James Hamilton, a native of Scotland, but who resided for twenty-four years past in New York, and was there married since twenty years, was impressed from on board the said brigantine, on 20th of August, 1796, off the Chesapeake, by the British ship of war Prevoyante, Captain Wemyss.

8. Protest of Allen Nichols, master of the brigantine Fox, dated 29th August, 1796, at New York.

James Snell, a native of England, was impressed from on board the said brigantine, on the 7th of July, 1796, at Antonie in Jamaica, by the British sloop of war called the Cormorant.

9. Protest of Charles Jenkins, master of the brigantine Pearl, dated New York, 18th August, 1796.

Thomas Kirk, a seaman, and twelve Irish passengers, were impressed from on board the said brigantine, on a voyage from Cork to New York, by the British sloop of war Hazard, Captain Parker, on the 3d June 1796. It is not known of what country the said Kirk is.

10. Protest of Seth G. Stacy, master of the ship Mary, of New York, dated at New York, 2d September, 1796.

Daniel Cree, supposed to be a native of England, but who called himself a native of Virginia, was impressed at Liverpool, whilst he was engaged as a seaman on board the said ship, on or about the 20th of April, 1796, and carried on board the British ship of war Acteon.

11. Protest of James Farley, master of the ship Severn, dated at New York, 8th September, 1796.

John Brown, a native of Bremen, and Merret Taft, a native of Massachusetts, were impressed from the said ship, at Hull, in England, on the 6th July, 1796, by a press gang; also Thomas Johnston, supposed to be a Scotchman, was impressed from on board the same ship, on the 6th September following, on her passage from Hull to New York, by the British ship of war Thetis, Captain Cochran.

12. Protest of James Barclay, master of the brigantine Nancy, of New York, dated at New York, 20th September, 1796.

Joseph Francis, a native of France, was impressed from on board the said brigantine, on the 7th August, 1796, in the harbor of Cape Nicholas Mole, and placed on board a British sloop of war.

13. Reuben Moore's protest, as master of the ship Mohawk, dated at New York, 17th October, 1796.

Joseph Lowry, a native of Portugal, was impressed from on board the ship Mohawk, at Woolwich, in England, on the 8th June, 1796, by a press gang from a British armed brig, called the Harpie.

14. Thomas Follansbe's protest, as master of the sloop Nancy, of Newburyport, dated at Newburyport, 24th June, 1796.

Paul Buckley, an Irishman, was impressed from on board the said sloop, on a voyage from Jacmel to Aux Cayes, on the 14th April, 1796, by the British ship of war Argonaut.

15. Protest of Benjamin Philips, master of the ship Rebecca, of Providence, Rhode Island, dated at Providence, 17th September, 1796.

John Singleton, who said he was born at Newburyport, and another man, who was supposed to be a native of New England, were impressed from on board the said ship on the 2d September, 1796, on a voyage from Havana to Providence, by the British ship of war Ceres, Captain John Newman.

16. William Bunker's protest, as master of the ship Penelope, of New York, dated at New York, 9th August, 1796.

Thomas Pettit, supposed to be an Irishman, and William Williams, supposed to be a Welchman, were impressed from the said ship on the 5th August, 1796, on a voyage from Dublin to New York, by a British ship of war, supposed to be the *Cleopatra*, Captain Penrose.

17. Protest of James Laughton, master of the ship *Orlando*, dated at New York, 13th October, 1796.

John Patten, a native of Massachusetts, and John Dowling, an Irishman, were impressed from the said ship at Coves, in the Isle of Wight, on the 5th May, 1796, into the British service.

18. Affidavit of George Nowell, master of the ship *Rebecca*, dated at Norfolk, in Virginia, 6th August, 1796.

Richard Halfyard, a native of Philadelphia, was impressed from on board said ship, about ten leagues from Cape Henry, by the British frigate *Thetis*, commanded by Captain Cochran. The *Rebecca* was then bound to Norfolk from Newburyport, whence she had departed on the 18th July, 1796.

20. Protest of John D. Bourne, master of the sloop *Industry*, of Charleston, South Carolina, dated at Charleston, 10th October, 1796.

That the said sloop was captured on the 27th July preceding, on a voyage from Charleston to Surinam, by the British ship of war *Scipio*, commanded by Sir Charles Sidney Davers, who ordered all the sloop's people on board the *Scipio*. The sloop was carried to Martinico without her people. Their names were John Collins, mate; Frederick Robert, John Contrey, Christopher Jacob, and Isaac Moran, who is a citizen of the United States.

21. Protest of William Brown, master of the brigantine *Betsey*, of Newburyport, dated at Grenada, 21st September, 1796.

James Moor, a native of Whitehaven, in England, was impressed from on board the said brigantine, on the 20th September, 1796, at Grenada, by His Britannic Majesty's ship *Alarm*, Captain Fellows.

22. Protest of Samuel Holt, master of the brigantine *Betsey*, of Philadelphia, dated at Jamaica, 5th October, 1796.

Peter Coleman and Andrew Swanson, both Swedes, were impressed at Port Royal, in Jamaica, on the 8th September, 1796, from on board the said brigantine, by His Britannic Majesty's ship *Alfred*.

23. Protest of William Roberts, master of the schooner *Sally*, of Norfolk, dated at Norfolk, 10th October, 1796.

Elisha Carter, a native of Rhode Island, was impressed from on board the said schooner, on the 28th August preceding, by the British ship of war *Sampson*.

24. Protest of James Deale, master of the ship *Louis*, dated at Norfolk, 21st July, 1796.

Five seamen were impressed from on board the said ship, on the 18th of the same month, on a voyage from Baltimore to the Isle of France, about five leagues to the eastward of Cape Henry, by the British ship of war *Prevoyante*.

25. Protest of Edward Sanford, master of the ship *Antony Mangin*, of Baltimore, dated at Baltimore, 20th August, 1796.

George Higginbottom, a native of Baltimore, and John Sands, a citizen of the United States, were impressed from on board the said ship, on the 7th of the same August, on a voyage from Bremen to Baltimore, about fifteen miles from Cape Henry, by the British ship of war *Le Prevoyante*, Captain Wemyss.

26. Protest of Bartholomew Byers, master of the schooner *Sisters*, of Baltimore, dated at Baltimore, 9th September, 1796.

William Hampton, a native of the United States, was taken out of the said schooner, on the 7th August, 1796, on a voyage from Cape François to Baltimore, off the Bahamas, by two British privateers; the one called the *Hornet*, Captain Steel, and the other called the *Endeavor*, Captain Fogey.

27. Protest of James Boyd, master of the schooner *Betsey* of Baltimore, dated Baltimore, 17th August, 1796.

William Forrest, a citizen of the United States, was impressed from on board the said schooner, on a voyage from Jeremie to Baltimore, on the first of the same August, by the British ship of war *Prevoyante*.

28. Protest of Henry Tyson, master of the ship *John*, of Baltimore, dated at Baltimore, 4th August, 1796.

George Riley, a citizen of the United States, was impressed from on board the said ship, on the 15th December, 1795, on a voyage from Baltimore to Dublin, by Admiral Murray's ship, the *Resolution*. Afterwards, on her return, the 19th July, 1796, James Watts, a passenger, and Brian Riley, the cook, a citizen of the United States, were impressed from the said ship, by the British ship of war *Prevoyante*.

29. Comfort Bird's protest, as master of the brigantine *Polly*, of Boston, dated at Baltimore, 26th July, 1796.

James Grey, Joseph Dexter, and William Rogers, all citizens of the United States, were impressed from on board the said brigantine, on the 17th of the same July, on a voyage from Boston to Baltimore, off Cape Charles, three miles, by the ship of war *Prevoyante*.

30. Protest of John Smith, master of the ship *Ardent* of Baltimore, dated at Baltimore, 14th September, 1796.

Thomas Edwards, Richard Pasco, and Joseph Gibson, all citizens and natives of the United States, were impressed from the service of the said ship, at Martinique, whilst they were on shore, some time subsequent to the 10th of April, by a gang from the British frigate *Amiable*, Captain Davers.

31. Protest of David Alden, master of the ship *Thomas*, of Portland, dated at Baltimore, 15th August, 1796.

John Hurly and William Hogan, both citizens of the United States, were impressed from on board the said ship, on the 6th of the same August, on a voyage from Liverpool to Baltimore, eight leagues off Cape Henry, by the British ship of war *Prevoyante*, Captain Wemyss.

32. Protest of James Barclay, master of the ship *Dauphin*, of New York, dated at Cape Nicholas Mole, 9th November, 1796.

William McLeod and David Waters, both citizens of the United States, were impressed from on board the said ship at the said Cape Nicholas Mole, on the 29th October, 1796, by the British ship of war *Hannibal*, Captain Smyth.

Recapitulation of Seamen impressed.

16	who are called citizens of the United States,
8	citizens of Massachusetts,
6	do. Rhode Island,
2	do. New York,
4	do. Pennsylvania,
2	do. Delaware,
3	do. Maryland,
1	do. Virginia.
42	Citizens,
12	British subjects,
26	foreigners of other countries than Great Britain,
27	whose country is unknown.

In all, 107, exclusive of thirty-four Irish passengers.

INDEX.



ERRATA IN THIS VOLUME.

Page 57, line 51, for "1804," substitute 1801.

139, 7 from bottom, for "on," read *in*.

155, 19, for "style," read *state*.

174, 38, for "ancient regimen," read *ancient regime*.

244, 40 from bottom, for "20th March," read *26th March*.

288, 28, for "No. 66," substitute *No. 67*.

392, 38, for "meditation," read *mediation*.

325, 18, for "greet," read *great*.

545, The notes explanatory of the treaty should follow the letter of Mr. Pinckney, (on page 546,) by which the treaty was communicated.

631, 28 from bottom, for "10th," read *9th*.

641, 31 from bottom, for "formality," read *informality*.

688, 27 from bottom, for "soiled," read *foiled*.

738, 21, for "1795," read 1796.



INDEX TO FOREIGN RELATIONS.

VOL. I.

[Including the Executive messages at the opening of each session of Congress from 1789 to 1814.]

A.

	Pages.
<i>Academy</i> —Military, recommended, - - - - -	31
<i>Accounts</i> —Between the United States and the several States, - - - - -	22
<i>Accumulations of surplus revenue</i> —How to be applied, - - - - -	69, 73
<i>Adams, Franklin, and Jay</i> —Letter from, to Richard Oswald, on the restoration of confiscated estates, 1782, - - - - -	219
<i>Adams, John</i> —Extract of the journal of, on the terms of the treaty of 1783, - - - - -	219
Speech of, to Congress, - - - - -	40, 44, 47, 53
Inaugural address, - - - - -	38
Declares the principles by which he will be directed, - - - - -	39
Adverts to the sentiments and conduct of the French Directory, - - - - -	40
Proposes to institute a new negotiation with France, - - - - -	40
Recommends defensive measures, - - - - -	41
Asserts the impartiality and justice of the American Government, - - - - -	42
Recommends the imposition of taxes and refraining from loans, - - - - -	45
Recommends an adherence to a pacific policy, and preparation for war, - - - - -	47, 48
Considers a navy indispensable, - - - - -	41, 48, 54
Invokes the blessing of Heaven, - - - - -	53
Replies to addresses of the Senate, - - - - -	43, 46, 49, 52, 55
Replies to addresses of the House of Representatives, - - - - -	43, 47, 50, 53, 56
<i>Address</i> —Inaugural, - - - - -	9, 21, 38
Of the Senate to the President, (See <i>Senate</i>) - - - - -	10
Of the House of Representatives, (See <i>House of Representatives</i>) - - - - -	11
Farewell, of Washington, to the American people, - - - - -	34
<i>Adet, P. A. Minister of France</i> —Address of, on presenting the national colors of France to the President of the United States, - - - - -	1796, Jan. 1, 527
Informs the American Government, by the order of his own, of the success of France in forming treaties with Prussia, Spain, Tuscany, and Hesse Cassel, - - - - -	1796, March 11, 550
Letter of, to the Secretary of State: the scourges of war aggravated by the plunder of neutral vessels by Great Britain; France compelled by American acquiescence to follow her example; neutral Powers, causing their rights to be respected, will have nothing to fear, - - - - -	1796, Oct. 27, 576, 577
Acknowledges the Secretary's note of November 1, - - - - -	1796, Nov. 3, 579
Reply to the note of November 1; menaces; reproaches; complaints; allegations against the United States of duplicity, weakness, partiality, insensibility to the claims of justice and honor; with disregarding their neutral obligations; affording an asylum to British ships of war; declining liberal commercial overtures; violating treaty stipulations, and forming in opposition to them a connexion with Great Britain; declares that the vessels of the United States will be exposed to plunder from French vessels of war and privateers; that his ministerial functions are suspended, though this suspension is not to be viewed as an immediate rupture, - - - - -	1796, Nov. 15, 579
Notes to this letter, - - - - -	583 to 588
Observations on the British treaty: on the subject of <i>contraband</i> , it gives advantages to Great Britain withheld from France, and violates the 23d and 24th articles of commercial treaty; and, in respect to ships of war and prizes, renders the 17th article inoperative, - - - - -	1795, June 30, 594
Requesting the liberation of the French privateer <i>La Vengeance</i> , - - - - -	1795, August 2, 621
To Mr. Pickering, Secretary of State, renewing his application in behalf of the <i>Vengeance</i> , - - - - -	1795, 628
To Mr. Randolph, respecting the <i>Cassius</i> , detained by the arrest of the captain, - - - - -	1795, August 9, 629
Transmits documents relating to the <i>Cassius</i> , - - - - -	1795, Aug. 11, 630
To Mr. Pickering, relating to the <i>Cassius</i> , - - - - -	1795, Aug. 18, 631
Remonstrates against the new arrest and detention of the <i>Cassius</i> , and against the jurisdiction of American courts in similar cases, - - - - -	1795, Sept. 22, 632
Declines to furnish any other evidence than his own declaration that the <i>Cassius</i> was the property of the French republic, - - - - -	1796, April 22, 635
Showing the time when the <i>Cassius</i> became the property of the French republic, - - - - -	1796, April 25, 635
Abandoning the corvette <i>Cassius</i> to the American Government, ordered to ascertain damages due for her arrest and detention, - - - - -	1796, June 3, 636
Communicates to Mr. Randolph the <i>instructions</i> of his Government respecting a liberal commercial treaty with the United States, - - - - -	1795, June 30, 640

	Pages.
<i>Adet, P. A. Minister of France</i> —Transmits the conditions of the proposed commercial treaty, viz: Decree of February 19, 1793; exemption from tonnage duty; his powers restricted to preparing a plan, - - -	1795, July 8, 12, 640, 641
Replies to Mr. Randolph's letter of June 6; Mr. Randolph's letter has been referred to the French Government, - - -	1795, June 20, 642
Transmits the Decree of 14th Nivose, revoking that of 25th Brumaire, - - -	1795, July 14, 642
Injustice of Great Britain; effect of her measures on the United States; the rights and duties of neutrals; armed neutrality; Mr. Jefferson's authority; urges the United States to forcible resistance, - - -	1795, Sept. 28, 643
To Mr. Pickering, that his note of September 28 remains unanswered; impressions by the British from American vessels should be resisted, - - -	1795, March 29, 644
Encloses a letter in favor of Mr. Alexander; invites his attention to two unanswered letters, - - -	1795, April 8, 644
On the subject of British impressment, - - -	1795, April 21, 644
Remonstrates against the exportation from the United States of flour and horses for the use of Great Britain, - - -	1796, Jan. 12, 645
Enforces the doctrine, that a neutral ought to <i>prohibit</i> its citizens from subserving the objects of a belligerent, from reason, authority, and example; that citizens of the United States ought not to be permitted to <i>navigate</i> British merchant vessels, or supply the British Government or citizens with flour and horses, - - -	1796, March 11, 646, 649
Remonstrates against a bill to prohibit the <i>sale</i> of prizes brought into the United States by the ships of war of a belligerent; the right to <i>sell</i> prizes has been <i>conceded</i> to France exclusively, either by treaty or usage; France would be deprived by this act of an important privilege, - - -	1796, May 18, 650
Unable to furnish Mr. Pickering with information concerning the intentions and character of the Flying Fish, - - -	1796, June 14, 652
Has forbidden the French consul from giving any certificate respecting the Flying Fish, - - -	1796, Oct. 7, 653
Disclaims any knowledge of recent <i>orders</i> by his Government in relation to the commerce of the United States; inquiries concerning prizes, - - -	1796, July 14, 653
States the circumstances attending the French privateers <i>Leo</i> and <i>Bellona</i> ; whose prizes, the <i>Mary</i> , <i>Betty</i> Cathcart, and <i>Aaron</i> , were prohibited from being sold; propounds four questions respecting the sale or unloading of prizes, - - -	1796, Oct. 11, 654, 655
Complains of the disposition made of the French flag presented by the order of his Government to the United States, - - -	1796, Jan. 9, 656
Complains of the departure from right and usage, by the publishers of directories and almanacs, in not assigning the precedence in the diplomatic corps to the French minister; requests the suppression of these publications, - - -	1796, March 3, 657
States the attempted seizure of the former French minister, and his papers, by the English frigate <i>Africa</i> , within the waters of the United States, - - -	1795, Aug. 10, 662
Renews the subject of the attempted seizure of Mr. Fauchet, by the <i>Africa</i> ; requests that measures shall be adopted to prevent that vessel from remaining within the jurisdiction of the United States, - - -	1795, Aug. 19, 665
<i>Administration</i> —Attacks of the press on the, - - -	65
<i>Advances</i> —Made by consuls for seamen and vessels, - - -	45
<i>Affairs</i> —Public, prosperous state of, - - -	27
<i>Africa</i> —An English ship of war, proceedings in consequence of her attempted seizure of Mr. Fauchet and his papers, within the waters of the United States, - - -	1795, 662, 663, 664, 665, 666, 667
<i>Agriculture</i> —Its encouragement recommended, - - -	12, 14, 74
Progressive state of, - - -	16, 28, 73, 77
Measures for its encouragement suggested, - - -	31
When most thriving, - - -	59
Protection of, necessary or proper, - - -	59, 64
<i>Agencies</i> —For the Indians, proposed, - - -	19
For the protection of American seamen, - - -	30
Suppression of, - - -	58
<i>Agents</i> —Organization of public, - - -	64
<i>Aggressions</i> —By Indians on United States territory, - - -	11, 13, 14, 19
On foreign territory, by citizens of United States, - - -	19
On citizens of United States and their property by Spain, - - -	66
Spanish, repelled by arms, - - -	66
By British naval commanders, - - -	70
<i>Alabama Indians</i> —Offenders given up for trial, - - -	72
<i>Alexandria</i> —British troops take possession of, - - -	87
<i>Alcudia, Duke of</i> —Liable to receive erroneous impressions from Don Gardoqui, - - -	262
<i>Letters from, to Messrs. Carmichael and Short</i> —Justifies the substance and the intentions of the representations of Jaudenes and Viar, - - -	1793, November 15, 435
Avoids an explicit answer to the question, whether it was the intention of Spain to interfere, in the event of hostilities between the United States and the Southern Indians, - - -	1793, November 26, 436
Disclaims any intention, on the part of Spain, to interfere between the United States and the Indians inhabiting their territory, - - -	1793, December 18, 439
<i>To Mr. Pinckney</i> —Communicates the decision of the King in favor of the liberation of American vessels, and restitution of the cargoes of others, - - -	1795, August 11, 537
Assents to a proposed modification of a project of a treaty, - - -	1795, August 29, 538
<i>Algiers</i> —Treaty with, - - -	28
Engagements with, fulfilled, - - -	30
Prisoners taken by, liberated, - - -	31
Aggressions by, - - -	72
Banishes the American consul, - - -	81
Prisoners captured by, message, report, and documents respecting, - - -	100, 117, 129
Prisoners captured by, measures to redeem, - - -	1791, 128, 133
Prisoners captured by, the advice of the Senate asked concerning their ransom, - - -	1792, 135
Documents and papers respecting, - - -	290, 291, 292, 293, 413, 414, 420, 423
Whether the commerce of the United States can be best protected against the depredations of, by war, tribute, or ransom, - - -	104, 105, 106, 108
And Morocco, report of Secretary of State on negotiations with, - - -	288
Captures seven American vessels, - - -	1794, 413

		Pages.
<i>Algiers</i> —Message transmitting treaty with, - - - - -	1796, February 15,	528
Report of a committee on the terms of a treaty, and the expediency of ratifying,	1796, February 29,	549
Message and report of Secretary of State, respecting the difficulties which occurred in executing the treaty with, and the means by which they were obviated, - - - - -	1797, -	553
Report of the Secretary of the Treasury on the amount and application of the fund destined to form a treaty with, - - - - -	1797, January 4,	555
Report of a committee on the funds required to execute the treaty with, - - - - -	1797, January 16,	558
Letter from the minister of France, tendering the services of his Government to effect a treaty with, - - - - -	1794, -	639
Measures respecting the treaty with, narrated by Mr. Monroe, - - - - -	1795, October 4,	722, 723
<i>Aliens</i> —Naturalized by Great Britain, bear arms, - - - - -	- - - - -	85
Naturalized by the United States, treated as criminals, - - - - -	- - - - -	85
<i>Alliances</i> —Foreign, to be avoided, - - - - -	- - - - -	37
<i>Ammunition</i> —Its exportation prohibited, - - - - -	- - - - -	66
<i>Antipathies</i> —National, and attachments, danger from encouraging, - - - - -	- - - - -	37
<i>Appropriations</i> —For the service of the year, estimates of, - - - - -	22, 26, 28, 32, 48, 51,	54
Specific, for specific objects recommended, - - - - -	1801, -	58
Transfers of, - - - - -	- - - - -	76, 77
<i>Armistice</i> —A conditional agreement for, authorized, - - - - -	1812, -	81
Terms of, proposed by Great Britain, - - - - -	- - - - -	81
<i>Armories</i> —Their erection recommended, - - - - -	- - - - -	11
Enlargement of, - - - - -	- - - - -	76
Improved state of, - - - - -	- - - - -	77
<i>Arms and military supplies</i> —Manufactories of, to be encouraged, - - - - -	- - - - -	11
In arsenals, - - - - -	- - - - -	22, 59
Provision for, recommended, - - - - -	22, 29, 59, 67, 71,	54
The manufacture of, supersedes foreign supply, - - - - -	- - - - -	72
Their importation difficult, - - - - -	- - - - -	67
And ammunition, their exportation recommended to be prohibited, - - - - -	- - - - -	72
Means taken to manufacture and procure, - - - - -	- - - - -	73
The public manufactories of, adequately enlarged, - - - - -	- - - - -	76
Adequate supply of, nearly completed, - - - - -	- - - - -	77
The supply of, adequate to any emergency, - - - - -	1810, -	147
And military supplies exported to one of the belligerents, subject only to capture, and not to prohibition, - - - - -	- - - - -	147
The right of a neutral to vend to a belligerent, considered, - - - - -	- - - - -	11
<i>Army</i> —Provision for, recommended, - - - - -	- - - - -	28
State of, - - - - -	- - - - -	41, 48
Proposition to raise a provisional, - - - - -	- - - - -	53
Discharge of temporary, - - - - -	- - - - -	58, 59
Reduction of, proposed, - - - - -	- - - - -	61, 64
Its condition approved, and its augmentation unnecessary, - - - - -	- - - - -	67, 68, 70
The expediency of raising or increasing, submitted, - - - - -	- - - - -	71, 72
Augmented, - - - - -	- - - - -	79, 81, 84, 87
Additional measures proposed for filling ranks and prolonging enlistments, - - - - -	- - - - -	81
Volunteer corps require inducements, - - - - -	- - - - -	81
New organization of particular corps, - - - - -	- - - - -	81
Additional general officers required, - - - - -	- - - - -	81
Staff of, requires re-organization, - - - - -	- - - - -	81, 84
Modification of laws relating to, - - - - -	- - - - -	75
Statements and estimates for, - - - - -	- - - - -	77
Disposition of part of, - - - - -	- - - - -	79
Seminaries for, recommended, - - - - -	- - - - -	79
Operations of, - - - - -	80, 82, 83, 84, 85, 86, 87,	84, 85, 86, 87
Successes of the, - - - - -	- - - - -	17
<i>Arsenals and magazines</i> —Necessity for, - - - - -	- - - - -	22
Arms and stores in, - - - - -	- - - - -	29
Sites for, - - - - -	- - - - -	31
<i>Arts and sciences</i> —Their encouragement recommended, - - - - -	- - - - -	65
Application of surplus revenue to the, - - - - -	- - - - -	73
Progress of useful, - - - - -	- - - - -	149
<i>Attorney General Randolph</i> —Opinion of, as to the extent of maritime jurisdiction, and the illegality of certain captures, - - - - -	- - - - -	152
Opinion of, on the case of Gideon Henfield, an American citizen, who engaged in the military service of France, - - - - -	- - - - -	8
<i>Avon</i> —Defeat and destruction of the British brig, - - - - -	- - - - -	

B.

<i>Bail</i> —Facilities of taking, - - - - -	- - - - -	19
<i>Baltimore</i> —Defeat of the British at, - - - - -	- - - - -	87
<i>Bank of the United States</i> —Subscription to, filled, - - - - -	- - - - -	16
Reimbursement of loans from, - - - - -	- - - - -	20, 22
<i>Barbary Powers</i> —Relations with, - - - - -	58, 60, 63, 67, 68,	70, 72, 76, 77, 81,
<i>Barclay, Thomas</i> —Appointed a consul to Morocco, - - - - -	1791, -	289
Authorized to negotiate the ransom of American Algerine captives, - - - - -	- - - - -	292, 293
Letter from, appointing Francis Coffyn commercial agent, - - - - -	- - - - -	325
<i>Baring & Co.</i> —Statement of, showing the difficulties in providing specie to meet the payments on account of the treaty with Algiers, - - - - -	1796, August 29,	556
<i>Barlow, Joel, and Joseph Donelson</i> —Letter from, stating the circumstances which induced them to offer to the Dey of Algiers the present of a frigate, - - - - -	1796, April 5,	554
<i>Barlow, Joel</i> —Recommended by Mr. Monroe as consul for Algiers, - - - - -	1795, October 4,	723
Death of, while minister to France, - - - - -	- - - - -	84
<i>Bayou Pierre</i> —Spanish troops posted at, - - - - -	- - - - -	68
<i>Belligerents</i> —Citizens of the United States warned against committing hostilities on, - - - - -	- - - - -	21, 22
Policy to be pursued towards, - - - - -	- - - - -	62, 63
Neutrality of the United States respected by, - - - - -	- - - - -	63
Violation by, of neutrality, - - - - -	67, 71, 72,	73
Injustice and violence of, - - - - -	- - - - -	66, 70, 71, 76
Injuries to American commerce committed by, - - - - -	- - - - -	76
State of affairs with, - - - - -	- - - - -	

	Pages.
<i>Berlin decrees</i> —Referred to, - - - - -	70, 71, 73
Correspondence and instructions concerning, - - - - -	72
<i>Berlin decrees</i> —Revocation or modification of, - - - - -	74, 76
Revocation and definitive repeal of, - - - - -	76, 78, 81
<i>Bills of health</i> —Directions to furnish, - - - - -	66
<i>Blakely, Capt.</i> —Sinks the British brig Avon, - - - - -	86
Captures British sloop of war Reindeer, - - - - -	88
<i>Blessings, national,</i> - - - - -	44, 76
<i>Blockade</i> —Proposition respecting illegal, - - - - - 1812,	81
American vessels subjected to seizure and condemnation if entering, for the first time, ports in a state of, - - - - - 1793, June 8,	239, 240
Of American commerce in the Mediterranean, - - - - -	58
Of Tripoli, - - - - -	63
Novel and illegitimate system of, - - - - -	77, 81, 88
<i>Bond, P.</i> (British Chargé,)—Letter from, to Mr. Pickering, Secretary of State, stating an apparent repugnance between the treaty concluded by Mr. Jay, of 1794, and the treaty concluded at Greenville with certain tribes of Indians, and asking an article explanatory of the former, - - - - - 1796, March 26,	551
<i>Boundary, (Eastern)</i> —Measures respecting, - - - - -	30, 48
Between Spanish possessions and the United States, - - - - -	30, 44
Between the United States and Choctaws, - - - - -	60
Northeastern and Northwestern, convention formed for their demarkation, 1803, - - - - -	62
Between Louisiana and the possessions of Spain, - - - - -	66, 68
Eastern, message and papers respecting, - - - - - 1790,	90, 99
Report of a committee on, - - - - - 1790,	100
Between Spain and the United States, instructions of the American Secretary of State to American commissioners, respecting, - - - - - 1792, March 18,	252
Southern, of Georgia and the Spanish territory; examination of the question by Messrs. Carmichael and Short, - - - - - 1793,	438
A proposition concerning, - - - - - 1783,	572
Northeastern, (St. Croix,) an alteration of, pressed on Mr. Jay by Lord Grenville, but firmly declined, - - - - -	485, 500
<i>Bozer</i> —Taken by the Enterprise, - - - - -	85
<i>Bridgewater</i> —Battle of, - - - - -	87
<i>British licenses</i> —Additional measures recommended to prevent their acceptance, - - - - -	81
<i>Brock</i> —Death of General, - - - - -	80
<i>Brown</i> —Victories gained by Major General, - - - - -	87
<i>British orders in council</i> —Allusions to, - - - - -	70, 71
Attempts to induce their revocation, - - - - -	72, 73, 76
Correspondence and instructions relating to, - - - - -	72
Proposed withdrawal of, - - - - -	74
Discontinuance of, - - - - -	74, 75
Adopt a novel system of blockade, - - - - -	77
Rigorously executed, - - - - -	78
Their repeal demanded, - - - - -	81
<i>British manufactures</i> —Unexpected importation of, - - - - -	81, 82
<i>British subjects</i> —Claims of, against the United States, - - - - -	45, 51
Their right of expatriation denied, - - - - -	82, 85
Retaliatory imprisonment of, - - - - -	85
<i>Brun, Le</i> —(See <i>Le</i> .)	
<i>Buchot</i> —Minister of Exterior Relations, letter from, to G. Morris, respecting the advance by France to the United States, constituting the claim of Beaumarchais, - - - - - 1794, July 7,	411
<i>Burr, Aaron</i> —His enterprises against the public peace formed and suppressed, - - - - -	68, 71
Arraigned and discharged, - - - - -	71
C.	
<i>Canada</i> —Invasion and occupancy of Upper, - - - - -	80, 86
Operations against, - - - - -	85, 86
Citizens of the United States in, compelled to bear arms, - - - - -	85
Defeats of British forces in, - - - - -	87
<i>Canals</i> —Education, roads, &c. proper objects for the application of surplus revenue, - - - - -	65, 69, 73
<i>Cannon</i> —Purchase of heavy, - - - - -	67
Improved state of the manufacture of, - - - - -	77, 79
<i>Captures</i> —French, carried into the United States, the right to condemn claimed by the consuls of France, - - - - -	153
<i>Carletti, Count, Minister of Tuscany</i> —His supposed offence to the French Government, - - - - - 1795,	728
Ordered to depart; refuses; coerced; opinions of the diplomatic corps concerning, - - - - -	729
Sequel of his affair, - - - - -	730
<i>Carleton, Sir Guy</i> —Extract of a letter from, to General Washington, - - - - - 1783, May 12,	190
<i>Carmichael and Short</i> —Appointed to treat with Spain, concerning the navigation of the Mississippi, - - - - - 1792,	131
To the Secretary of State, stating the unfavorable prospects from their conferences with the Spanish commissioners, on the questions of boundary and the Mississippi, - - - - - 1793, April 18,	259
To the Secretary of State, detailing the personal and political causes which operate in preventing a favorable termination of their mission, - - - - - 1793, May 5,	261
Explaining the causes which have induced them to defer bringing the Spanish Government to a decision upon the questions of boundary, Mississippi, &c. Detailing the causes of delay in receiving a reply to their note on the subject of a Spanish commissary among the Indians, - - - - - 1793, June 6,	271
To Mr. Gardoqui, respecting the conduct of Spanish agents among the Indians, - - - - - 1793, August 15,	274
To Mr. Gardoqui, recalling the circumstances under which the assurance had been given by Mr. Gardoqui, that one Oliver had not been acting as an Indian commissary under the authority of Spain, &c. - - - - - 1793, May 26,	274
To Secretary of State, that they have received his despatches by Mr. Blake; the negotiation remains <i>in statu quo</i> , - - - - - 1793, August 11,	276
To Secretary of State, that the Spanish ministers have found pretexts to defer an answer to their formal note, - - - - - 1793, September 29,	278
- - - - - 1793, October 22,	328

<i>Carmichael and Short</i> —To M. de Gardoqui; review of the dispositions and conduct of their Government with regard to Spain, and concerning the Southern Indians; complaints of the Creeks quieted; the adventure of Bowles; subsequent movements by the Indians; whence encouraged; murders and depredations on frontier settlers; the measures of the United States pacific, moderate, and humane; the disrespectful and unjustifiable charges of the Spanish commissioners set forth and replied to,	1793, October 1,	433
Their representation to the Duke of Alcudia, on the subject of the conduct of the Spanish commissioners,	1793, October 20,	435
Recall the attention of the Duke of Alcudia to the subject of their notes of 1st and 20th October,	1793, November 12,	435
Require a more explicit avowal or disavowal of the sentiment expressed by Messrs. Jaudenes and Viar, that any act of hostility upon the Southern Indians might compromise peace with Spain,	1793, November 21,	436
Recapitulating the grounds of their application to be informed of the precise intentions of the Spanish Government; and rebutting the reasons set forth by the Duke of Alcudia, for waiving the desired explanation,	1793, December 7,	436
To M. de Gardoqui, transmitting a memorial on the subjects of territorial limits, and the right to navigate the Mississippi,	1793, December 7,	437, 438
To the Duke de la Alcudia, expressing their satisfaction at the just and friendly sentiments evinced by his note of the 18th December,	1793, December 22,	440
To the Secretary of State, indisposition of the Spanish Government to accede to the views of the American Government, concerning limits and the Mississippi; their instructions; their conduct under these circumstances, in expectation of further instructions; their perplexity from not receiving them; they prosecute the leading objects of the negotiation; little prospect of success; the situation of Spain in relation to Great Britain and France; an alliance with Spain, offensive and defensive, suggested by Gardoqui; the confidence to be reposed in his representations,	1794, January 7,	440
<i>Carondelet, Baron, Governor of Louisiana</i> —Letter from, to the Cherokee nation,	-	281
<i>Carrying trade</i> —Effect of discriminating duties on,	-	60
<i>Cassius, Le</i> —A corvette of the French republic, correspondence, statements, and proceedings respecting,	-	629 to 630
<i>Census</i> —The first gives four millions as the population of the United States,	1790,	16
Of 1800, the second laid before Congress,	-	58
<i>Chambonas, Mr.</i> —To Mr. Morris, commercial treaty with France,	1792, July 23,	333
<i>Champlain</i> —Defeat of British squadron on Lake,	-	87
<i>Charleston</i> —Defence of,	-	70
<i>Chamcey</i> —Fleet on lake Ontario, commanded by captain,	-	85
<i>Cherokees</i> —Hostilities of,	-	19
Purchase of lands from,	-	67
Are considering a proposition to solicit the citizenship of the United States,	1808,	72
<i>Chesapeake Bay</i> —Gun-boats assigned to,	-	71
<i>Chesapeake</i> —The United States' frigate, attacked by the British frigate <i>Leopard</i> ,	-	70
Discussions relating to,	-	72
Satisfaction tendered,	-	74
Arrangements making satisfaction disavowed,	-	75
<i>Chickasaw Indians</i> —Purchase of lands from,	-	67
<i>Chippewa</i> —Battle of,	-	87
<i>Choctaw Indians</i> —Settlement of their boundary,	-	60
Evince a disposition to make reparation for depredations,	-	72
<i>Church, Edward</i> —American consul at Lisbon, letters from, on the subject of Algerine depredations,	1793,	296, 297, 298, 299
<i>Circular letter</i> —To the Governors of the States, requesting their aid in preventing the captors of French prizes from being subjected to unnecessary seizures and vexations in American ports,	1794, October 22,	589
<i>Citizens, American</i> —Their rights abridged by the collusive prostitution of the American flag,	-	75
Liberation of, from Algerine captivity,	-	31
Personal injuries on, committed by France,	-	41
Prohibited from compromising the neutrality of the United States,	-	62
Seized and plundered by Spanish officers,	-	66
Protected against Spanish aggressions,	-	66
Ransomed from Tripoli,	-	67
Compelled to bear arms against the United States,	-	85
Sent prisoners to England for trial,	-	85
<i>Claims</i> —Of the United States against Foreign powers,—see <i>Indemnities</i> .	-	-
Against Great Britain, for property,	-	30, 44, 45, 51
Against France, for property,	-	76, 79
Against Spain, for same,	-	30, 45
Against the United States, by British subjects,	-	45, 51
Of American citizens, for French spoliations, &c. stated by Mr. Skipwith,	1795, November 20,	753
Memorial of citizens of Philadelphia, respecting,	1797,	760
<i>Clarke & Lewis</i> —Explore the Mississippi,	-	69
<i>Clarke, General</i> —Expedition of, against the adjacent territories of Spain, documents respecting,	1794,	454 to 460
<i>Clinton, George</i> —Governor of New York, to citizen Genet, requesting that the French privateer <i>Carmagnole</i> should be divested of her warlike equipments,	1793, November 21,	186
To the President of the United States, communicating his proceedings prohibitory of the departure of French privateers armed in American ports,	1793, November 23,	187
<i>Coasts and harbors</i> —Of the United States, American commerce annoyed in,	-	66
Public armed vessels hover on,	-	78
Protected by American vessels,	-	79
<i>Coffee</i> —Defeat of the Creeks, by General,	-	85
<i>Coffyn, F.</i> —To G. Morris, that attempts have been made to supersede him in his appointment as American commercial agent,	-	335
<i>Coinage</i> —Commencement of by the United States,	-	19
Continued,	-	26
<i>Coins</i> —Foreign, regulation of their currency recommended,	-	19
<i>Collectors</i> —Instructions to, to enforce the proclamation of neutrality,	1793,	140
<i>Columbia</i> —District of, located as the seat of Government,	-	16
Its political condition recommended to the consideration of Congress,	1800,	53

	Pages.
<i>Commerce</i> —Its protection recommended, - - - - -	12, 14, 41, 45, 74
Can be adequately protected only by a navy, - - - - -	31
American, depredations committed on by French cruisers and agents, - - - - -	31, 41, 44, 47
Its importance and exposedness, - - - - -	41, 44
Cessation of privateering against, - - - - -	51, 58
Prosperous state of, - - - - -	50
How best promoted, - - - - -	59
Restrictions upon, proposed to be counteracted, - - - - -	60, 303
American, effect of the European war upon, - - - - -	63
Aggressions upon, by persons holding foreign commissions, - - - - -	66
Of the United States, interdicted by Great Britain, between ports not in amity with her, - - - - -	70
Measures of belligerents to the injury of, - - - - -	66, 70, 71, 76, 79, 86
Renewal of, tendered to France and Great Britain, - - - - -	74
Interdict of, removed, - - - - -	74
Revision of laws relating to, recommended, - - - - -	74
Insecurity of, - - - - -	76
Vexations of, by Northern Powers, - - - - -	77, 79
Restrictions on, by France, - - - - -	79, 302
Restrictions on, by Great Britain, - - - - -	79, 301, 302
Restrictions on, by other European Powers, - - - - -	1793, 302 303
Evasions and infractions of laws regulating, - - - - -	79
Regulations of, with Russia, - - - - -	83
Of neutrals, vexations upon, - - - - -	88
Of the United States, the desire of Great Britain to destroy, - - - - -	88
How best protected, - - - - -	104, 105, 106, 107, 108
Decree of France, encouraging commerce with the United States, - - - - -	1789, 113, 115
With France, letter from Mr. Short, concerning, - - - - -	120, 121
Treaty of, the stipulations of a good one with Spain, considered by Mr. Jefferson, - - - - -	1792, 134
New restrictions upon, imposed by Great Britain, - - - - -	1792, 135
Treaty of, with Spain, instructions of the American Secretary of State, respecting - - - - -	1792, March 18, 256
Of the United States, report of the Secretary of State, on its privileges and restrictions in foreign countries, - - - - -	1793, December 16, 300, 306
Report of the Secretary of State, on the depredations committed upon, by Great Britain, France, and Spain, - - - - -	1794, March 2, 423, 424
Of France, how regulated, - - - - -	1794, 679
And trade, whether they should be left free to individual enterprise, or be carried on by Government agents, - - - - -	1794, October 18, 684
American, report of the Secretary of State, on the vexations and spoliations to which it is subjected in France, - - - - -	1798, 748
<i>Commissioners</i> —To ascertain the St. Croix river, - - - - -	30, 44, 48
Under the sixth and seventh articles of the treaty with Great Britain, - - - - -	30, 44, 45, 51, 54
On boundary between the United States and Spain, - - - - -	30, 44, 48
Under Spanish treaty, their proceedings resumed, - - - - -	45, 48
<i>Committee</i> —Report of, on eastern boundary, - - - - -	1790, 100
On the creation of a navy, - - - - -	1791, 108
On the debt due to France, - - - - -	1794, 468
On the terms of a treaty with Algiers, and the expediency of ratifying, - - - - -	1796, February 29, 549
Same, - - - - -	1797, January 16, 558
On Algerine prisoners, - - - - -	133
<i>Common defence</i> —Merits regard, - - - - -	11
Provision for, - - - - -	22, 41, 44, 51, 54, 67, 70, 71, 72, 75, 76, 77, 78
<i>Compensation</i> —Of officers of Government, should be adequate to their support, - - - - -	31
To British subjects for captures, - - - - -	45
<i>Confederation</i> —Of the United States had been formed on the models of the Batavian and Helvetic, - - - - -	38
<i>Confiscations</i> —Of estates of American loyalists during the Revolutionary war; proceedings of the States respecting, and how far restored, § 3 to 25, - - - - -	201, 206
<i>Congress</i> —Specially convened, - - - - -	40, 61, 70, 74, 78, 83, 87
Meeting of, a limited power in the Executive to postpone, recommended, - - - - -	44
Remove permanently to Washington city, - - - - -	53
The President refers to, the question of war with Tripoli, - - - - -	58
<i>Connecticut</i> —Detachment of militia refused by the Governor of, - - - - -	80
<i>Conscience</i> —Rights of, to be respected, - - - - -	74
<i>Constitution</i> —The attention of Congress called to its provisions, - - - - -	9, 10
Should be vigilantly guarded, - - - - -	25
An amendment to, proposed by Mr. Jefferson, - - - - -	65, 69, 73
To be supported as the cement of Union, - - - - -	74
The frigate, her naval victory, - - - - -	81
<i>Consuls</i> —American, in France, their jurisdiction claimed, and opinions thereon by Mr. Monroe, - - - - -	1796, January 26, 729
Their jurisdiction and functions, - - - - -	14
Reimbursement of, recommended, for advances to American seamen, - - - - -	45
Further provisions necessary in the act relating to, - - - - -	45
Provide for the return of American seamen, - - - - -	60
Banishment of, from Algiers, - - - - -	81
A convention, concerning their jurisdiction concluded with France, - - - - -	89
Assumed jurisdiction of those of France in the United States denied, - - - - -	1793, 147
Of France, claim within the United States exclusive admiralty jurisdiction on French captures, - - - - -	153
Remarks on the jurisdiction claimed by, - - - - -	1797, 575
Circular to, on their assumed admiralty jurisdiction, - - - - -	1793, 175, 575
<i>Consul, (Vice)</i> —Of France, his powers revoked by American Government, - - - - -	1793, October 3, 178
Additional provision for, on the Barbary coast recommended, - - - - -	1795, 470
Of America, the expediency of appointing American citizens only, - - - - -	1794, 679
<i>Contraband trade</i> —American citizens warned against, - - - - -	21
<i>Contraband articles</i> —The neutral has a right to export contraband articles to one of the belligerents subject to capture, (Mr. Jefferson) - - - - -	1793, 147

<i>Contraband articles</i> —Provisions considered by Great Britain as contraband; and corn, meal, and flour stopped and detained, if found going to her enemies; instructions, -	1793, June 8,	240, 432
Martens referred to by Mr. Hammond in support of the principle that provisions are contraband, -	1794, April 11,	432
Provisions, going to an enemy, whether contraband or not; the question discussed between Mr. Hammond and Mr. Randolph, (Secretary of State) And Adet and Pickering, -	- - -	449
The policy of the United States in regard to, -	- - -	613, 649
The law of, as declared by civilians, and exemplified in treaties, considered by Mr. Pickering, -	1797, -	451
The exportation of, (flour and horses) from the United States objected to by Mr. Adet, and defended by Mr. Pickering, subject to the belligerent's right to capture, -	1796, -	560
Whether the sovereign Power is bound to prohibit its citizens from supplying, (page 647) or whether the right to sell is subject to Governmental regulation, -	- - -	615, 646, 649
The exportation of, prohibited by the Swiss, -	- - -	616, 647, 648, 649, 650
The exportation of, allowed formerly by them, -	- - -	647
<i>Countervailing commercial restrictions</i> —Proposed by Mr. Jefferson, -	- - -	650
<i>Convention</i> —See <i>Treaty</i> .	- - -	303, 304
<i>Convoy</i> —By Spain, of American vessels against Algerine cruisers, -	1794, -	413
<i>Courts of the United States</i> —	- - -	- - -
Their maritime jurisdiction to be defined or extended, -	- - -	22
Their jurisdiction over prizes brought into the United States by French ships of war and privateers, and of captures within the limits of the United States, a cause of complaint by France, -	- - -	582, 632
<i>Craney Island</i> —The British repulsed at, -	- - -	86
<i>Creek Indians</i> —Relief afforded to, -	- - -	22, 25
Murders committed on, -	- - -	27
Treaties with, -	- - -	30, 67
Lands ceded by, -	- - -	60, 67
Disposed to arrest and deliver up offenders, -	- - -	72
Seduced by the British, -	- - -	85
War with, and their defeat, -	- - -	85, 87
<i>Credit</i> —Public, its maintenance approved, -	- - -	12
State of, indicated by the terms of foreign loans, -	- - -	19
Its preservation recommended, -	- - -	41
<i>Cruisers</i> —Injuries committed, and captures by French, -	31, 41, 44, 47	70
Seizures of American, by the British, -	- - -	77, 79
Commerce infested by Danish, -	- - -	86
Ports necessary for American and foreign, -	- - -	58
<i>Cruiser</i> —Neapolitan, capture of, -	- - -	60
Captured by a Tripolitan, -	- - -	12
<i>Currency</i> —Uniform, recommended, -	- - -	17
Disorders in the, provision for, -	- - -	132
<i>Cutting, J. B.</i> —Account of, for advances on account of impressed American seamen, -	1792, -	- - -

D.

<i>Danish Government</i> —Manifests a friendly disposition, -	- - -	81
<i>Debt, public</i> —Its gradual discharge recommended, -	14, 19, 23, 25, 28, 32, 41, 74	- - -
Payment of the, -	58, 60, 61, 62, 64, 67, 69, 71, 73, 75, 78, 79, 81	- - -
Domestic, subscription for, -	- - -	17
Due by and to the several States, ascertained, -	- - -	22
Increase of, by the purchase of Louisiana, -	- - -	62
Reduced, -	- - -	60, 62, 67, 72
Means taken for final redemption, -	- - -	65
Total reduction, during Mr. Jefferson's administration, -	- - -	73
To France, proposal by Mr. Genet for its discharge, by furnishing military stores, -	- - -	142
To British subjects before the peace, -	- - -	44
Due in America to British subjects; how far legal obstacles were interposed to their collection, and at what time, and in what degree these obstacles were removed, \$20, &c. -	- - -	207, 214
<i>Decrees</i> —Of France, repealing the decrees of Berlin and Milan, communicated, -	1812, -	81
Of France, of May 9 and May 23, 1793, respecting neutral vessels, laden with provisions, bound to the ports of Great Britain, -	- - -	244, 377, 749
Of March 26, 1793, respecting commercial intercourse with the West Indies, Subjecting neutral vessels to capture, confiscation, searches, &c. for not maintaining their neutrality, -	- - -	245, 306
Of 25th Brumaire, (15th November, 1794,) extending the list of contraband articles, and cancelling the stipulation of the treaty making merchandise free on board of neutral vessels, -	1796, July 2,	577
Register of commission to the Leeward Islands, subjecting American vessels bound to English ports to capture, -	- - -	752
Of special agents of the Directory at Windward Islands, subjecting American vessels going to the Windward and Leeward Islands to capture, and renewing decree of 4th Nivose, -	27th Nov. year 5,	752
Of 14th Nivose, revoking the decree of 25th Brumaire. By this revocation, enemy merchandise, on board neutral vessels, is exempted from capture, &c.; the ship protects all under its flag, -	13th Pluviose, year 5,	759
Special agency of the Executive Directory, subjecting contraband articles to capture, -	1795, -	642
Providing indemnities; ordering payment for St. Domingo supplies; that vessels of the United States, &c. shall be permitted to enter and depart; and that treaties and the law of nations shall be observed, -	1796, -	662
<i>Defamation</i> —How far it should be considered or punished, -	1794, (25 Brum.) Nov. 15, 689	- - -
<i>Defects in the law</i> —Evidence or administration, -	- - -	65
<i>Defence</i> —Common, to be provided for in time of peace, -	- - -	71
Measures for, urged, -	- - -	11
Preparations for, -	41, 44, 51, 71, 77	- - -
Importance of marine, -	22, 54, 67, 70, 72, 75, 76, 88	- - -
	- - -	44, 54

	Pages.
<i>Defence</i> —Of seaports, - - - - -	41, 54, 67, 70, 73, 75, 76, 77, 79
<i>Desforgues, French Minister of Foreign Affairs</i> —Letter from, to Mr. Morris, justifying restrictions upon neutral commerce, by the more unjustifiable measures of Great Britain, - - - - -	1793, October 14, 313
To Mr. Morris; St. Domingo drafts; Little Cherub; decrees of May 9 and July 1, - - - - -	1793, July 3, 370
Encloses the proceedings of the Executive Council in the case of ship Juno, - - - - -	1793, July 19, 371
Relating to the brigantine Patty, Captain Pease, - - - - -	1793, July 29, 372
Relating to the ship Laurens, Captain White, - - - - -	1793, July 30, 372
Genet's punishable conduct; decree has passed suspending the sale of the Hope's cargo, - - - - -	1793, October 10, 375
Facts, in relation to the ship Peggy, solicited; France compelled, by necessity, against her inclination, to resort to measures conflicting with neutral rights, in order to counteract the previous measures of the enemy; the decree of 9th May, provisional and temporary; the ship Laurens; amicable and just dispositions towards the United States professed, - - - - -	1793, October 14, 376
Transmitting a letter of the Minister of Marine, relating to the ship Mary, - - - - -	1793, October 17, 378
<i>De la Croix, Minister of Foreign Affairs</i> —To Mr. Monroe, with a specification of complaints against the United States, - - - - -	1796, March 11, 732
Replies to Mr. Monroe's, of March 15; announces the uniform opinion of the Directory, that the treaty with Great Britain was a breach of friendship; an abandonment of the principles of neutrality; a violation of tacit engagements; and an alteration of the treaty of 1778, requiring corresponding modifications on the part of France, - - - - -	1796, July 7, 739
Communicates the French decrees, recalling Mr. Adet, and subjecting American vessels to capture, - - - - -	1796, October 7, 745
Requests Mr. Monroe's letter of recall, and the credentials of his successor, - - - - -	1796, December 2, 746
Appoints an interview for the formalities incident to the arrival of Mr. Monroe's successor, - - - - -	1796, December 9, 746
Announces that the Executive Directory will not receive a minister of the United States until a reparation of grievances, - - - - -	1796, December 11, 746
Appoints a time for his audience of leave, - - - - -	1796, December 27, 747
<i>De la Motte</i> —Consul, to G. Morris, proposing inquiries concerning an American vessel arriving in France under Spanish colors, and desiring to resume her original character, - - - - -	1792, December 25, 348
<i>Delaware Indians</i> —Treaty with the, extinction of their title to lands, - - - - -	64
<i>Denmark</i> —Depredations on American commerce committed under the flag of, - - - - -	77
Measures to prevent her depredations, - - - - -	77
Favorable results of mission to, - - - - -	79, 81
<i>Derne</i> —Enterprise of Mr. Eaton against, - - - - -	67
<i>Detroit</i> —Town and fort of, captured by the enemy, - - - - -	80
Recovery of, - - - - -	86
<i>Diplomatic intercourse</i> —With foreign nations necessary, - - - - -	41
<i>Direct tax</i> —Assessment and collection of, - - - - -	8, 48
Proposed repeal of, - - - - -	58
Completion of collection of, - - - - -	60
Proposed imposition of, - - - - -	84
<i>Discussion, public</i> —The effects of, unaided by power, - - - - -	65
<i>Disease</i> —An epidemic, in 1805, - - - - -	66
Renders an attention to health laws necessary, - - - - -	66
<i>District of Columbia</i> —The site chosen for the seat of Government, - - - - -	16
The national Government remove to, - - - - -	53
Congress exercise power over, - - - - -	53
Proposition to establish a seminary of learning in, - - - - -	77
<i>Divine Providence</i> —Should be gratefully acknowledged as the source of national blessings, - - - - -	1809, 76
<i>Divisions, political</i> —How best encountered and overcome, - - - - -	65
And a tendency to disunion, their necessary effect on foreign Governments, - - - - -	262
<i>Docks, dry</i> —Proposition to build, - - - - -	61
<i>Dundas, Henry</i> —Instructions of, to British vessels of war to capture neutral vessels laden with the produce of French colonies, - - - - -	1793, November 6, 430
<i>Duplaine, Mr. vice consul of France</i> —His functions terminated by the American Government, - - - - -	1798, October 2, 178
<i>Duties, discriminating</i> —Mutual abolition of, proposed by the British Government, - - - - -	1802, 60
On domestic distilled spirits, in what way the law was received and enforced, - - - - -	16
On domestic spirits occasion an insurrection, - - - - -	24
Protective, may be imposed for the protection of manufactures, - - - - -	73
Constituting the Mediterranean fund concerning, - - - - -	69
<i>Duty on salt</i> —Its repeal recommended, - - - - -	69
On tonnage, exemption from, the condition of a commercial treaty proposed by France, - - - - -	1795, July 8, 641

E.

<i>Eaton, consul</i> —Enterprise of, against Derne, - - - - -	67
<i>Economy</i> —In public expenditures to be observed, - - - - -	74
<i>Education, roads, canals, &c.</i> —Proper objects for the application of surplus revenue, - - - - -	67, 69, 73
The promotion of, by a national university recommended, - - - - -	77
The public domain would defray the expense, - - - - -	77
<i>Elections</i> —The importance of their purity and independence, - - - - -	39
<i>Embargo</i> —Its suspension, - - - - -	71
Continued, - - - - -	72
Extension of, to fishing vessels, suggested, - - - - -	1794, March 28, 429
<i>Emigrants to America</i> —Great Britain refuses to treat as prisoners of war, - - - - -	82
Taken prisoners, sent to England for trial, - - - - -	85
<i>Emolument, public</i> —Declined by General Washington, - - - - -	10
<i>Enemy</i> —A perfidious intercourse with, recommended to legislative prohibition, - - - - -	81
<i>Engineers, corps of</i> —Attention directed to, - - - - -	78
<i>Enterprise</i> —Takes the British sloop of war Boxer, - - - - -	85
<i>Enterprises, military</i> —Within the jurisdiction of the United States, - - - - -	22, 63
Against the territory of Spain, - - - - -	68, 71
Safeguards against unlawful, - - - - -	68

	Pages.
<i>Epervier</i> —A British vessel, taken by the Peacock, - - - - -	88
<i>Erie</i> —Victory of Capt. Perry on lake, - - - - -	85
Fort, reduction of, - - - - -	87
<i>Essex</i> , frigate—Captured by the British, - - - - -	87
<i>Estimates</i> —Of appropriations, - - - - -	22, 26, 28, 54
For fortifications and military establishment, - - - - -	61
For Naval department, laid before Congress, - - - - -	61
<i>Europe</i> —Connexion of the United States with, - - - - -	22
War in, President's proclamation concerning, - - - - -	21
Continuation of war in, - - - - -	44, 51
Portentous state of, - - - - -	45
General affairs of, considered by Mr. Morris, - - - - -	1790, 125
In a state of peace, - - - - -	57
Intercourse and friendship with, undisturbed, - - - - -	63
War in, revived, - - - - -	62, 66
General pacification in, - - - - -	87
<i>European Powers</i> —Political views and conjectures concerning, by G. Morris, - - - - -	1790, 126
<i>Excise</i> —On distilled spirits, measures concerning, - - - - -	16
Impediments to the collection of, - - - - -	19, 24
(See <i>Duties</i> .)	
<i>Executions</i> —Uniformity in the process of, - - - - -	14
<i>Executive power</i> —The President confines its exercise to <i>defence</i> against aggression, - - - - -	58
<i>Expatriation</i> —The admitted right of, does not prevent the necessity of complying with the usual <i>formalities</i> for the naturalization of foreigners, - - - - -	1794, 593
Great Britain denies the right of, - - - - -	82
<i>Expeditions</i> —Against the Indians, - - - - -	14, 16, 19, 22, 25, 85, 86, 87
From the United States against Powers at peace, should be suppressed, - - - - -	63
Military, can only be authorized by the sovereign authority, - - - - -	154, 155
Proceedings of the Legislature of South Carolina and the minister of France respecting, - - - - -	1793, 309, 310, 311
Against Spanish territories, suppressed, - - - - -	68, 71
Pacific, of Lewis and Clarke, - - - - -	69
<i>Expenses</i> —Extraordinary, funds to defray recommended, - - - - -	41
Incurred on Executive responsibility, - - - - -	71
<i>Expenditures</i> —Of the General Government, unnecessarily burdensome, - - - - -	58
<i>Explorations</i> —Of the country west of the Mississippi, - - - - -	67
Of the Missouri and the Columbia, by Lewis and Clarke, - - - - -	69
Of the Red river, by Major Freeman, - - - - -	69
Of the Mississippi, by Lieutenant Pike, - - - - -	69
<i>Exportation</i> —Of arms and ammunition prohibited, - - - - -	66

F.

<i>Fairfax, Lord</i> —Papers respecting his claims presented to Mr. Jay, - - - - -	1794, -	505
<i>Fauchet, Mr.</i> —Minister from France, to the Secretary of State, requests an advance on account of the debt due to France by the United States, - - - - -	1794, -	427
Concerning the depredations committed by France on the commerce of the United States, - - - - -	1794, -	431
On the subject of the attempt, by Captain Home, of the <i>Africa</i> , to seize him and his papers, when on his return to France, and the measures of the American Government on this occasion, - - - - -	1797, -	576
Has endeavored to prevent illegal armaments within the United States; complains of the proceedings against the French privateers and prizes, especially to those relating to the prize of the " <i>Sans Pareil</i> ;" a letter unanswered, - - - - -	1794, Aug. 25,	588
Complains of vexatious judicial proceedings against French prizes; of the detention of the <i>Perseverance</i> , and of an alleged outrage on board the <i>Favorite</i> ; a remedy suggested, - - - - -	1794, Oct. 17,	589
Reminds him of an unanswered letter, on the subject of citizen Talbot; the right of expatriation, - - - - -	1794, Oct. 27,	592
The case of the privateer <i>Favorite</i> , - - - - -	1794, Sept. 23,	598
That the <i>Carmagnole</i> (or <i>Columbia</i>) had been ordered to sea, - - - - -	1794, Aug. 16,	600
States the causes for the return of two privateers, the <i>Cornelia</i> and <i>Columbia</i> , Denies that construction of the French treaty by which English ships of war were allowed to enter American ports; complains of instances in which, as he contends, that treaty was, at all events, violated, and French privateers oppressed, - - - - -	1794, Aug. 21,	600
Transmits the answer of Governor Lee, concerning the detention of a French privateer, - - - - -	1794, Sept. 18,	601
Adduces instances of the alleged violation of the treaty by British ships of war; complains of the negligence or tardiness of the Governors in the enforcement of the treaty, - - - - -	1794, Oct. 1,	603
Reiterates instances of the violation of the treaty by the indulgences afforded British ships of war bringing prizes into the United States, - - - - -	1794, Oct. 6,	604
Represents that the American Government have manifested partiality or weakness in its attempts to enforce an observance of neutral rights; instances the <i>Thetis</i> ; desires, at least, a cold impartiality, - - - - -	1795, Jan. 31,	605
That no reply has been given to his letter, after the lapse of twenty-one days; captures by an English fleet in the waters of the United States, - - - - -	1795, May 2,	609
Reply to Mr. Randolph's vindication; attempts to sustain his charge of predilection for England; imputes to the Executive a connivance at violations of the treaty by British ships of war; declares that the courts lend their aid to vexatious proceedings against French privateers and prizes; insists on his construction of the French treaty; and requests that the recent treaty with Great Britain may not be ratified until the arrival of his successor, - - - - -	1795, May 23,	609
Tenders the services of France to effect an accommodation with Algiers, - - - - -	1798, June 8,	614
Sets forth the attempt made by Captain Home, of the <i>Africa</i> , upon his person and papers, - - - - -	1794, June 4,	639
<i>Fever</i> —A malignant, measures rendered necessary by its prevalence, - - - - -	1795, -	662
<i>Finances</i> —State of, - - - - -	- - - - -	66
Successful measures, - - - - -	41, 48, 58, 64, 71, 78, 84	60
Further measures suggested, - - - - -	- - - - -	62

INDEX TO FOREIGN RELATIONS.

	Pages.
<i>Fisheries</i> —Promotion of the, - - - - -	14, 61
<i>Flag</i> —Of the United States, used by foreign vessels, - - - - -	45
Abuses under, - - - - -	77
Prevention of improper use of, suggested, - - - - -	62, 76
Insults to, by Great Britain, complained of by minister of France, - - - - -	164
National, of France, presented to the United States; correspondence on its disposition, - - - - - 1796, - - - - -	656, 657
Of the United States, improperly assumed, - - - - -	45
Prostituted, to the injury of American commerce, - - - - -	76, 77
Insults to, by Great Britain, complained of by the minister of France, - - - - -	164
Presented by Mr. Monroe to French Convention, - - - - - 1795, - - - - -	698
<i>Florida</i> —Boundary line between the United States and, - - - - -	30, 44
The authority of Spain in, subverted, - - - - -	77
A portion of, occupied by the United States, - - - - - 1810, - - - - -	77
Interposition of Great Britain in the affairs of, - - - - -	78
<i>Flour</i> —Its exportation to Great Britain from the United States by British subjects or American citizens, objected to by Mr. Adet, and defended by Mr. Pickering, - - - - - 1796, - - - - -	645, 646
<i>Foreign affairs</i> —Department of, - - - - -	11
Fund to conduct, recommended, - - - - -	13
Compensation to officers in the Department of, - - - - -	12
Documents communicated showing, - - - - -	22
<i>Foreign relations</i> —State of, - - - - -	31, 37, 70, 71, 74, 75, 76, 78, 79, 81, 82, 83
Liabie to be affected by the cession of Louisiana, - - - - -	60
Pacific state of, - - - - - 1804, - - - - -	63, 70
Change in, - - - - - 1805, - - - - -	66
Critical state of, - - - - -	68, 70, 76
State of, with Britain and France, - - - - - 1808, - - - - -	71, 73
Documents communicated explanatory of, - - - - -	72
Congress notified of a favorable change in, - - - - -	74
Favorable indications delusive, - - - - -	75
With European Powers, - - - - -	75, 79, 81
Demand energy, wisdom, and unanimity, - - - - - 1809, - - - - -	76
General review of, - - - - - 1795, - - - - -	469
<i>Foreign nations</i> —Policy towards, declared, - - - - -	21, 25, 37
Political connexion with, to be avoided, - - - - -	37
<i>Foreign influence</i> —Danger attending, - - - - -	37
<i>Foreign intrigues</i> —And partiality to be excluded, - - - - -	74
<i>Foreign intercourse</i> —Account of the expenses of, rendered by Mr. Jefferson, - - - - - 1792, - - - - -	137
Provision for, - - - - -	11
Policy observed in, - - - - -	26, 64
Extension of, - - - - -	41
<i>Forfeitures</i> —Whether merchants incurring, by certain importations, shall be relieved, - - - - - 1812, - - - - -	81
<i>Forged papers</i> —Used by foreign vessels, - - - - -	45
<i>Fortifications</i> —At vulnerable points, recommended, - - - - -	17
And military defences necessary to preserve peace, - - - - -	22
Whether adequate to the public exigences, - - - - -	25
State of, - - - - -	29
Of seaports and harbors recommended, - - - - -	54
At certain places, deemed by Mr. Jefferson unnecessarily expensive, or unnecessary, - - - - - 1801, - - - - -	59
Appropriation for, recommended by Mr. Jefferson, - - - - - 1805, - - - - -	68
Progress of, at exposed points, - - - - -	70, 72, 76
A system of, recommended to legislative consideration, - - - - - 1807, - - - - -	71
Have progressed, - - - - -	75, 76, 77
<i>Fort</i> —Erie, reduction of, - - - - -	86
George reduced, - - - - -	86
Malden taken, - - - - -	86
Meigs besieged, - - - - -	84
Meigs, reduction of, - - - - -	86
<i>France</i> —Correspondence of ministers and consuls of, - - - - -	
(See <i>Le Brun, Deforgues, Genet, Fauchet, Adet, De la Croix, Moissonier, Monge.</i>)	
<i>France</i> —Consuls of, treaty and law respecting, - - - - -	41
Treaty with, respecting prizes brought into American ports observed, - - - - -	22
Prizes of, captured in American waters, delivered up, - - - - -	22
Prizes of, made by expeditions fitted out within the United States, to be restored, - - - - -	22
Depredations committed by the cruisers of, noticed, - - - - - 1796, - - - - -	30, 41, 44, 47
Relations with, - - - - - 1797-8, - - - - -	40, 47
Refuses to receive an American minister, - - - - - 1797, - - - - -	40
Orders Mr. Pinckney, an American minister, from her territory, - - - - -	40
A new negotiation with, proposed, - - - - -	40
Passes a decree contravening the treaty of amity, - - - - -	41
Hostilities of, require defensive measures, - - - - -	41
Mission to, - - - - -	44
Failure of same, announced, - - - - -	47
Authorizes depredations on neutral commerce, - - - - -	47
Another mission to, - - - - -	51
Negotiations resumed with, - - - - -	54
Louisiana ceded to, - - - - -	60
Cedes Louisiana to the United States, - - - - -	61
Berlin and Milan, decrees of, - - - - -	70, 71, 73
Adheres to her decrees, notwithstanding propositions for their repeal, - - - - -	72
Notified of the revocation of the British orders in council, - - - - - 1809, - - - - -	74
Interdict on commerce with, - - - - -	74
Adheres, notwithstanding, to her unjust restrictions and decrees, - - - - -	75
Revokes her Berlin and Milan decrees, - - - - -	76
Withholds indemnification for unjust seizures, - - - - -	76, 79
Restrictions on trade with, - - - - -	78

			Pages.
<i>France</i> —Imposes rigorous restrictions upon importations from the United States, - - -			79
Repeals the Berlin and Milan decrees, - - -			81
A minister to, appointed to succeed Mr. Barlow, - - -			84
Expected arrangements with, prevented by the decease of American minister, 1813, - - -	1813,		84
Relations with, remain <i>in statu quo</i> , - - -	1813,		85
A convention with, concerning consuls, concluded and transmitted, - - -			89
Letter from the King of, to the President and Congress, - - -	1790,		109
Treaty with, complaints of its violation by the United States, and a report upon its construction, by the Secretary of State, - - -	1791,	109, 110,	111
Letter from American chargé at Paris, concerning, - - -	1790,		120
Letter from the King of, announcing his acceptance of the constitution, - - -	1792,		133
The consuls of, assume admiralty jurisdiction in the United States, - - -	1793,		147
Correspondence with the minister of, respecting liquidation of debt, purchase of arms, sale of prizes, fitting out privateers, and expeditions to St. Domingo, - - -	1793,	141 to 188	
Decrees of, May 9 and May 23, 1793, - - -		244,	377
Decrees of, March 26, 1793, - - -			245
Effects of her decree of July 22, 1793, - - -			312
Her act of navigation, and a report respecting, communicated, - - -	1794, Jan. 28,	316, 320 to 323	
State of, in 1792, from public journals, - - -			340
The King of, executed, - - -			348
Decree of, relating to the commerce and navigation of the United States, - - -	1793, February 18,		362
Decree of, exempting American vessels from duties, &c. - - -	1793, March 26,		363
Decree of, exempting the vessels of the United States from the decree of 9th May, - - -	1793, May 23,		365
Decree ordering the liberation of the Little Cherub, and suitable indemnity, - - -	1793, July 1,		371
Decree of, exempting American vessels from the decree of May 9, - - -	1793, July 1,		371
A summary of her aggressions upon American commerce, - - -	1794, March 2,		424
The minister of, applies for an advance of the sum due by the United States to France, for the benefit of the St. Domingo refugees, - - -	1794, March 1,		427
Report of a committee on her application for advances, - - -	1794, April 17,		447
Address of the Committee of Public Safety of, to the citizens and Congress of the United States, - - -	1794,		447
Hostile movements in the United States, excited by her against the territory of Spain, - - -	1794,	454,	460
The construction put on one clause of the treaty with, referred to, - - -	1794,		465
Debt due to, report of a committee concerning, - - -	1794, June 6,		468
Address of the Committee of Safety of, to Congress, - - -	1796, January 4,		527
Has succeeded in forming treaties with Prussia, Spain, Duke of Tuscany, and the Landgrave of Hesse Cassel, - - -	1796, March 11,		550
Message and documents, showing the critical state of our relations with, - - -	1797,		559
Her complaints against the United States, stated and reviewed by Mr. Pickering, Secretary of State, - - -	1797, January 16,		559
Her specific complaints, stated to Mr. Monroe, - - -	1796, May 2,	658,	659
Privateers and prizes of, the cases in which they were brought before the judicial tribunals of the United States, - - -	1797,	563 to 565	
And the United States; how far the latter was indebted to the former for national independence, reviewed and considered, - - -	1797,	569, 572,	573
Measures of the court of, in relation to American independence, the navigation of the Mississippi, the fisheries, and the Southern limits, - - -		571,	572
Decree of her Executive Directory, that neutral powers shall suffer from France the same treatment as to capture, confiscation, &c. which they permit Great Britain to inflict, - - -	1796, July 2,		577
Tenders her services to effect an accommodation with the Dey of Algiers, - - -	1794, June 4,		639
Propositions of, for a liberal commercial treaty with the United States, - - -	1794, June 30,		640
Convention of, their reception of, and address to, Mr. Monroe, - - -	1794, June 10,		674
Desires a loan from the United States to aid in the war against Great Britain, - - -	1794,	685,	686
Complaints of, against the United States, - - -	1796,	658,	732
Examined by Mr. Randolph, - - -	1795, June 1,		705
Desires a political connexion with the United States, and holds out commercial advantages, (instructions to Genet,) - - -	1793,		708
Declares, by her minister, that she considers the treaty with Great Britain as an alteration of the treaty of 1788, an abandonment of neutrality, a violation of tacit engagements, and a breach of friendship, - - -	1796, July, 7,		739
Refuses to receive a minister, appointed by the United States, until a reparation of grievances, - - -	1796, December 11,		746
Report of the Secretary of State on her hostile depredations and decrees against American commerce, - - -	1798, February 28,		748
<i>Franklin, Benjamin</i> —Letter from, explanatory of the treaty of 1783, respecting confiscation of property and English debts, - - -	1782, October 14,		221
<i>Freeman, Major</i> —Attempts to explore the Red river, - - -			69
<i>Freeman, Constant</i> —Agent for the War Department, details hostile combinations and designs excited by France against the territory of Spain, - - -	1794, April 18,		459
<i>Free ships, free goods</i> —The principle of this doctrine discussed by Mr. Jefferson, - - -			166
The violation of this principle urged against British order of - - -	1793, June 8,		242
<i>Frigates</i> —Materials for building, - - -			29
Equipment of, - - -		41,	46
Number to be kept in service, - - -			67
Additional, fitting out, - - -		75,	76, 81
British ship attacks one of the American, - - -			78
<i>Frigate Constitution</i> —Captures the <i>Guerriere</i> , - - -			81
<i>Essex</i> , captured, - - -			87
<i>Frontiers</i> —Protection of, - - -	11, 13, 14, 16, 29, 69, 79,		81
Incursions on the, - - -			13
Defence of the western, - - -		16,	29, 69
War on the, - - -			22
Spanish garrisons retain posts on, - - -			44
Movements on western, - - -		68,	69
Force embodied to protect the northwestern, - - -			79
Special corps for protection, - - -			81
Relief of the, - - -			85

	Pages.
<i>Fugitives</i> —Their re-delivery by foreign or co-terminous Powers; the project of a convention, and principles of public law, respecting, - - - - -	257, 258
<i>Fund, Sinking</i> —To discharge the public debt, recommended, - - - - - 1790, - - -	14
G.	
<i>Gaines, General</i> —Defeats the British at Fort Erie, - - - - -	87
<i>Galliani</i> —The authority of, quoted for and against the doctrine that a neutral power ought to prohibit its citizens from trading in contraband articles, - - - - -	647, 649
<i>Gardoqui, Don Diego</i> —Commissioned as charge, - - - - -	248
Character and sentiments of, - - - - -	262, 263
Propositions by, - - - - -	135
Letter from, to Mr. Jay; the disinterested liberality of the King of Spain towards the United States; the United States have no pretension to the navigation of the Mississippi; proposes certain commercial stipulations, - - - - - 1786, May 25, - - -	249
To Mr. Carmichael, fails to renew in writing his verbal declaration that Olivier had not been employed as a Spanish Indian agent, - - - - - 1793, August 1, - - -	275
<i>Garrisons</i> —The number of, proposed to be diminished, - - - - - 1801, - - -	58
<i>Guadeloupe</i> —Commission of, apply to Congress for aid in men, provisions, and ammunition, - - - - - 1793, November 6, - - -	326
<i>Genet, Mr.</i> —Minister of France, letter from, to Mr. Jefferson, Secretary of State; proposes that the United States shall anticipate the stipulated payment of their debt to France, by furnishing provisions and military stores, - - - - - 1793, May 22, - - -	142
Suggests a liberal commercial intercourse, and a national compact with France, - - - - - 1793, May 23, - - -	147
Instructions to, from his Government, - - - - - 1793, - - -	708
Concerning the purchase of arms, selling prizes, fitting out armaments, and the surrender of the Grange, - - - - - 1793, May 27, - - -	149
On the right of arming French vessels in the United States, - - - - - 1793, June 8, - - -	151
Complains of the arrest of citizens Henfield and Singletary, - - - - - 1793, - - -	151
The interposition of judicial officers to prevent the sale of French prizes, and the sailing of French privateers, - - - - - 1793, June 14, - - -	152
Defends the propriety of a military expedition within the United States against Great Britain, - - - - - 1793, June 22, - - -	155
Requests to be informed of the precise debt due to France, that assignments of it, in payment of produce, may be given, - - - - - 1793, - - -	156
On the non-payment of bills for St. Domingo supplies, - - - - - 1793, - - -	157
On the seizure of a British privateer; urges watchfulness to prevent the fitting out of armed vessels hostile to France in American ports, - - - - - 1793, June 25, - - -	159
Agrees to a proposed arrangement concerning prizes, - - - - - 1793, June 26, - - -	160
Requests the liberation of a French armed ship, - - - - - 1793, - - -	163
Respecting the French armed ship, "Le Petit Democrat," - - - - - - - - -	163
Requests the Government to order from an American port the English privateer Jane, - - - - - - - - -	163
Demands the interposition of the American Government for the protection of American rights, and the security of the American flag against British aggression, - - - - - 1793, July 9, - - -	164
Remonstrates again against the violation, by Great Britain, of the neutral rights of the United States, - - - - - 1793, July 25, - - -	165
His recall requested, - - - - - 1793, - - -	172
To Mr. Jefferson; defends himself; crimines Mr. Morris; makes distinct and personal allegations against the President and officers of Government; and appeals to the popular will, - - - - - 1793, Sept. 18, - - -	172
Requests the arrest of French citizens conspiring in the United States against France, - - - - - 1793, Sept. 6, - - -	177
Communicates a decree of the French Convention respecting their interference with other Powers, - - - - - 1793, Sept. 24, - - -	178
On the danger to American liberty from the machinations of foreign Powers, and explaining his instructions to Citizen Moissonier, - - - - - 1793, Nov. 15, - - -	183
On the tenure by which consuls hold their commissions, - - - - - 1793, - - -	184
On the subject of restoring French prizes, or making indemnification for captures made by French privateers within the jurisdiction of the United States, - - - - - 1793, Sept. 14, - - -	184
Declares that he had no power to enforce the required restoration of vessels captured by French privateers within the jurisdiction of the United States, - - - - - 1793, Nov. 29, - - -	185
Requests the acceptance by the Government of his drafts, in anticipation of future payments of the debt to France, - - - - - 1793, Nov. 11, - - -	185
Renews his last application, - - - - - 1793, Nov. 14, - - -	185
To Governor Clinton, acquiesces in his request to cause a French privateer, fitted out in American ports, to be disarmed, - - - - - 1793, Nov. 23, - - -	186
To Mr. Jefferson, requests the co-operation of the American Government to prevent the departure of emigrants to St. Domingo, and the exportation thither of munitions of war, - - - - - 1793, Nov. 29, - - -	187
Encloses the French decrees of May 9th and 23d, and intimates that, unless the United States resist the British provision order of 8th June, the first decree will be allowed to take effect, - - - - - 1793, Sept. 27, - - -	243
To Thomas Jefferson, transmits the French decree of March 26, 1793, and proposes the opening a negotiation for a commercial convention on liberal principles, - - - - - 1793, Sept. 30, - - -	241
Disavows the allegations that he was engaged in organizing an armed force within the United States, to act against the enemies of France; but acknowledges that he had granted military commissions to American citizens for that purpose, - - - - - 1793, Dec. 25, - - -	311
His recall acceded to; his conduct disapproved, - - - - - 1794, Jan. 20, - - -	314
Transmits an application of the commission of Guadeloupe for men, ammunition, and provisions, - - - - - 1793, - - -	323
<i>Genoa</i> —Urged to abandon her neutrality, - - - - - 1793, Nov. 11, - - -	315
Complains of the violation of her neutrality and sovereignty by the combined squadrons of Great Britain and Spain, - - - - - 1794, - - -	346
<i>George</i> —Fort, reduction of, - - - - - - - - -	86
<i>Georgia</i> —Convention with, for the cession of lands, concluded, - - - - - - - - -	60

	Pages.
<i>Government</i> —The measures of, should gain the affections as well as secure the	
obedience of the people, - - - - -	16
Permanent seat of, located, - - - - -	16
Permanent seat of, in readiness, - - - - -	51
Permanent seat of, removal to, - - - - -	53
Republican, that the will of the majority shall prevail is its vital principle,	27
Science of, the American youth should be indoctrinated in, - - - - -	31
Success attending the American experiment in, - - - - -	32
The interruption of its regular deliberation and action reprehended, -	35
Danger to, from frequent innovations in its principles, - - - - -	36
Danger to, from the spirit of party, - - - - -	36
Danger to, from the spirit of encroachment, - - - - -	36
Religious principle its strongest support, - - - - -	36
The principles of a good, sketched, - - - - -	57
Expenditures of, proposed to be diminished, - - - - -	58
Financial operations of the, - - - - -	64
Whether treasonable attempts against, are sufficiently provided for by the	
constitution and the laws, - - - - -	71
Insulted by Mr. Genet, - - - - -	165
Requests Mr. Genet's recall, - - - - -	167
Disrespect to, shown by the British minister, - - - - -	75
Suspends intercourse with the British minister, - - - - -	75
<i>Great Britain</i> —Treaty with, negotiated, - - - - -	28
Executes treaty respecting western posts, - - - - -	30
Boundary between the possessions of, and the United States, proceedings re-	
specting, - - - - -	30, 44, 48
Losses and damages sustained by her subjects, - - - - -	45
Directs the withdrawal of a commissioner under the seventh article of the	
treaty of 1794, - - - - -	51
Negotiations with, respecting the execution of the treaty of 1794, - - -	54
Abolishes countervailing duties, - - - - -	60
Convention with, for adjusting the northeastern boundary, - - - - -	62
Payments by, under convention of 1802, - - - - -	62, 64, 67
Relations with, - - - - -	68, 70, 74, 77
Violates neutral and national rights of the United States, - - - - -	70
Rejects an overture to repeal the embargo, on condition that she shall repeal	
her orders, - - - - -	72
Insists, as the condition of the repeal of her orders, that British manufactures	
owned by neutrals shall be admitted into ports shut against them, - - -	78
Her novel and illegitimate blockades, - - - - -	77
Denies the revocation of the Berlin and Milan decrees, - - - - -	78
Virtual war by, on American commerce, - - - - -	79
Evinces increasing hostility to the United States, - - - - -	87
Her extravagant views and ambition, - - - - -	87
Orders in council of, - - - - -	70, 71, 72, 73, 74, 75, 76, 77,
	78, 81, 87, 88, 240, 430
Inadmissible preliminary adhered to by, - - - - -	82, 85
Her seizures and condemnations, - - - - -	70
A minister and envoy extraordinary appointed to, - - - - -	70
An abortive treaty with, formed, - - - - -	70
Her vessel of war Leopard attacks the United States' frigate Chesapeake,	
Aggressions within the jurisdiction of the United States committed by her	
naval officers, - - - - -	70
Declines making reparation for the attack on the Chesapeake, - - - - -	72
Threatens retaliation for the non-importation act, - - - - -	78
Her persevering wrongs demand measures of greater energy, - - - - -	79
Makes satisfaction for the attack on the Chesapeake, - - - - -	74
Agrees to send special envoy to conclude differences, and forms, by her min-	
ister, arrangements for rescinding the orders in council, - - - - -	74
Disavows the arrangement made by her minister, - - - - -	75
A ship of war of, encounters an American frigate, - - - - -	78
Recalls one minister and appoints a successor, - - - - -	75
The vessels of, interdicted the harbors and waters of the United States,	
Commercial intercourse with, renewed, - - - - -	74
Is notified of the act concerning commercial intercourse, - - - - -	76
Is apprized of the revocation of the French decrees, - - - - -	77, 78
Applied to for the recall of her minister for his misconduct, - - - - -	75
Commerce with, renewed and interdicted, - - - - -	74, 75
War declared against, - - - - -	80
Terms proposed to, at the commencement of the war, - - - - -	1812, 81
Employs Indians as allies, - - - - -	80, 82, 83, 85
Attempts to disorganize the American Government, - - - - -	82
Denies the right of expatriation, - - - - -	82
Wages against the United States a barbarous species of warfare, marked with	
plunder and conflagration, - - - - -	83, 85, 86, 88
Threatens to punish capitally natives of Great Britain naturalized in the	
United States, - - - - -	85
Imprisons American officers, - - - - -	86
Violates established usages of war, - - - - -	86, 88
Destructive measures of, against American towns, - - - - -	86
Forces the United States to severe retaliatory measures, - - - - -	85, 86
Russia proffers her mediation, - - - - -	83
Commissioners appointed to treat with, under the mediation of Russia, -	
Declines the proffered mediation of Russia, - - - - -	1813, 84, 85
Defeats of forces of, - - - - -	84, 85, 86, 87, 88
Her frigate Guerriere captured by the Constitution, - - - - -	81
Her sloop of war Peacock taken by the Hornet, - - - - -	83
Her brig of war Boxer captured by the Enterprise, - - - - -	85
Defeat of her fleet on lake Erie, - - - - -	85
Defeat of her squadron on lake Ontario, - - - - -	85
Defeat of her squadron on lake Champlain, - - - - -	87
Her sloops of war Epervier and Reindeer captured, - - - - -	88
Defeat of her forces at York, - - - - -	84, 86
Defeat of her forces on the Thames, - - - - -	85

	Pages.
<i>Great Britain</i> —Her ships of war capture the <i>Essex</i> , - - - - -	87, 88
Her forces make a successful inroad to Washington and Alexandria, and a rapid retreat, - - - - -	87
Differences with, respecting the eastern boundary, - - - - - 1790, - - -	90, 99
Message and documents showing the measures adopted to promote peace, commerce, and friendship with, - - - - - 1791, - - -	121 to 127
Her policy and measures towards the United States detailed and explained by Mr. Morris, - - - - - 1790, - - -	126
Report of committee [H. R.] respecting the commercial restrictions of, - - - 1791, - - -	128
Message and documents respecting an act of Parliament prohibiting importations into, in foreign or American vessels, - - - - -	135
Documents communicated, showing her acts restrictive of our trade in corn and provisions, - - - - - 1793, - - -	142
Negotiations with the minister of, preliminary to the formation of a commercial treaty, - - - - -	189 to 238
Order in council of, dated June 8, 1793, prohibiting the corn trade, - - - - -	240
Negotiates a truce with Algiers in behalf of Portugal and Holland, - - - - - 1793, - - -	295, 296
Further negotiations with, communicated, - - - - - 1794, Jan. 22, - - -	315
Admiralty of, passes an order mitigating the restrictions upon neutral commerce, - - - - - 1793, Sept. 3, - - -	315
Additional documents respecting, communicated, - - - - - 1794, Feb. 24, - - -	327
A summary of her aggressions upon American commerce, - - - - - 1792, March 2, - - -	424
Depredations by her authority on the commerce of the United States in the West Indies, - - - - - 1794, March 1, - - -	428
Instructions of, subjecting to capture the produce of any <i>French</i> colony found on board of any ship, - - - - - 1793, Nov. 6, - - -	430
Modifies the instructions of November 6, 1793, - - - - - 1794, Jan. 8, - - -	431
The serious aspect of relations with, occasions the mission of Mr. Jay, - - - - -	447
Remonstrance by Mr. Randolph against her instructions of 8th June, 1793, - - - 1794, May 1, - - -	450
Her alleged excitement of the "Six Nations" to hostilities commented on and explained, - - - - - 1794, - - -	461, 463
Treaty with, concluded by Mr. Jay, communicated, - - - - - 1795, June 8, - - -	470 to 520
An article explanatory of the third article of Mr. Jay's treaty with, - - - - - 1796, - - -	551, 552
<i>Governors of the respective States</i> —Circular to, respecting suits instituted against French prizes entering American ports, - - - - - 1794, October 22, - - -	589
Circular to, requesting their prompt enforcement of the treaties with France, - - - 1794, October 10, - - -	604
Instructions to, for the enforcement of the neutral rights and obligations of the United States, - - - - - 1794, April 16, - - -	608
<i>Grenville, Lord</i> —To Mr. Jay, in reply to Mr. Jay's representation on the subject of illegal captures and condemnations; some irregularities unavoidable, from the nature and extent of the war; the British tribunals would afford relief; it was not the desire of Great Britain to inflict injury on, or impress American seamen, - - - - - 1794, August 1, - - -	481
His reply to Mr. Jay respecting his reception, - - - - - 1794, October, - - -	502
His letter to Mr. Jay respecting the claims of a particular class of British creditors, - - - - - 1794, November 19, - - -	504
<i>Grange</i> —A British ship, captured by a cruiser within the jurisdiction of the United States; measures taken by the United States to restore and to indemnify, - - - 1793, - - -	148
<i>Gun-boats</i> —Good models for, necessary to their successful commencement, - - - - -	62
An appropriation for, unexpended, - - - - -	62
Advantages expected from, as a means of defence, - - - - -	64
The building of, recommended, - - - - - 1805, - - -	67, 68
The expediency of increasing their number, submitted, - - - - -	71
Measures for manning proposed, - - - - -	71
To be stationed at New York, New Orleans, and the Chesapeake, - - - - -	71
One hundred and three built in - - - - - 1808, - - -	71
Laid up in - - - - - 1809, - - -	74
H.	
<i>Harbors and seaports</i> —Their fortification recommended, - - - - -	54
Relating to their defence and fortification, - - - - - 29, 41, 54, 59, 67, 70, - - -	71, 72, 75, 76, 77
The fortification of certain, proposed to be arrested, - - - - - 1801, - - -	58, 59
Infested by piratical cruisers, - - - - - 1805, - - -	66, 78
Measures taken to defend, - - - - -	70
British and foreign armed vessels interdicted, - - - - -	70
Seamen recommended to be formed into a special militia for their defence, - - - - -	71
<i>Harmony in public councils</i> —The necessity of, - - - - -	48
<i>Harrison, General</i> —Appointed to command a military force, - - - - -	80
Defeats the British forces on the Thames, - - - - -	85
<i>Hamilton, Alexander</i> —Secretary of the Treasury, report of, - - - - -	156
<i>Hammond, Mr.</i> —To Mr. Jefferson, justifying the violation of the treaty of 1783, on the part of Great Britain, by the alleged non-compliance of the United States, - - - - - 1791, November 30, - - -	189
States that he is authorized to commence the negotiation of, but not to conclude a commercial treaty, - - - - - 1791, December 6, - - -	189
That he conceives himself authorized by his public character as a plenipotentiary, to enter upon the negotiation of a commercial treaty, without having special powers or instructions, - - - - - 1791, December 14, - - -	189
Concurs in the mode proposed by Mr. Jefferson to discuss the contested points of the British treaty, - - - - - 1791, December 19, - - -	193
Enumerates the infractions alleged to have been committed by the United States, of the treaty of 1783, relating to confiscated property not restored; debts due by the American debtor to the British creditor, not made recoverable; and legislative acts of different States contravening the rights of the American royalists and British subjects, - - - - - 1792, March 5, - - -	193, 200
In reply to Mr. Jefferson's request to be furnished with the evidence of certain legislative acts and judicial decisions, referred to in Mr. Hammond's memorial of March 5, - - - - -	200
Asks an explanation of one part of Mr. Jefferson's memoir of May 29, 1792, - - - - -	237
That, before replying to Mr. Jefferson's memoir of May 29, 1792, he awaited instructions from his Government, - - - - - 1793, June 20, - - -	238

	Pages.
<i>Hammond, Mr.</i> —That the expected instructions had not been received, - - -	1793, November 22, 238
Transmits British order in council of June 8, 1793, - - -	1793, September 12, 240
To Mr. Randolph, that he has not yet received the definitive instructions which he had expected to obtain, - - -	1794, February 21, 328
Vindicating the instructions of June 8, 1793; ancient law of nations; conduct of France, - - -	1794, April 11, 432, 449
In justification of the conduct of Great Britain towards the Indians, - - -	1794, May 22, 462
<i>Health laws</i> —Regulations in aid of, - - -	47
Attention to the state of, - - -	66
<i>Holland</i> —Loan effected in, - - -	13, 17, 19, 22
Reimbursement of loans in, - - -	22
<i>Home, Captain Rodham</i> —Of the British ship of war Africa, his letter to the British consul, that a demand be made upon the Governor of Rhode Island for the re-delivery of a British officer; that provisions be furnished; that he will punish any injury to his officers and men, and disregard the neutral rights of the United States, - - -	1796, 667
<i>Hornet</i> —The American sloop of war, captures the Peacock, - - -	83
<i>Horses</i> —Complaint by Mr. Adet against their purchase in the United States for the benefit of Great Britain, - - -	1796, 645, 646
<i>Hostilities</i> —Indian, attempts to excite, - - -	44
<i>Hull</i> —General, surrenders to the enemy his invading army, - - -	80
Captain of the Constitution, captures the British frigate Guerriere, - - -	81
<i>Humphreys, David</i> —Appointed a minister to Portugal, - - -	1791, 127
Authorized to negotiate with the Algerines for peace and ransom, - - -	1793, March 21, 294
Letters from, to the Secretary of State, - - -	295
Letters from, transmitting documents, showing the disposition of the Dey of Algiers, and Algerine depredations on American commerce, - - -	1793, 413
That, in his opinion, a naval force is indispensable to the protection of commerce and the maintenance of neutrality, - - -	1793, Dec. 25, 418
His instructions to Robert Montgomery, American consul at Alicant, - - -	1793, 419
Letter from, to the Secretary of State, transmitting documents, and his final proceedings on the subject of the Algerine captives, - - -	1794, Jan. 30, 420
To the Secretary of State; application for the reimbursement of advances by the Swedish consul; terms on which a treaty with Algiers may be made, - - -	1794, Sept. 17, 529
<i>Huron</i> —American squadron on lake, - - -	87

I.

<i>Importations</i> —Of certain prohibited articles recommended to the consideration of Congress, - - -	81
<i>Impost duty</i> —The continuance of, recommended for the protection of domestic industry, - - -	1806, 69
<i>Impressment</i> —Of American seamen, propositions from the American Government respecting, - - -	81
Protection against, - - -	82
Conferences by Mr. Morris respecting, - - -	123, 124
Occasion for, withdrawn, - - -	87
Expenses for their return, - - -	1792, 131
(See <i>Seamen</i> .)	
<i>Inaugural address</i> —Of President Washington, - - -	9, 21
Of President Adams, - - -	38, 39
Of President Jefferson, - - -	56, 64
Of President Madison, - - -	73, 82
<i>Indemnification</i> —For losses sustained on public account, proposed, - - -	25
<i>Indemnities, due by Spain</i> —Arising from captures during the war, memoir by Mr. Pinckney respecting, - - -	1795, Sept. 20, 539
<i>Due by France</i> —List of claimants of, made by Mr. Skipwith, American Consul, - - -	1795, Nov. 20, 753
Memorial respecting, by citizens of Philadelphia, - - -	1797, 760
<i>Independence</i> —Spirit of, to be fostered, - - -	74
<i>Indiana</i> —Extinction of Indian title in, - - -	60
Cession to, of four miles square, including Salt springs, - - -	60
Militia and regulars embodied, - - -	7
<i>Indians</i> —Aggressions of, - - -	11, 14, 16, 18, 19
Measures to prevent or terminate their hostilities, - - -	13, 14, 16, 18, 19, 22
Policy towards, dictated by humanity and justice, - - -	16, 19, 22, 62, 65, 67, 74, 76
Treaties with, (see <i>Treaties</i> .) - - -	16, 17, 27, 30, 62, 64, 67
Agencies to the, - - -	19
Civilization of, - - -	16, 19, 22, 28, 58, 61, 65, 67, 73, 76, 81
Trade with, - - -	19, 20, 22, 25, 28, 30, 62
Creeks and Cherokees, relief afforded to, - - -	22
Progress of the war with, - - -	25
Murders committed on the Creek, - - -	27
War with, terminated by treaties, - - -	27
Prosecutions for violence against, - - -	22
The protection of, against lawless aggressions, recommended, - - -	19, 28
Execution of the law promoting trade with, - - -	29
Measures taken to ensure their friendship, - - -	30
Rights of, by treaty, protected, - - -	30
Attempts by foreigners to excite them to hostilities, - - -	44
Efforts to improve and civilize successful, - - -	58, 62, 67, 72
Efforts to improve and civilize, proposed to be continued, - - -	74
Measures taken to fix boundaries and preserve peace with, - - -	60
Re-purchase of lands from, - - -	60
Of Louisiana, measures suggested to promote their improvement and secure their friendship, - - -	63
Treaties with Delawares and Piankeshaws, - - -	64
Obstacles which prevent or retard their improvement, - - -	65
Instruction and protection of, - - -	65
Their improvement in agriculture, - - -	67, 72
Deputations from the Missouri and other, - - -	67

	Pages.
<i>Indians</i> —Rely on the justice of the United States, - - - - -	68
Relations with, still pacific, - - - - -	70, 72, 76, 77
Precautions taken to guard against their hostile intentions, - - - - -	70
Suspicious movements among the Northwestern, - - - - -	70
Southern, are introducing husbandry and household manufactures, - - - - - 1808,	72
Creeks, consider the expediency of becoming citizens of the United States, - - - - -	72
Menacing combinations among them, - - - - -	79
Maintenance of public peace with, - - - - -	72, 73, 76, 77
Employed by Great Britain in waging war, - - - - -	80
Relations with, in 1812, - - - - -	81
Murders and depredations by the Wabash, - - - - -	79
Great Britain employs, against the United States, - - - - -	80, 82, 83
Employed by the United States against Great Britain, - - - - -	85, 87
Alienation of, from the enemy, - - - - -	85
Creek, Spain interposes in their favor, - - - - - 1792,	138
The conduct of the United States towards, and the measures of Spanish agents to excite them to hostilities, - - - - -	265
Treaties of friendship between Spain and the Chickasaw, Choctaw, and other Indians, - - - - -	278, 279, 280
The interference of Spanish agents with, - - - - -	280, 288
Plan for promoting their civilization by Monsieur Duchesne, - - - - - 1792,	351
<i>Indian title</i> —Extinction of, - - - - -	60, 62, 64, 67
<i>Influence, foreign</i> —A dangerous foe to republican government, - - - - -	37, 74
<i>Information</i> —Of the policy, intentions, and measures of foreign Powers, necessary, - - - - -	41
<i>Innovations, frequent</i> —On the principles of Government dangerous, - - - - -	36
<i>Instructions</i> —From the Treasury Department to collectors, to enforce neutrality, - - - - - 1793,	140
Additional, to commanders of <i>British</i> ships of war and privateers, to prevent neutral trade, - - - - - 1793, June 8,	240
To British ships and privateers, against neutral commerce, - - - - - 1793, Nov. 6,	430
From the American Government to Mr. Jay, - - - - - 1794, May 6,	472
To the Governors of the States to enforce the observance of the seventeenth article of the treaty of commerce with France, - - - - - 1794, Oct. 10,	604
To the Governors of the States, to prevent the ships of war of any belligerent from using the waters of the United States as <i>stations</i> for the purpose of making captures, - - - - - 1794, April 16,	608
To American appellants in British prize courts, - - - - - 1794,	494
<i>Ioway Indians</i> —Offenders given up for trial by, - - - - -	72
<i>Institutions of the United States</i> —The success which has attended, - - - - -	54
<i>Insurrection</i> —Indications of, - - - - -	19
Measures to prevent, - - - - -	19
In Pennsylvania, its origin, extent, and suppression, - - - - -	22, 24, 25, 28
Whether power ought not to be given to prevent, - - - - -	68
<i>Insurgents</i> —A pardon extended to, - - - - -	28
<i>Interest</i> —On what debts, and under what circumstances it should be recovered, § 54, - - - - -	213
<i>Internal improvement</i> —Application of surplus revenue to, recommended, - - - - -	65, 69
<i>Internal manufactures and improvements</i> —The protection of, by duties and prohibitions, recommended, - - - - -	73
<i>Internal taxes</i> —Assessment and collection of, - - - - -	48
Repeal of, - - - - -	58, 64
Collection of, completed, - - - - -	60
System of, recommended, - - - - -	84
<i>Intercourse</i> —With foreign Powers, means recommended to establish, - - - - -	12, 41
With St. Domingo, renewed, - - - - -	51
With foreign nations, an account rendered of the administration of the fund provided for, - - - - - 1792,	137
<i>Intolerance, political</i> —Deprecated, - - - - -	56
<i>Inventions</i> —Introduction of foreign, - - - - -	12
Encouragement of native, - - - - -	12
J.	
<i>Jackson, General Andrew</i> —Successful operations of, on the southern borders of the United States, - - - - -	85, 87
<i>Jacobin society of France</i> —The outline of its history and characteristics, traced by Mr. Monroe, - - - - -	650, 681
<i>Jaudenes and Viar</i> —Commissioners of Spain, letter from, to Mr. Jefferson, deny that the Creeks and Cherokees have been excited to hostilities by Spanish agents, - - - - - 1793, May 25,	263
On the subject of the Indians, - - - - - 1793, June 12,	264
Charge the United States with fomenting hostilities between the Chickasaws and Creeks, the <i>allies</i> of Spain, for the purpose of operating on Spain, - - - - - 1793, June 18,	264
Ask the interposition of the President to correct the misrepresentation of a public newspaper; disclaim any hostile intentions on the part of Spain, - - - - - 1793, July 11,	216
Explanatory and apologetic of their letter of 18th June, - - - - - 1793, July 13,	268
Enclose extracts from the Governor of Louisiana and Florida, - - - - -	269
Enclose an extract from a letter from Carondelet, respecting Indians, - - - - - 1793, Dec. 8,	305
Justify the conduct of Carondelet, and assert the exclusive right of Spain to navigate the Mississippi, - - - - -	308
Communicate the declaration of war by Spain against France, - - - - - 1794, March 12,	425
That hostile expeditions are fitting out, within the United States, against the possessions of Spain, - - - - - 1794, March 5,	426
<i>Jay, John</i> —His sagacious and decided conduct in the negotiation for the peace of 1783, adverted to by Mr. Pickering, - - - - - 1797,	571
Secretary of Foreign Affairs, reports on the consular convention, - - - - -	89, 90
Report of, with a plan for adjusting the difference with Great Britain, respecting the eastern boundary, - - - - -	94, 96
Appointed to negotiate with the <i>chargé</i> of Spain, - - - - -	248
His representation to Congress, respecting Spanish pretensions, - - - - - 1786, August 17,	250
Nominated minister to England, - - - - - 1794, April 16,	447
His commission and letters of credence, - - - - -	470
Four sets of powers to, - - - - -	471, 472

<i>Jay, John</i> —Instructions to, respecting, 1st. Spoiliations and vexations on American commerce; 2d. Differences concerning the treaty of peace; 3d. Commercial arrangements, - - - - -	1794, May 6,	472
To Mr. Randolph; his arrival at Falmouth, - - - - -	1794, June 9, -	475
His interview with Lord Grenville, and first impressions favorable, - - - - -	1794, June 23, -	476
Appearances favorable, - - - - -	1794, June 26, -	476
His conferences with Lord Grenville, who appeared liberal, candid, and temperate; his presentation to the King and Queen; the sentiments expressed by the former were liberal and proper; addressed a note to Lord G. on West India captures; his desire to obtain the confidence of the British Government by sincerity, candor, truth, and prudence; under what circumstances formal discussions of disputed points proper, - - - - -	1794, July 6, -	476
Has been solicitous to receive information concerning the embargo; the public sentiment favorable to an amicable settlement of differences; affairs doubtful, - - - - -	1794, July 9, -	478
Has conferred with Lord Grenville respecting Simcoe's expedition; it was agreed that things should remain in <i>statu quo</i> ; new arrangements in the ministry occasioned some delay, - - - - -	1794, July 12, -	479
Transmits a letter from Lord Grenville to Mr. Hammond, on the subject of the arrangement noticed in his of the 12th. He has received the spoliation papers, - - - - -	1794, July 16, -	479
Importunity of British creditors; desires precise information on the laws interrupting or preventing the recovery of British debts; the necessity of moderation and caution in the prosecution of his negotiation; Mr. Randolph's correspondence with Mr. Hammond; nothing decisive, - - - - -	1794, July 30, -	480
To Mr. Randolph; ground to believe that indemnities will be made for spoliations; affairs more promising, - - - - -	1794, July 31, -	480
Transmits his representation to Lord Grenville on the subject of spoliations, and Lord G.'s reply; the conduct of Lord G. uniformly candid and conciliatory, - - - - -	1794, August 2, -	480
To Lord Grenville; his representation on the subject of irregular captures of American vessels by British cruisers, and improper condemnations by British tribunals; and also on impressions, - - - - -	1794, July 30, -	481
To Mr. Randolph; his prospects not discouraging; in a few days he will be able to speak with more certainty, - - - - -	1794, August 8, -	482
Transmits an order of the King in Council, allowing appeals to American claimants, - - - - -	1794, August 9, -	482
The negotiation progresses, but the result still doubtful, - - - - -	1794, August 21, -	483
Suggests the appointment of an agent to prosecute American claims for indemnities, - - - - -	1794, August 23, -	484
States the result of numerous conferences: the points urged; the reciprocal propositions; one of which, by Lord Grenville, was the alteration of the Northwestern boundary; the projects submitted and discussed; the notes which passed thereupon between Lord G. and Mr. Jay; instructions to American ship owners, prepared by Sir William Scott and Dr. Nichol, - - - - -	1794, September 13, -	485
Subjects still under consideration: Mississippi boundary and East India trade; an agreement probable, on the posts and debts; good temper, patience, and candor, on our part, still necessary, to promote the objects of the negotiation, The negotiation still continues; he and Lord Grenville are endeavoring to form the two projects into one; he asks precise directions respecting his employing counsel, at the expense of the United States, in prize cases, - - - - -	1794, September 18, -	496
The <i>projet</i> of a treaty; difficulties have appeared, been discussed, removed; some remain; the new boundary not pressed; points agreed on; Indian trade; posts; his letter respecting his reception, - - - - -	1794, October 2, -	498
The conclusion of a treaty rendered almost certain, - - - - -	1794, October 29, -	500
A treaty has been agreed on, - - - - -	1794, November 5, -	501
Transmits the treaty; difficulties; mutual concession necessary; its general advantages; remarks explanatory of different provisions; reasons preventing the immediate surrender of the posts; free trade to the respective citizens and subjects by land; boundary; indemnities; debts; sequestration; East and West India trade; contraband; provisions; prohibition to sell prizes; existing stipulations with France recognized, - - - - -	1794, November 17, -	502
Transmits a letter from Lord Grenville respecting the claims of certain persons having rights of remainder, - - - - -	1794, November 19, -	503
To the Secretary of State; the treaty has been signed; he sends duplicates; advantages which may be expected in extending commercial intercourse; the general disposition in England friendly; the policy of the United States; the Canada articles, - - - - -	1794, November 21, -	504
Acknowledging attentions; his intention to embark for America; suggests the expediency of instructing Mr. Pinckney to make the exchange, - - - - -	1794, November 21, -	504
Relating to the prosecution of the appeals, the security for costs, and instructions to the agent, - - - - -	1794, December 10, -	509
Further details respecting the prosecution of appeals, the choice of Proctors, and the agency of Mr. Bayard, - - - - -	1795, January 7, -	512
That he had notified the American minister at Paris that the treaty he had concluded contained a stipulation, "that nothing in it shall be construed, or operate contrary to existing treaties between the United States and other Powers," - - - - -	1795, January 31, -	515
Transmits a letter from Mr. Monroe, requesting a copy of the treaty, to be communicated to the French Government, with his reply, stating his reasons for not doing so until ratified, or authorized by his Government, - - - - -	1795, February 2, -	516
Encloses a copy of a letter to Mr. Monroe, to whom Mr. Trumbull was authorized to communicate the contents of the treaty, - - - - -	1795, February 5, -	517
Relating to his expenditures, - - - - -	1794, February 19, -	518
He embarked the 12th April, and had just landed, - - - - -	1795, March 5, -	518
That his health would not enable him to repair to Philadelphia, - - - - -	1795, May 28, -	519
He replies to certain queries, and explains briefly some points in the treaty, - - - - -	1795, June 1, -	519
<i>Jefferson, President</i> —Inaugural speech of, - - - - -	1795, June 1, -	519
Same, - - - - -	1801, -	56
Desires to assuage the violence and bitterness of party, - - - - -	1805, -	63
Substitutes a written message at the commencement of each session for a speech, - - - - -	- - - - -	56, 59

	Pages.
<i>Jefferson, President</i> —Recommends a reduction of revenue, - - - - -	58
Proposes a general reduction of civil and military expenses, - - - - -	58
Proposes to reduce the number, and curtail the expenses of fortifications, - - - - -	59
Proposes to leave commerce, navigation, manufactures, and agriculture, free to individual enterprise, - - - - -	59
Recommends a revision of the judicial system, - - - - -	59
Proposes a modification of the naturalization law, - - - - -	59
Proposes general rules of foreign and domestic policy, - - - - -	61
Urges a pacific, impartial, just, independent, and neutral policy, - - - - -	62, 63
Reviews his foreign and domestic policy, his principles and his acts, - - - - -	64, 65
Looks to the Divine Being to overrule his efforts for the public good, - - - - -	66
Attributes the successful administration of affairs to the ability of his associates, and the character of the people, - - - - -	65
His opinions concerning the restraints, the licentiousness, and the freedom of the press, - - - - -	65
Discloses the objects of his administration, - - - - -	65
Enters on his second term, - - - - -	65, 66
Recommends measures of defence, and preparation for war, - - - - -	67
The classification of the militia, - - - - -	67
The building of gunboats and seventy-four gun ships, - - - - -	67
Renews the expression of his desire to administer the Executive trust faithfully, - - - - -	67, 68
Recommends appropriations for fortifications, - - - - -	68
Suggests a modification of municipal law, so as to prevent insurrections, - - - - -	68
Recommends measures to suppress the slave trade, - - - - -	69
Recommends the repeal of the duty on salt, and the further continuance of the Mediterranean fund, - - - - -	69
Proposes an amendment to the constitution, and the application of surplus revenue to education, roads, rivers, and canals, - - - - -	69
Suggests proper objects for the application of surplus revenue, - - - - -	69, 73
Tenders his grateful acknowledgment for the legislative support of the measures of his administration, - - - - -	73
<i>Jefferson, Thomas, Secretary of State</i> —Report of, on Algerine captures, - - - - -	1790, 101
Report on Mediterranean trade, - - - - -	1791, 104
Report and letters from, respecting an act of Parliament, excluding America from the carrying trade, - - - - -	1792, 135
Letter of, to Genet, May 15, 1793, on the rights of neutrals, and the illegal belligerent acts committed by the agents of France in the United States, - - - - -	147
Reply to Mr. Genet, on illegal armaments, - - - - -	1793, June 3, 150
On the arrest of Henfield and Singleton, American citizens, - - - - -	1793, 151
On illegal expeditions, - - - - -	1793, June 17, 154
On the payment of the debt to France, in anticipation, - - - - -	1793, 156
States the compliance of Government with his request to be furnished with a statement of the French debt, - - - - -	1793, 157
In reply to the note of Mr. Genet on the subject of bills for St. Domingo supplies, - - - - -	158
That a British privateer has been seized for prosecution, - - - - -	1793, 159
Respecting illegal armaments, - - - - -	160
On the subject of foreign vessels captured by French privateers, within the jurisdiction of the United States, - - - - -	1793, June 23, 160
Respecting the ship William, captured by a French privateer, - - - - -	1793, June 29, 161
States the detention of certain French privateers, until the determination of the Government shall be made known, - - - - -	1793, 163
In reply to the application of Mr. Genet to enforce the neutral rights of the United States, - - - - -	1793, July 24, 166
Declares the determination of the United States to cause prizes made by French cruisers, fitted out from their territory, to be restored, or indemnification to be made; and to look to France for reimbursement, - - - - -	1793, Aug. 7, 167
To Mr. Morris, reviewing the conduct, pretensions, and expressions of Citizen Genet towards the Executive and Government of the United States, - - - - -	1793, Aug. 16, 167
Desires him to request the recall of the French minister, - - - - -	1793, Aug. 23, 172
To Mr. Hammond; states the principles on which the United States will make compensation or restitution for British vessels illegally captured, - - - - -	1793, Sept. 5, 174
To Mr. Genet; requires that no obstruction shall be interposed by him to the service of judicial process, - - - - -	1793, Sept. 9, 175
Circular letter from, to the French Consuls in the United States, - - - - -	1793, Sept. 7, 175
To Mr. Hammond, in reply to his memorials concerning the assumed jurisdiction of French consuls, and indulgences extended to French public vessels, - - - - -	1793, Sept. 9, 176
To the Resident of the Netherlands, on the same subject of complaint, - - - - -	1793, Sept. 9, 176
To Mr. Genet; that the Government have no power to order the arrest of persons charged with criminal acts or designs against France; but will enforce the laws of the United States against illegal expeditions, - - - - -	1793, Sept. 12, 177
To Mr. Hamilton; encloses an application of the French minister, that French vessels driven in by distress, shall be relieved from tonnage duties, - - - - -	1793, Sept. 13, 178
To Mr. Genet; encloses an exequatur for a French consul, - - - - -	1793, Oct. 2, 178
To a vice consul of France; revokes his exequatur and commission, - - - - -	1793, Oct. 3, 178
To Mr. Genet; informing him of the measures adopted towards a French vice consul, - - - - -	1793, 182
To Mr. Morris, in Paris, respecting the unjustifiable conduct of a French vice consul, - - - - -	1793, 182
To Mr. Genet; intimates the dissatisfaction of the American Government at certain defensive measures proposed to be adopted by a French consul, within American jurisdiction, - - - - -	1793, 183
On the extent of the maritime jurisdiction claimed by the United States, - - - - -	1793, Nov. 8, 183
Requests the production of testimony as to captures within the jurisdiction of the United States, - - - - -	1793, Nov. 10, 183
On the power of the President to recognize, admit, or interdict foreign agents, and returning consular commissions, for informality in their address, - - - - -	1793, Nov. 22, 184
Inquires whether certain French prizes had been restored, pursuant to the President's determination, - - - - -	1793, Sept. 22, 185
Encloses a report of the Secretary of the Treasury on the subject of acceptances, by the American Government of citizen Genet's drafts, - - - - -	1793, Nov. 24, 186

<i>Jefferson, Thomas, Secretary of State</i> —That the laws preventing military expeditions, from the United States against the French in St. Domingo, would be enforced,	1793, Nov. 24,	188
To Mr. Hammond, British minister, on the inexecution of the 7th article of the treaty of 1783; and a new commercial treaty,	1791, Nov. 20,	188
That he is ready to enter upon the negotiation of a commercial treaty,	1791, Dec. 13,	189
<i>Specifies the violations</i> , on the part of Great Britain, of the treaty of 1783,	1791, Dec. 15,	190
Asks to be furnished with certain legislative acts of the several States, referred to in his memorial of March 5,	1792, March 30,	200
In reply to the memorial of Mr. Hammond, of March 5; shows that the infraction of the treaty began with Great Britain; and that many of his allegations against the United States were unfounded,	1792, May 29,	201
Recalls to his recollection Mr. Jefferson's memorial of May 29, 1792, and asks when a reply might be expected,	1793, June 20,	238
Reiterates the request of his last note,	1793, Nov. 15,	238
To Mr. Pinckney, American minister, bringing to his view the British instructions of June 8, 1793, subjecting corn, meal, and flour, to the law of contraband, and subjecting to capture and condemnation American vessels proceeding, for the first time, to blockaded port,	1793, Sept. 7,	239
To Mr. Hammond, in reply to the note transmitting instructions to His Majesty's ships of war and privateers,	1793, Sept. 22,	240
To Mr. Genet, respecting his propositions for a commercial convention,	1793, Nov. 5,	246
To Mr. Carmichael, minister to Spain, by Colonel Humphreys,	1790, Aug. 2,	247
Reports to the Senate the state of the negotiation with Spain, and its proposed transfer to Madrid,	1791, Dec. 22,	251
Instructions from, to the American ministers in Spain, on the subjects of boundary; Mississippi; commerce,	1792, March 18,	252
To Messrs. Viar and Jaudenes; informs them of the appointment of Messrs. Carmichael and Short, commissioners plenipotentiary to treat at Madrid,	1792, March 23,	257
To Messrs. Carmichael and Short; communicates the <i>projet</i> of a convention concerning fugitive debtors and criminals,	1792, April 24,	257
To Messrs. Viar and Jaudenes; that measures had been taken to prevent hostile depredations by the Creeks on Spanish settlements,	1792, May 17,	258
To Carmichael and Short; that the Baron de Carondelet has excited the Creeks to hostilities against the United States, while the policy and measures of the United States towards Spain were the reverse,	1792, Nov. 3,	259
To Carmichael and Short; justifies the policy and measures pursued by the United States towards the Indians; and replies to the several charges made by the Spanish commissioners in their letter of June 18,	1793, June 30,	265
To Jaudenes and Viar; acknowledges their letter of June 8, and intimates that negotiations upon its contents will be opened at Madrid,	1793, July 11,	267
To Jaudenes and Viar; expresses the willingness of the American Government to consider their note of July 13, as evidence that all was not meant which was apparently expressed by their letter of the 18th June,	1793, July 14,	268
Reports the measures which have been pursued to continue the treaty with Morocco, and effect the liberation of Algerine captives,	- - -	288 to 300
Report of, on privileges and restrictions of the commerce of the United States in foreign countries,	- - -	300
To Jaudenes and Viar, respecting the pretensions and conduct of the Spanish Governor of Louisiana towards the Indians,	1793, Dec. 21,	304
To G. Morris, announcing his resignation as Secretary of State, and the appointment of Mr. Randolph as his successor,	1794, Jan. 3,	402
<i>Jones, Admiral John Paul</i> —appointed commissioner and consul at Algiers,	1792,	290
His decease prevents the execution of his commission,	- - -	293
<i>Judiciary</i> —Improvements in the Federal, recommended,	- - -	14, 53
System, revision of, proposed,	- - -	19, 50
System, proposition to remodel,	- - -	59
Of the United States, the jurisdiction of, proposed to be defined,	- - -	22
The purity and integrity of the American, defended by the Secretary of State against the charges of Mr. Fauchet,	1795, June 13,	617, 618
<i>Juries</i> —Their impartial selection, independently of Executive control, recommended,	- - -	59
<i>Jurisdiction</i> —Maritime of the United States violated by British vessels of war,	- - -	70
Opinion of the Attorney General as to its extent,	- - -	148
Letter of Mr. Jefferson concerning its extent,	- - -	183
Over prize causes and privateers,	1796,	659
Objected to by France, and defended by Mr. Monroe,	1796, March 15,	659
Claimed by the consuls of France,	- - -	153

K.

<i>Kaskaskia Indians</i> —Treaty with,	- - -	62
<i>Kentucky</i> —Becomes a member of the Union,	- - -	13, 19
Military force sent from,	- - -	80
The good conduct of the Governor and militia of,	- - -	85
Instructions to the Governor of, relating to illegal movements within the State,	1793, November 9,	458
The Governor of, communicates his sentiments on the movements in that State against the territory of Spain,	1794, January 13,	455

L.

<i>Lakes</i> —Failure in the attempt to obtain command of the,	- - -	80
Naval force on the,	- - -	80, 83
Naval superiority on the,	- - -	85, 87
<i>Lands, public</i> —Their appropriation to discharge the public debt,	- - -	14
Sale of vacant, proposed,	- - -	17, 58
Extinction of Indian title to,	- - -	60, 62, 64, 67
Habitation necessary to give title,	- - -	60
Purchase of, between Oconee and Oankmulgee rivers,	- - -	60
From the mouth of the Illinois up the Ohio,	- - -	62
Between the Wabash and Ohio,	- - -	64
Between Connecticut Reserve and former Indian boundary,	- - -	67
From Indian boundary to the Rapids,	- - -	67

	Pages.
<i>Lands, public</i> —Between, and near, the two districts of Tennessee, - - - - -	67
Donation of, for a National University, recommended, - - - - -	69
<i>Lawrence, captain</i> , (of the Hornet)—Gains a signal victory over a British vessel, - - - - -	83
<i>Laws of Nations</i> —Infractions by citizens of the United States; their enforcement recommended, - - - - -	19, 22, 62
New principles of, asserted by foreign Powers, - - - - -	66
Innovations on, - - - - -	70
Whether searches or seizures of neutral vessels on the high seas, for persons or property, is in conformity to, - - - - -	83
<i>Laws, commercial</i> , (of the United States)—Revision of, recommended, - - - - -	74
Infractions of, require legislative remedy, - - - - -	79
Municipal, defects in, or in their administration, - - - - -	71
<i>Lead mines</i> —Measures respecting, proposed, - - - - -	63
<i>Learning, seminaries of</i> —Aid to, proposed, - - - - -	63
(See <i>Seminaries</i> .)	
<i>Le Brun, M.</i> —To Mr. Morris, requesting him to make an arrangement respecting the supplies of the French colonies, - - - - -	1792, Aug. 30, 339
To Mr. Morris, that his complaint respecting the violation of his letters would be attended to, - - - - -	1792, Sept. 8, 339
That the passports required would be prepared; existing relations between France and the United States, - - - - -	1792, Sept. 16, 339
That his complaints respecting captures will receive serious attention, - - - - -	1793, March 26, 359
That capture, are attributable to the fraudulent use of the American flag—real injuries will be redressed, - - - - -	1793, March 29, 359
On the memorial of Thomas White, and transmitting a circular of the Minister of Marine, - - - - -	1793, April 8, 362
On the subject of passports, and enclosing a decree of the National Convention opening the ports of France to American vessels, - - - - -	1793, April 8, 362
Letter from, to Mr. Morris, on the violation of the treaty, and the neutral rights of the United States, - - - - -	1793, May 17, 364
To Mr. Morris, transmitting the decree of the 23d of May, - - - - -	1793, May 26, 365
Promising reparation for the outrage upon the Little Cherub, and transmitting his report thereon, - - - - -	1793, June 21, 368
<i>Le Cassius</i> —The case of the corvette, and the correspondence relating to her arrest, - - - - -	1795-6, 629
Statement concerning, by the District Attorney, - - - - -	637
<i>Leeds, Duke of</i> —Letter from, to Mr. Morris, - - - - -	1790, 123, 125
<i>Legislation</i> —General objects of, suggested, - - - - -	64
For the regulation of trade, sometimes preferable to treaty stipulations, - - - - -	111
<i>Lewis and Clarke</i> —Explore the Missouri, - - - - -	67, 69
<i>Licences</i> —To engage in a prohibited trade should be prevented, - - - - -	79
British, additional regulations to prevent their acceptance recommended, - - - - -	1812, 81
<i>Literature</i> —Measures recommended for its promotion, - - - - -	12
<i>Loans</i> —In Holland, effected, - - - - -	13, 17, 19, 22, 60, 62
Subscription to, - - - - -	17
In time of peace inexpedient, - - - - -	45
From the Bank of the United States, its reimbursement recommended, - - - - -	20, 22
Effected, - - - - -	78, 82, 86, 88
Reimbursement of the temporary, - - - - -	79
For sixteen millions, effected at not less than seven and a half per cent., - - - - -	84
Offered by Pennsylvania, - - - - -	84
Terms of, improved by internal revenue, - - - - -	86, 88
Additional, necessary, - - - - -	
From the United States, application of France for, to aid in carrying on the war, - - - - -	1794, Nov. 13, 685
Observations by Mr. Monroe, on the application by France for, - - - - -	686
<i>Losses</i> —Sustained on public account, the indemnification of, recommended, - - - - -	25
<i>Louis XVI.</i> —Letter from, to the President and Congress, - - - - -	1790, 109
Letter from, - - - - -	1792, 123
<i>Louisiana</i> —The cession of, by Spain, to France, announced, - - - - -	60
Acquired by negotiation, - - - - -	1803, 61, 63
Spain withdraws her objection to its valid transfer, - - - - -	63
Its occupation, government, and exploration recommended, - - - - -	62
Commencement of government in, - - - - -	63
Further legislation for, recommended, - - - - -	63
Appointment of officers for, - - - - -	63
Lead mines of, their number, value, and protection, referred to Congress, - - - - -	63
Commerce, and conferences with Indians of, - - - - -	63
An objection to its acquisition, that the enlargement of territory would endanger the Union; stated and answered, - - - - -	65
Controversy with Spain, respecting the boundary, - - - - -	66, 68
Encroachments into, by Spanish troops, - - - - -	68
The Sabine proposed as a temporary boundary, - - - - -	68
Explored, - - - - -	67, 69
Payment of American claims for the purchase of, - - - - -	69
<i>Loyalists, American</i> —Papers respecting their claims transmitted to Mr. Jay, - - - - -	1794, 505
Memorial of, - - - - -	508
M.	
<i>McDonough, Commodore</i> —Victory gained by, on Lake Champlain, - - - - -	87
<i>Mackinaw</i> —Failure of expedition against, - - - - -	87
<i>Madison, James</i> —Inaugural speech of, - - - - -	73
Adverts to the condition and policy of the United States, - - - - -	73
Declares the principles by which he shall be governed, - - - - -	74
His second inaugural speech, - - - - -	82
Adverts to the cause and progress of the war, and the considerations which urge its vigorous prosecution, - - - - -	82, 83, 84, 85
Recommends the imposition of additional taxes and internal duties, - - - - -	84
Contrasts the benefits and disadvantages of the war, - - - - -	86
Resorts, in self-defence, to a system of retaliatory warfare, - - - - -	85, 86
<i>Magazines and arsenals</i> —Necessity of, - - - - -	17, 23
Arms and stores in, - - - - -	29

	Pages.
<i>Majority</i> —The rights of, in a republic, - - - - -	27
<i>Malden</i> —Reduction of fort, - - - - -	86
<i>Manufactories for arms, &c.</i> —Recommended, - - - - -	11
Further support necessary, - - - - -	54
Enlargement and improvement of, recommended, - - - - -	72, 76, 77, 79
Encouragement for private, - - - - -	73
<i>Manufactures, domestic</i> —Recommended to legislative aid and protection, - - - - -	12, 13, 31
Necessary to national independence, - - - - -	31, 32
Adapted to our circumstances, recommended by Mr. Jefferson, - - - - -	61
May be promoted by import duties and the judicious application of surplus revenue, - - - - -	65, 69
Progressive state of, - - - - -	16, 28, 73, 76
Should be left free to individual enterprise, - - - - -	59
Promoted by the interruptions of commerce, - - - - - 1808,	73, 76
Established by necessity may require protective duties, - - - - -	73, 77
Will be promoted by authorized means, - - - - -	74
Their establishment regarded as more than an equivalent for the losses sustained from foreign injustice, - - - - - 1810,	77
The protection of, in their infancy, by a commercial tariff, recommended, - - - - - 1810,	77
Should be protected against a change of circumstances, - - - - -	79
Established and extended by the war, - - - - -	86
Their existence excite the vindictive animosity of the enemy, - - - - -	88
<i>Manufacture of arms</i> —By the public, recommended, - - - - -	11, 54
Their enlargement and improvement, - - - - -	72, 76, 77, 79
By private enterprise encouraged, - - - - -	73
<i>Maritime defence</i> —Importance of, - - - - -	44, 54
Provision for, - - - - -	54, 67, 68, 70, 72, 75, 76, 77, 79
<i>Maritime rights</i> —Violations of, by Great Britain, - - - - -	70
<i>Maritime jurisdiction of the United States</i> —The extent of, - - - - -	148, 183, 659
Over prize causes, defended, - - - - -	659
<i>Massachusetts</i> —Refuses a detachment of her militia, - - - - -	80
<i>Martens</i> —His authority quoted in favor of the principle that provisions going to an enemy are liable to capture, - - - - -	432
His authority in favor of provisions being contraband is denied by Mr. Randolph, - - - - -	453
<i>Martin, Samuel</i> —Papers respecting his claims transmitted by Mr. Jay, - - - - - 1794,	503
<i>Message</i> —Of President Jefferson, December 8, 1801, - - - - -	57
Do. December 15, 1802, - - - - -	60
Do. October 17, 1803, - - - - -	61
Do. November 8, 1804, - - - - -	63
Do. December 3, 1805, - - - - -	66
Do. December 2, 1806, - - - - -	68
Do. October 27, 1807, - - - - -	70
Do. November 8, 1808, - - - - -	71
Of President Madison, May 23, 1809, - - - - -	74
Do. November 29, 1809, - - - - -	75
Do. May 25, 1813, - - - - -	83
Do. December 7, 1813, - - - - -	84
Do. September 20, 1814, - - - - -	87
Of President Washington, June 11, 1789, with a convention with France concerning consuls, &c. - - - - -	89
Respecting eastern boundary, - - - - -	90, 99
Concerning Algerine captives, - - - - -	100, 128
Explanatory of the reasons for nominating a minister to Portugal, - - - - - 1791,	127
Transmitting a letter of the King of France, - - - - - 1792,	133
Asking the advice of the Senate in certain contingencies, - - - - - 1792,	136
On the relations with France, England, and Spain, and the conduct of citizen Genet, - - - - - 1793,	141
Transmitting two letters from an American consul, showing deprecations on American commerce by British cruisers, - - - - - 1794, March 25,	428
Suggesting an extension of the embargo to fishing vessels, - - - - - 1794, March 28,	429
Transmitting documents showing the dispositions prevailing in the Western Country respecting the occlusion of the Mississippi by Spain, - - - - - 1794, May 20,	451
Transmitting to Congress the form of a certificate required by Spain for the admission of American produce into her ports, - - - - - 1794, May 26,	463
Stating the recall of G. Morris, in compliance with the desire of the French Government, and nominating James Monroe, minister plenipotentiary in his stead, - - - - - 1794, May 27,	463
Transmitting a general view of the relations of the United States with France, Great Britain, Spain, Portugal, Holland, Morocco, and Algiers, - - - - - 1794, Feb. 28,	469
Recommending provision for two consuls on the coast of Barbary, - - - - - 1795,	470
Transmitting the treaty concluded by Mr. Jay, and his correspondence with the British Government, - - - - - 1795, June 8,	470
Transmitting an address of the Committee of Public Safety of France to Congress, - - - - - 1795, Jan. 4,	527
Declining to comply with the request of the House of Representatives, to communicate the instructions and correspondence relating to Mr. Jay's treaty, - - - - - 1796, March 30,	550
<i>Metropolis of the Union</i> —Captured by the enemy, - - - - -	87
<i>Measures</i> —Uniform standard of, - - - - -	12, 14
<i>Mediterranean trade</i> —Attention to, - - - - -	14
<i>Merchants</i> —Whether certain, making importations shall be relieved, - - - - -	81
<i>Michigan territory</i> —Security of, - - - - -	80
Relief of, - - - - -	85
<i>Military academy</i> —Its establishment proposed, - - - - -	31
Its more perfect organization, and a diffusion of its advantages recommended, - - - - - 1810,	78
Additional proposed, - - - - -	78
Essential to the military establishment, - - - - -	79
<i>Military enterprises</i> —Within the United States, - - - - -	22

	Pages.
<i>Military enterprises</i> —Against the possessions of Spain, - - - - -	68
Safeguard against unlawful, - - - - -	68
<i>Military establishment</i> —The attention of Congress invited to its imperfections and improvement, - - - - -	28
Augmentation of, - - - - -	41, 48, 67, 68, 71, 72, 79, 81, 84, 88
Reduction of, - - - - -	53, 58
Additional measures to fill the ranks, recommended, - - - - -	1812, 77
No change in, - - - - -	61, 64
Appointment of officers for, - - - - -	72
Organization of the additional, - - - - -	75
Modifications of the laws relating to, - - - - -	77
Increase of, and prolongation of enlistments, - - - - -	79
Seminaries for, recommended, - - - - -	79
Insufficiency of provisions for recruiting service, - - - - -	81, 84
Increase of general officers, - - - - -	81
Organization of general staff, - - - - -	81, 84
<i>Military force</i> —Remains unaugmented, - - - - -	63
An act for raising an additional, executed, - - - - -	1808, 72
Progress in raising and organizing, - - - - -	75
<i>Military posts</i> —Established on the Creek boundary, - - - - -	30
Evacuation of, by British troops, - - - - -	30
Evacuation of, by the Spanish troops, - - - - -	47
Statement of, where garrisons are expedient, - - - - -	58
<i>Military stores</i> —Prompt measures by the Executive to supply, - - - - -	1807, 71
In arsenals and magazines, - - - - -	22, 59
Purchase of, - - - - -	22, 29, 59, 67, 71
<i>Militia</i> —The bulwark of republics, - - - - -	74
Should be armed and disciplined, - - - - -	11, 14
Defects in their organization, suggested, - - - - -	22, 25
Called upon to maintain and execute the laws, - - - - -	24, 50
The improvement of the existing system, recommended, - - - - -	25, 28, 32, 41, 59, 61, 64, 67, 73, 76, 81, 86, 88
Their organization, arming, and discipline, rendered expedient, - - - - -	25, 32, 41, 67, 69, 72, 76, 77, 81, 86, 88
Classification of, recommended, - - - - -	67, 88
Formation of seamen into special, proposed, - - - - -	71
Quotas of, and of volunteers required, - - - - -	71
Detachments from, - - - - -	72, 79, 85, 89
Discharge of requisitions of, - - - - -	74
Preparations for arming, - - - - -	77
The instruction of commissioned and non-commissioned officers, by calling them into the field, proposed, - - - - -	77, 78
Laws respecting, require revision, - - - - -	81
Detachments from Massachusetts refused by the Governor of that State, - - - - -	80
<i>Minister of the United States</i> —The French Directory refuse to receive, - - - - -	40
<i>Minister of France</i> —(Genet) the recall of requested, - - - - -	172
<i>Ministers, foreign, in the United States</i> —The extent of their rightful powers adverted to by Mr. Randolph, - - - - -	1795, 620
Have no right to require to be informed of the stipulations of treaties made by the United States before their ratification, - - - - -	1795, 614
Rights of, the public law authorizes the Government to apply for their recall or coerce their departure, as it may deem fit; opinion of some of the diplomatic corps in Paris in the case of Count Carletti, - - - - -	1795, 729
<i>Mint</i> —Its establishment, - - - - -	14, 17, 19
Operations of, - - - - -	19, 26
State of, requiring additional legislation, - - - - -	29
<i>Mississippi river</i> —Instructions from the Secretary of State to American minister in Spain respecting the navigation of the, - - - - -	1790, August 2, 247
Instructions of Mr. Jefferson, Secretary of State, to Messrs. Carmichael and Short respecting its free navigation, - - - - -	1792, March 18, 253
Its exclusive navigation, even above latitude 31, claimed by Spain, - - - - -	1793, 308
The right of the United States to participate in its navigation, considered by Messrs. Carmichael and Short, - - - - -	1793, 438
Mr. Monroe endeavors to interest France to obtain its free navigation, - - - - -	1795, 695, 698
Paper respecting the importance of its free navigation to the United States and France, presented to the Committee of Public Safety, - - - - -	1795, 698
Disquietude in the United States from not being permitted to navigate freely, - - - - -	61
The purchase of contiguous territory attempted, - - - - -	61, 62
The sovereignty over, acquired, - - - - -	61, 62
Fortifications near the mouth, - - - - -	68
Explored by Lieutenant Pike, - - - - -	69
Surveys of, - - - - -	69
<i>Mississippi territory</i> —Inroads into, - - - - -	66
Call on the Governor of, for volunteer cavalry, - - - - -	68
Fortifications in, - - - - -	68
Settlement of, for military protection, recommended, - - - - -	68
Troops called from, - - - - -	85
<i>Missouri</i> —Exploration of, - - - - -	67
Depredations of Indians inhabiting the territory of, - - - - -	66
<i>Mobile</i> —District and port of entry on the waters of the, - - - - -	63
Arbitrary vexations of commerce on, - - - - -	66
<i>Moissonier, F. consul of France</i> —To the Governor of Maryland, proposing to defend the Chesapeake bay against Great Britain, - - - - -	1793, 182
<i>Monge, Minister of Marine of France</i> —Letter from, on the subject of illegal captures of American vessels by French privateers, - - - - -	1793, April 7, 361
Circular from, to the civil <i>ordonnateurs</i> in the ports of France, - - - - -	1793, 362
<i>Monroe, James</i> —Letter to Mr. Jay, requesting to be furnished with a copy of the unratified treaty recently concluded, - - - - -	1795, February 17, 517
Letters from, to the Secretary of State; the Directory had promised to state their objections to the measures of the American Government; he transmits them; the specific complaints of France against the United States, - - - - -	1796, May 2, 658

<i>Monroe, James</i> —To the French minister of Foreign Affairs; replies to the complaints of France, viz: 1. Failure to execute treaties; 2. Outrage upon Mr. Fauchet, by the English vessel <i>Africa</i> ; 3. The stipulations of the treaty with Great Britain, - - -	1796, March 15,	659
Instructions to, by the Secretary of State, on his departure as minister to France; exhibiting the general views of the American Government as to France and Great Britain; and the determination of the President to avoid a connexion with either, and to maintain with both an impartial neutrality; subjects enumerated requiring his attention; and those to be referred to his own Government, - - -	1794, June 30,	668
Letter from, to the Secretary of State; execution of Robespierre and others of his party; his fate merited; the committees of <i>salut public</i> , and "sureté general;" the revolutionary tribunal, and the convention, all impelled by him; his power; his character; his executions, on mere suspicions; designs against the convention; fear awakens enemies; the convention prevail; the true cause of his sanguinary course; tranquillity in the country and in the army; war, the employment of men; agriculture, of boys and women; future operations of the army, abroad, contrasted with the armies of Rome; events of the war; success of the French; Jourdan; bloody sea action, - - -	1794, August 11,	671
Address to the convention; his reception; attention to him; position of the army; public tranquillity, - - -	1794, November 7,	673
Declines accepting the use of a house, with which he is tendered, - - -	1794, August 23,	675
To the Secretary of State; enters on his duties; attempts to obtain indemnity for spoliations; claims classified; causes of the delay in procuring redress; other objects of his mission; state of the public councils; and of different parties; change in the members of the committee of public safety; the happy close of the revolution anticipated from the moderation of the cabinet; the military operations equally encouraging, - - -	1794, September 15,	675
To the Committee of Public Safety; on the departure of France from the 23d and 24th articles of her treaty with the United States; the injuries resulting from the Bourdeaux embargo; claims for St. Domingo supplies; the restrictions of France upon American commerce, and the capture of American vessels, under the decrees of France, shown to be unjust and inexpedient; motives urged for a more liberal conduct; state of the American trade with France; meliorations suggested; indemnities claimed; the union of the republics, - - -	1794, September 3,	676
To the Secretary of State; the state of his application in behalf of the commercial interests of the United States; circumstances which may protract a decision; causes which have led to the extermination of private trade; placing commercial operations in the hands of Government, and which may produce re-action; American consulates should be filled by American citizens; appointment of Mr. Skipwith; his difficulties and determination concerning passports; the public councils; the Mountain party, who succeeded the Brissotines, are yielding to the party of the Plain; characteristics of the contests and debates; the Jacobin party; its history important; outlines; fall; military success of the republic; probable effects; England alone to maintain the contest, - - -	1794, September 25,	678
Meets with delay, in receiving a decision on American claims; his statement of the embarrassments attending American trade; questioned, Whether he insisted on the observance of the treaties? Equivocates; refrains from bringing forward subordinate matters; Algiers; character of consuls; applied to, in behalf of Thomas Paine and Madame Lafayette; decree against the Jacobins, - - -	1794, November 7,	682
To the Committee of Public Safety; claims for detention; supplies; spoliations; embarrassments to trade; paper upon American commerce; advantages of free trade, - - -	1794, October 18,	683
To the Secretary of State; his conjectures of the intentions of Spain, from receiving a note from Mr. Gardoqui; the interests of the United States would not be promoted by an accommodation between France and Spain; the attention of France directed against Great Britain; solicits pecuniary aid from the United States; inducements; suggests the loan of money to France, as the equivalent of her guarantee of the objects of the United States at the peace; successes of the French; war with England the policy of the United States, - - -	1794, November 20,	685
To the Committee of Public Safety, on the application of Mr. Gardoqui to use the baths of France, - - -	1794, November 13,	686
To the Secretary of State; concessions by France in favor of American claims and commerce; the treaty with France will probably be observed; Gardoqui; represents that the United States will be glad to render France any service; his representation respecting Mr. Jay's powers; recommends assistance, in money, to France, at the hazard of war with Great Britain; how this war might effect our objects; expectations from France, at a general peace; military successes of France; nothing to hope from Great Britain, - - -	1794, December 2,	686
To the Secretary of State; communicates a decree of the convention to observe the treaty with the United States; on what founded; the prospect, once favorable, of harmonious action and good understanding, now clouded; Mr. Jay's adjustment with Great Britain removes the object of the proposed loan; the state of France; favorable to the commercial enterprise of other Powers; growing spirit of moderation and justice; amnesty; re-action of parties; trial of the Nantois, and of Carrière; progress of the war, - - -	1795, January 13,	691
He has despatched Mr. Purviance to London to obtain a knowledge of Mr. Jay's treaty; by its communication he desires to remove the uneasiness of the French Government; entry of the French into Amsterdam; proposals of an agent of the States general; conquest preferred; state of the provinces; change in the Government; how to be effected, - - -	1795, February 1,	692
To the Secretary of State; his own justification against the censure of his conduct contained in the Secretary's letter of December 2d; reviews the relative condition and measures of France, Great Britain, and the U. States; the circumstances under which he acted; and his motives of action; what France would have done for the United States, if they acquired and preserved her friendship, - - -	1795, February 12,	694

		Pages.
<i>Monroe, James</i> —Acknowledging Mr. Randolph's letter of December 5,	1795, February 18,	696
State of France; tranquillity; success; scarcity of provisions; the allies can have no hope of restoring the monarchy or dismembering France; finances; assignats; great depreciation; division of the public councils; majority of convention, supported by the people, in favor of the revolution; the atrocities of the revolution not attributable to the mass of the people; their real character and dispositions; Mr. Pitcairn, consul; interposition of France with Spain on the Mississippi; presents the flag of the United States to the convention,	1795, March 6,	696
To the Committee of Public Safety: with a paper on the navigation of the Mississippi,	1795, January 25,	698
To the Secretary of State; that Mr. Jay has declined communicating to him the purport of the treaty with Great Britain, which he had requested for the purpose of laying it before the French Government, prior to its ratification; a review of Mr. Jay's letters to him; reasons in favor of his application and intention; dissatisfaction at Mr. Jay; the prospects of Mr. Pinckney in Spain,	1795, March 17,	700
Mr. Jay has authorized Mr. Trumbull to communicate the contents of the treaty to him, confidentially, as a public minister; this he declines; his dilemma; communicates the proposition by Mr. Jay, and his refusal, to the French Government, with his opinion of the public sentiment in America; the purport of the treaty communicated by Mr. Hitchborn, whose paper is also presented to the French Government; the revolutionary incidents and movements; scarcity of bread; riots again in the convention; services of Pichegru; Mountain party crushed; views of the Moderate party; treaty with Prussia,	1795, April 14,	701
British treaty; Algiers; aid of France; commerce with France; old subjects not pressed deferred on account of British treaty; general tranquillity; famine; pending negotiations; depreciations of assignats,	1795, May 17,	704
To Secretary of State; new commotion in Paris; convention menaced; deliberations interrupted; seat of their President seized; a member killed; the convention rescued; the Mountain party or Terrorists engaged in it; conjectures as to consequences; Mr. Pinckney's arrival, on his way to Spain; refrains from soliciting the co-operation of France; Spain and Great Britain are negotiating a separate peace; American provisions seized by Great Britain,	1795, June 14,	712
Great Britain revives her <i>provision order</i> of November 6, 1793; the effect on American commerce; its supposed influence on French councils; whether Denmark and Sweden will acquiesce; probability of the continuance of the war; the policy of the United States to embark in it considered,	1795, June 26,	715
To Mr. Short; the relations between France and the United States; distrust in the former produced by Mr. Jay's treaty; necessity that he and Mr. Pinckney should expedite their negotiation with Spain; the stipulation in Mr. Jay's treaty respecting the Mississippi; <i>encloses a letter from a friend of his in France, containing nothing opposed to the interests of France</i> —(see <i>Short</i> .)	1795, May 30,	717
To Mr. Short; increasing jealousy in France of the commerce between the United States and Great Britain; the subjects of passports and consuls; Mr. Parish; rumors of a treaty between England and Russia; threatened hostilities may retard the movement of Spain towards France; forwards a letter from Baron Stael, ambassador from Sweden; the contents known to the Committee of Safety,	1795, July 6,	718
To the Secretary of State; decree of the convention interdicting passports by the ministers of neutral Powers to any other than <i>native</i> citizens; French aid promised in the Algerine treaty; a treaty formed between France and Spain; its conditions; how France, if <i>satisfied</i> on the subject of Mr. Jay's treaty, might favor demands of the United States on Spain,	1795, August 1,	720
His conduct in France while the treaty with Great Britain is depending and uncertain; avoids a correspondence with the French Government on the subject; intimation (untrue) by a French agent that the provision order will be connived at by the American Government,	1795, December 22,	728
To the Secretary of State; that we have claims upon Great Britain which can only be extorted by force; an harmonious co-operation with France, uniting our prospects with the successes of her arms, might, at the peace, secure our objects; hence a persuasive to that co-operation; the <i>efforts</i> necessary to aid negotiation; sequestration; seizure of the posts; invasion of Canada; state of the war; the amended constitution; divisions on the formation of the legislature; Paris,	1795, September 10,	721
Treaty with Algiers without the aid of France; Mr. Barlow proceeds thither, The decree of the convention, constituting two-thirds of the legislature to be formed of its members, resisted by the sections of Paris; the convention invested; danger of civil war; the troops of the convention victorious; order restored; further insight into the causes of the insurrection; the intention of the insurgents to subvert the revolution and restore monarchy; what proportion of Paris favored these designs; the engine of terror has shifted hands; no complaint, as yet, against the treaty; in the event of its ratification, he apprehends he shall hear from them,	1795, October 4,	722
The convention has closed its career; the new Government installed; the practicability of a republican Government in France; Mr. Fauchet's arrival; his dissatisfaction at the treaty; well received by his Government,	1795, October 20,	722
Information had been received of the ratification of the treaty; symptoms of discontent; he is ignorant of the consequences to which they may lead; his representation of the objects of Mr. Jay's mission, derived from his instructions, when contrasted with the facts, placed him in a dilemma; his conduct changes as circumstances develop; justification of his course; the claims on France; Mr. Fenwick; Count Carletti ordered from France; his refusal; reception of the ministers by the new Government; decorum in legislature; Executive energy,	1795, November 5,	737
Mr. Parish, consul, complaints against; no symptoms of peace; views of Prussia doubtful; Count Carletti; departure coerced; opinions,	1795, December 6,	737
His opinions as to the jurisdiction of American consuls in France under the consular convention; appointment of consuls; forced loans; events of the war; sequel of the affair of Count Carletti,	1795, December 22,	738
	1796, January 26,	739

<i>Monroe, James</i> —To Secretary of State; that in an incidental interview with the Minister of Foreign Affairs, he declared that he considered the <i>alliance</i> between the United States and France as having ceased; that another envoy would be appointed to succeed Mr. Adet; and that the United States would be considered as united with the coalesced Powers, -	1796, February 16,	730
To Secretary of State; he is induced by the information communicated the 16th of February, to ask a conference; the consequences which he apprehends from the measure suggested; invites a statement of the complaints of France against the United States, -	1796, February 20,	730
Letter of, to Minister of Exterior Relations, requesting an interview, -	1796, -	731
To Secretary of State; his conference on the treaty; partial success; state of affairs in France; dispositions of European Powers, -	1796, March 20,	731
To the French Minister of Exterior Relations, in reply to each of his complaints against the United States, viz: 1. Inexecution of treaties; 2d. Impunity of the British officer commanding the Africa; 3. The treaty of 1794 with Great Britain, -	1796, March 15,	733
To the Secretary of State; obtains an audience with the Directory; what passed; events of France; Pichegru's resignation and dismission; his character; finances still deranged, -	1796, March 25,	735
Transmits his correspondence with the Minister of Foreign Relations, (see pages 731, 732, 733, 734,) -	1796, May 2,	736
Nothing further on the treaty, or the appointment of a successor to Mr. Adet; the flag; conspiracy against the Government discovered; names of foreign residents in Paris furnished; success of the French arms; Rome exposed; offers by the Pope, -	1796, May 25,	736
The intentions of the Government still unknown; Mr. Adet's successor not appointed; American citizens in Paris; cessation of the truce, and renewed hostilities, -	1796, June 12,	737
His apprehensions respecting the measures of the French Government, and intentions concerning them, -	1796, June 28,	738
The vehement desire of the Directory to exhibit their discontent at the conclusion of the British treaty; extravagant pretensions and claims suggested; the treaty of 1788 to be declared suspended; military successes of France; general appearance and improvement of the country; recommends J. C. Barnet, -	1796, July 24,	738
To the Minister of Foreign Affairs of France; defends the stipulations of the treaty with Great Britain respecting contraband; maintains that they neither contravene the treaty with France, nor the law of nations, nor any tacit engagements; adverts to the violation of treaty by France, by the capture and condemnation of American vessels, -	1796, July 14,	740
To the Secretary of State; he has objected to the appointment of Mr. Mangourit as chargé to the United States; decree has passed authorizing the seizure of neutral vessels destined to England and Algiers, -	1796, August 15,	741
To the Secretary of State; Mr. Adet to be recalled; no successor to be appointed; Spain cedes Louisiana and the Floridas to France; rumors of her designs on Canada by invasion, and the Western States by seduction, -	1796, August 27,	742
A reply to the Secretary's letter of 13th June, charging him with <i>neglect of duty</i> ; representing his efforts to preserve harmony, and ascribing the measures of France to their dissatisfaction at the British treaty; substance of the intended decree, -	1796, September 10,	742
Views of France respecting Canada and Louisiana; the decree to capture neutral property on board British vessels; the treaty sent between France and Spain; Louisiana not in public articles; doubts respecting; military events; military maxim; Bonaparte; sequel of Babeuf's conspiracy; state of the country; no prospect of peace, -	1796, September 21,	744
To the Secretary of State; no reply to his note demanding to know whether orders have been issued to seize neutral vessels; military movements, -	1796, October 6,	745
Communicating the anticipated decree suspending the ministerial functions of Mr. Adet, and subjecting American vessels to the same treatment from French cruisers as they suffer from English, -	1796, October 31,	745
To the French Minister of Foreign Relations; he has received his note announcing the system of reprisals adopted by the French Government in consequence of the formation of Mr. Jay's treaty; expresses acknowledgments for the attentions with which they have heard his communications, and their liberal sentiments to himself individually, -	1796, October 12,	746
To the same, respecting his letter of recall, -	1796, December 3,	746
To the same; the arrival of Mr. Pinckney; requesting the appointment of a time for presenting the letter of credence and the one of recall, -	1796, December 6,	746
To the same, announcing the termination of his functions, and requesting the usual formalities for his departure, -	-	747
His address to the Directory on presenting his letter of recall, and the reply, -	1796, December 30,	747
<i>Morocco</i> —Former treaty with the Emperor of, recognized, -	-	28, 525
Measures taken to confirm the treaty with, -	1791, -	128
<i>Morocco and Algiers</i> —Message transmitting a report of the Secretary of State on negotiations with, -	1793, December 16,	388
<i>Morris, Col. Roger, and wife</i> —Papers respecting their claim transmitted by Mr. Jay, -	-	505
<i>Morris, Gouverneur</i> —Appointed an agent to ascertain the commercial and pacific views of Great Britain towards the United States, -	1789, -	122
Letter to, from President Washington, -	-	122
Transmits the result of a conference with the Duke of Leeds, -	1790, -	122, 123
Communicates his conferences and interference on the impressment of American seamen, -	-	123
Suggests the granting "certificates of citizenship" to American seamen, -	-	123
Confers with Mr. Pitt on executing the treaty of 1789, -	-	124
Thinks a European war inevitable, -	1790, -	125
Is of opinion that the policy of Great Britain towards the United States will depend on events in Europe, -	1790, -	125
Letter from, to the Duke of Leeds, -	-	125
Letter from, to President Washington, communicating the result of his conferences, the <i>object</i> of Great Britain to form an <i>alliance</i> with the United States, and the political <i>motives</i> by which the Government is actuated, -	-	126

	Pages.
<i>Morris, Gouverneur</i> —Accusation against, by Genet, - - -	1793, - 173
Letter from, to Mr. Deforgues respecting the execution of the decree of 27th July, - - -	1793, October 1, 312
Extracts from, to the Secretary of State; French affairs, - - -	312
To M. Deforgues respecting the proceedings of French tribunals, - - -	1793, October 12, 312
To President Washington; the general state of France; popularity of Lafayette, - - -	1789, March 3, 379
To President Washington; France free only in <i>principle</i> ; Necker; the state of public morals unfavorable to freedom, - - -	1789, April 29, 379
To President Washington; the States-general; the King's inconstancy; the monarchical authority insensibly undermined; character of the King; Queen; Count D'Artois; Necker, - - -	1789, July 1, 379
To President Washington; the King governed by his fears; intends flying to Spain; his characteristics; the revolution complete; Lafayette; his loyalty; the army in favor of liberty, - - -	1789, July 31, 380
To President Washington; measures to obtain a liberal commercial treaty with France; obstacles which interpose, - - -	1790, January 22, 381
To President Washington; state of France; of the finances; of the Executive authority; opinions concerning an offensive war, - - -	1790, January 22, 381
To President Washington; American constitution; the parties of France; National Assembly; forms of speaking; Necker; Madame De Staël; public characters estimated; schemes of finance; assignats; their basis and value, - - -	1790, January 24, 382
To President Washington; France; state and policy of European Powers; the revolution in what respects a failure; advantages which have resulted, and may yet result, - - -	1790, November 22, 384
To President Washington; public men; Lafayette; Duportail; Delessart; the King; all unequal to the impending struggles, - - -	1790, December 1, 385
To President Washington; the parties in France; measures of the Government; England; Spain, - - -	1791, March 9, 385, 386
To President Washington; the debt of the United States to France; the policy of liquidating on liberal terms, - - -	1791, May 27, 387
To President Washington; the new French constitution; political map of France, her territory, commerce, colonies; attempts to form a commercial treaty; foreign restrictions favorable to domestic manufactures, - - -	1791, September 30, 388
To President Washington; opinion of the constitution; character of the Assembly; they invite foreign aggression; military preparations; state of the army and of the finances, - - -	1791, December 27, 389
To President Washington; the parties in France, their objects, and characteristics; leading characters described; the ministers of the King divided; to what parties they are severally attached; their characters, moral, intellectual, political; foreign policy; the nation in favor of war; an alliance or negotiation with England projected; the King overruled, - - -	1792, February 4, 390
To President Washington; causes wherefore the advances to Great Britain failed; Mr. Pitt's policy and management; changes, contests, and divisions, in the French ministry, - - -	1792, March 17, 392
Dumouriez appointed Minister of Foreign Affairs; his character and views, Dumouriez unchanged by office; France advances to bankruptcy, - - -	1792, March 21, 393
To the Secretary of State; his presentation as minister; the foreign policy of Dumouriez; the army; what form of Government is desired by different parties; despotism preferred to anarchy; finances deplorable; projects for seizing the King; general dismay; the Government divided; mutual attack and defence amongst its members, - - -	1792, June 10, 329
To the Secretary of State; new ministry; the Jacobins desire to excite tumult; character of the new ministry; the Government tottering; France threatened with foreign invasion, and verging towards an internal volcano. The King duped, and in danger; his fate doubtful; the catastrophe hastens; coalition formed against France; measures of the allies; affairs of his mission, - - -	1792, June 17, 330
The King must be destroyed or soon become absolute; the state of morals prevents the hope of a favorable result; a determination to suspend the King only prevented by fear of the army, - - -	1792, July 10, 331
To Chambonas; commercial treaty proposed, - - -	1792, August 1, 332
To Secretary of State; objects of the several parties; scruples of the King, fitted more to suffer than to act; the crisis approaches; force must decide; Bonne Carrière; character; debt to France, - - -	1792, July 9, 332
To William Carmichael; debt due by America to Spain, - - -	1792, August 16, 333
To S. Cathalan, American consul at Marseilles, - - -	1792, July 3, 334
To Secretary of State; interest due to foreign officers who had served the United States, - - -	1792, August 13, 334
To Secretary of State; military operations of the allies; tardy movements of the Duke of Brunswick; the minister of Great Britain recalled; war threatened in the event of extreme measures against the royal family; his own situation, - - -	1792, August 17, 334
Applications made to him by the ministers of France, respecting the liquidation of the French debt; his decision displeases them; his house searched for arms; foreign ministers are leaving Paris; he remains, - - -	1792, August 22, 336
Apprehended scarcity in France; public excursions of the clergy; the accused and the suspected; Madame de Lamballe; inhuman spectacle; Montmorin; Duke de la Rochefoucault, - - -	1792, August 30, 336
To S. Cathalan, consul at Marseilles; discourages his going to America to purchase wheat, - - -	1792, September 10, 337
To Secretary of State, enclosing his correspondence with the French minister, - - -	1792, September 10, 337
To M. Le Brun; encloses a letter, the seal of which had been broken, and requests a stop to be put to such violations, - - -	1792, September 19, 338
To M. Le Brun, declining to make certain pecuniary arrangements, in anticipation of the regular payment of the debt to France, - - -	1792, August 20, 338
Renewing his request for passports for the interior of France, - - -	1792, September 1, 338
To the Secretary of State; private speculations; Lafayette; European politics; Prussia, Sweden, Denmark, Great Britain; the King's opinions; state and objects of parties; France threatened with famine, - - -	1792, September 17, 340
To Mr. Short; imprisonment of Lafayette; whether the United States, or their ministers, can rightfully or usefully interfere in his behalf, - - -	1792, September 27, 340, 341
	1792, September 12, 342

<i>Morris, Gouverneur</i> —To Washington; Lafayette's correspondence with the King; his confinement; the King's dispositions; the situation of the King perilous; instructions for his Government desired; military events; errors of the Duke of Brunswick; political prospects; allied sovereigns; the populace; the character of the French nation; their inconstancy forbids the hope of a permanently good Government; factions violent; their comparative strength; estimate of European sovereigns, -	1792, October 23,	394
To Secretary of State; requests instructions; St. Domingo speculation revived; retreat of the Prussians, and military operations; causes to which the failure of the allies was attributed; Madame de Guisne; Domestic affairs; which party the true authors of the republic; the convention establish a guard; the policy of that measure examined; the present temper of the people favorable to a republic; their future sentiments doubtful; the only basis of public morals, -	1792, October 23,	343
Debt to France; Indian war; suggests the building a fleet on Lake Erie; the French armies; their characteristic excellencies and defects; the Flemings; how divided; designs, policy, and success of Dumouriez excite against him suspicion and envy; ordered from Flanders to support Custine; state of the French armies; the rival parties; the trial of the King; obnoxious to all parties; his death probable; the Duke of Orleans used as an instrument; will not be benefited; the convention form no constitution; state of foreign Powers; Great Britain; elector of Hanover; Spain, Russia, Turkey; obligations of the United States, -	1792, December 21,	344
To George Washington; Genet appointed minister; ultimatum of Great Britain; the effect of its adoption; particulars respecting Genet; designs on foot to send the King to America, -	1792, December 28,	395
To the Secretary of State; France makes advances to Great Britain; encloses correspondence, -	1793, January 1,	347
To De la Motte, consul, concerning a fraudulent American vessel, -	1792, December 22,	348
To the Secretary of State; Dumouriez in treaty with the rival parties; the storm about to burst, -	1793, January 6,	348
Houdon's statue of Washington is finished, -	1793, January 17,	348
To Washington; character; intrigues; services and corruption of Westermann; danger of Dumouriez; the imprisoned King must die or reign, -	1793, January 10,	395
To Secretary of State; execution of the King; his deportment; circumstances attending it; consequences which may follow; war between France and Great Britain inevitable; Continental powers making preparations; Jacobin clubs and principles are extended to Sweden, -	1793, January 25,	348
War exists between Great Britain and France; consequences and measures anticipated; negotiations for a commercial treaty transferred to the United States; makes an advance to Lafayette; locates himself in the country, -	1793, February 13,	349
To W. and J. Willink; to supply Lafayette to the amount of ten thousand florins, -	1793, January 27,	351
To Washington; prospects dreadful; Government disorganized; venality nearly universal; the foundation of the present system a quagmire; the Ministers of War and Marine at a stand; America contrasted, -	1793, March 14,	396
To Secretary of State, enclosing a plan of Monsieur Duchesne for civilizing the Indians, -	1793, February 13,	351
To Monsieur Duchesne, acknowledging the receipt of his letter, with a memoir for civilizing the Indians, -	1793, February 12,	351
To Mr. Pinckney; that Genet has been furnished with three hundred blank privateer commissions, to be distributed in the United States, -	1793, March 2,	396
To the Secretary of State; Genet's blank commissions; the effect on public morals of sudden wealth by bad means; the ranks of the army filled with difficulty; the convention falling into contempt; a dictator already called for; the ports of France opened to all nations reciprocating this measure; events of the war; Breda taken; Dumouriez advances to Holland, -	1793, March 7,	354
To Mr. Pinckney, on passports granted American vessels, real or pretended, -	1793, February 18,	355
To Secretary of State; war with Spain; French army in Flanders defeated, -	1793, March 8,	355
Details of the defeat, and conjectures respecting the war, -	1793, March 9,	356
Military occurrences; revolutionary tribunal organized, -	1793, March 13,	356
Correspondence of Pache and Dumouriez; military details; the effective force; positions and commanders of the French armies; plans and movements of the allies; retreat of Dumouriez; Custine in danger; insurrections, -	1793, March 26,	356
To M. Le Brun; complains of the violation of the treaty, by the capture of the American ship Mercury, -	1793, March 28,	359
To Secretary of State; the military operations and prospects of Dumouriez and Custine; the army of Dumouriez will go with him, -	1793, April 5,	360
Transmits his correspondence with Mr. Le Brun, -	1793, April 11,	360
Defection of Dumouriez; the militia have deserted his standard; Dumouriez and Coburg declare in favor of the late constitution; the public mind in a state of suspense; the Duke of Orleans a prisoner; the stormthickens, -	1793, April 19,	360
To Le Brun, enclosing forms of certificates of registry of American vessels, -	1793, April 1,	361
To M. Le Brun, transmitting a memorial of Thomas White, whose vessel and cargo were captured by a French privateer, &c., -	1793, April 3,	361
To Secretary of State; Prince de Coburg; his conduct disapproved; military operations, -	1793, May 20,	363
To M. Le Brun, complaining of the illegal detention of an American vessel, the ship Fame, -	1793, April 28,	364
To M. Le Brun, remonstrating against the French decree of May 9, subjecting neutral vessels, laden with provisions, to seizure, and laden with merchandise belonging to an enemy to capture and condemnation, -	1793, May 14,	364
To M. Le Brun, relating to the ship Fame, -	-	365, 366
To Secretary of State, transmitting further correspondence with the French Minister of Foreign Affairs, -	1793, June 1,	365
Ship Fame and her cargo permitted to depart, -	1793, June 12,	366
Proceedings of convention, respecting American commerce; M. Merlino; reasons for remaining in France; instructions received and will be obeyed; future offsets against the claims of France; French debt; private speculation; sudden reverses; Washington city; the true policy of the United States, not to be drawn into the vortex of European wars, -	1793, June 25,	366, 367

	Pages.
<i>Morris, Gouverneur</i> —To G. Washington; American neutrality; expected changes in France; the reason of his reply to Mr. Jefferson, -	1793, June 25, 397
To M. Le Brun; case of the <i>Little Cherub</i> ; decree of May 28 revoking that of May 23, -	1793, June 19, 367
To the Secretary of State; payment of drafts for St. Domingo supplies; case of the <i>Little Cherub</i> ; F. Coffyn commended; privileges of American seamen; Nantucket whaler; causes of the decree of 28th May, -	1793, August 13, 368
To M. Deforgues, requesting payment for American supplies to St. Domingo, -	1793, June 27, 369
To M. Deforgues; the decree of 9th May; American vessels arrested, seized, plundered; case of brigantine <i>Patty</i> , -	1793, June 28, 369
To M. Deforgues, acknowledging the receipt of decrees favorable to American rights, and requesting the liberation of an American seaman, -	1793, July 4, 369
To M. Deforgues, recalling his attention to the case of the brigantine <i>Patty</i> , -	1793, July 21, 370
To M. Deforgues; that the decree of July 1 remains unexecuted, from the representations or influence of individuals, -	1793, July 24, 370
To the Secretary of State; his applications in behalf of American vessels captured by French privateers, too numerous for particular specification; exchange; currency; causes of depreciation; France, so far, victorious, but her resources are wearing away; two questions, -	1793, September 22, 372
The despatch, relating to the recall of Mr. Genet, received; his letter, accordingly, to the Minister of Foreign Affairs, -	1793, October 10, 372
To M. Deforgues, transmitting a despatch from the Secretary of State, requesting the recall of citizen Genet, -	1793, October 8, 373
To the Secretary of State; consuls and vice consuls ought to be appointed; difficulties by which he is surrounded; obliged to choose between national and individual interests; causes which render his interference in behalf of individuals sometimes inexpedient, and often ineffectual; encloses correspondence, -	1793, October 10, 373
To M. Deforgues; in favor of four captains, who were prohibited from exporting French productions or merchandise, -	1793, August 20, 374
To M. Deforgues, representing the injurious effects of certain decisions of the tribunals of France, on the commercial and political relations of the two countries, -	1793, October 1, 374
To G. Washington; erroneous opinions prevalent in America concerning France; the Government of France in reality a <i>despotism</i> ; the convention claim <i>all power</i> ; how delegated to the Committee of Safety, and to the revolutionary tribunal, and how exercised; France will soon be governed by a single despot; the Queen executed; measures of more terror meditated, -	1793, October 18, 397
To Secretary of State; the conduct of Genet considered punishable; his recall determined on; treaty violated, and the violation defended; difficulty of acquiring intelligence through the gazettes; France depopulated and impoverished; the Vendée desolated; objects of the allies, -	1793, October 19, 375
To M. Deforgues, respecting the vessel which had arrived with American despatches, -	1793, October 11, 375
Irregularities in the judicial tribunals of France; a different organization suggested; the proceedings dictated by justice; Governments responsible for the abuse of a sovereign power delegated by them, -	1793, October 12, 376
Asking an exemption in favor of American vessels, from the decree fixing the prices of merchandise brought into France, -	1793, October 13, 376
The injurious tendency of the decree of May 9; illustrates by facts the position of the United States; the treaty being, in France, no protection; and, in Philadelphia, the ground of condemnation, -	1793, October 19, 378
To G. Washington; commissioners to the United States will be appointed; measures which may be asked respecting citizen Genet; the influence to which his conduct and proceedings were attributed, -	1793, October 19, 398
To Secretary of State; Captain Culver will sail to-morrow; siege of Mauterger raised; the Prince de Cobourg retreats in good order; the French defeated in Alsace; the season favorable to those on the defensive, -	1793, October 20, 378
To G. Washington; commission of four appointed for America, M. Fauchet, Le Blanc, M. de Laforest, M. Petrie; concerning their reception, -	1793, November 12, 398
To Secretary of State; French finances; the Catholic religion assailed; Saunier; the least of reasons; probabilities estimated; general state of France, No foreign exchange; the reasons; distress from the embargo at Bordeaux; the Government in a state approaching to anarchy, -	1793, November 16, 399
To M. Deforgues; reflections on the Bordeaux embargo, -	1793, November 26, 400
To Secretary of State; insurgents of Vendée; the Government destined to further changes, -	1793, December 9, 400
To M. Deforgues, exhibiting the commercial privileges enjoyed by American citizens in France; petition of John Gray, -	1793, December 12, 401
To the Secretary of State; personal liberty violated; numbers arrested; progress, names, characteristics, and objects of parties; dismemberment of France projected; Thomas Paine; destruction of life in the Vendée; Toulon evacuated; the resources of France, though great, wearing away; fear of famine; an indemnification promised for the American ships embargoed at Bordeaux; coins and paper; requisitions of funds, in foreign countries, belonging to French citizens; penalty for non-disclosure; the guillotine; F. Coffyn; consuls and vice-consuls, -	1794, January 21, 402
No change for the better in the Government; the sole reliance on fear; the effect; Thomas Paine; the requisitions having failed, forced loans resorted to; scarcity in Paris; prices; measures of a deputation of the sufferers by the embargo; his embarrassment from not knowing the intentions of his Government; his domicile violated, -	1794, March 6, 404
To G. Washington; fall of the Dantonists and Hebertists; the road to supreme power, either through the army, or the Committee of Safety; Robespierre; the form of Government, and the person who will seize the reins, still in doubt, -	1794, April 10, 405
To Edmund Randolph, Secretary of State; depreciation of assignats; famine; subsidy to Prussia; a commentary on his own correspondence; Paris decides for France; Who decides for Paris? political changes, and the ascendancy of particular men accounted for; Danton's opinions concerning a republic; his character and fate; the value of mob sentiment, -	1794, April 15, 406

<i>Morris, Gouverneur</i> —To Secretary of State; the power of the Committees of "Salut Public," and "Sûreté General," operating by revolutionary tribunals upon public terror, - - - - -	1794, May 6,	407
The general state of France, - - - - -	1794, May 31,	407
American politics; weakness of the former confederation; treaties with European Powers should be few in number, and made with caution; the effect of adopting the principle, free ships free goods; whether the temporary enjoyment of the neutral carrying trade would promote the real shipping interest of the United States; an American marine, not conventions, the best protection; European coalition of neutral Powers, - - - - -	1794, May 31,	408
To Mr. Jefferson; his reply to Mr. Hammond; success of the French arms; probable effect on Mr. Jay's mission; Great Britain; in France an abundant harvest; the army must soon cease to be controlled by the Committee of Public Safety; power and property at war; permanent Government; the result of their union; Beaumarchais' claim, - - - - -	1794, July 23,	410
To M. Buchot, Minister of Exterior Relations, concerning the advance by France to the United States, constituting Beaumarchais' claim, - - - - -	1794, June 21,	411
To Secretary of State; the resources of France still hold out; Spain to be invaded, - - - - -	1794, September 18,	411
To G. Washington; tenders acknowledgments for his continued esteem; assigns the reason which had rendered his recall desirable; the situation unpleasant, if not perilous; character of those with whom he had business to transact; grossly insulted, but obliged, from policy, to pursue a conciliatory conduct; Mr. Monroe's arrival; probable success of his efforts; his hopes predicated only on Mr. Jay's treaty; motives for remaining in Europe during the winter months; dismemberment of France abandoned; causes which favor the restoration of monarchy; public feeling yet suppressed by a despotism extending to words and actions; why power has not before been concentrated into the hands of one, - - - - -	1794, December 30,	412
[For a continuation of these notices of the French revolution, see <i>MONROE</i> , ante.]		

N.

<i>National debt</i> —Payment of, - - - - -	14, 17, 19, 22, 25, 28, 32, 41, 58, 60, 61, 62, 64, 67, 69, 71, 73, 75, 78, 79, 81, 84, 86	
Extinguishment recommended, - - - - -		45
Increase of, - - - - -		62, 78, 82, 84, 86, 88
Prospect of final redemption, - - - - -		65
<i>National University</i> —The institution of, urged, - - - - -		12, 31, 69
The advantages, the location, and the fund for its support, suggested, - - - - -		77
<i>Naturalization</i> —Uniform system of, - - - - -		12
The terms of, recommended to the consideration of Congress, - - - - -		12
Revisal of laws of, recommended, - - - - -		59
Laws and practice of Great Britain concerning, - - - - -		82, 85
<i>Nautilus</i> —His Britannic Majesty's sloop of war; proceedings in Rhode Island respecting, - - - - -		466, 467, 468
<i>Navigation of the United States</i> —Protection of recommended, - - - - -		14, 61, 64, 77
Its progressive increase, attributable mainly to public confidence, - - - - -		16
When most flourishing, - - - - -		59
Duties and countervailing duties on foreign and domestic, abolished by British act of Parliament, - - - - -		60
Injury to American by the interdiction by Great Britain of neutral trade, - - - - -		70
Injured by permitting the extension by foreign Powers, of unequal privileges to American citizens, - - - - -		79
The animosity against, of Great Britain, - - - - -		88
Measures for its protection resisted by France, - - - - -	1791,	109
Act for its protection reported, - - - - -	1791,	127
and commerce, restrictions upon, reported by the Secretary of State, - - - - -	1793,	300, 304
<i>Navigation of France</i> —Decree and act for its protection, - - - - -	1793, Sept. 21,	316, 321, 323
<i>Navigation of Great Britain</i> —Measures by Great Britain to build up, - - - - -	1792,	135
<i>Naval peace establishment</i> —Modification of the laws respecting, recommended, - - - - -		67
<i>Navy of the United States</i> —Materials for provided, - - - - -		29
Necessity of creating one urged, - - - - -		31
The best means of protecting American commerce, - - - - -		108
The natural defence of the United States, - - - - -		41
Indispensable as the means of defence, - - - - -	1800,	54
Enlargement of, recommended, - - - - -		41, 48, 81
Utility of, proved by experience, - - - - -		54
Expenses of, reduced, - - - - -		58
Required only in the Mediterranean, - - - - -		59
Vessels dismantled and laid up, - - - - -		59
Vessel sold, - - - - -		59
Sites for yards and stations, - - - - -		59
Means (by dry docks) recommended to preserve from decay, - - - - -		61
Gunboats added to, - - - - -	62, 64, 67, 68, 72	
Materials previously collected for its enlargement, may be used, - - - - -	67, 69, 81	
Part of, cruise against pirates, - - - - -		66
Enlargement of peace establishment, - - - - -		67
Augmentation of, resumed, - - - - -		75, 83
Equipments for, - - - - -	75, 76, 81	
The collection of imperishable materials for, recommended, - - - - -		79
Statements and estimates for, - - - - -		77
Protect commerce and capture the enemy, - - - - -		81
Their successful operations, - - - - -		83
State, disposition and increase of, - - - - -		81
Provisions for, on the Lakes, - - - - -		80, 83
Achievements of, - - - - -	81, 83, 85, 87, 88	
Foreign ports, necessary for, - - - - -		86
Losses sustained by the, - - - - -		87, 88
<i>Navy Yards</i> —Sites for, - - - - -		59
Dry docks for, - - - - -		61

	Pages.
<i>Negroes</i> , (property of American citizens)—Proceedings and documents respecting their deportation by the British General, in violation of the treaty of 1783, - - -	190, 193
<i>Neutrality of the United States</i> —Measures to preserve - - -	21, 22
Duty and advantage of, - - -	38
Determination to observe, strictly, - - -	62
Departures from, by American citizens, - - -	63
Rights of, respected by foreign Powers, - - -	63
Rights of, invaded by foreign Powers, - - -	66, 71, 72, 77, 88
To be maintained, - - -	74
Proclamation of, and instructions to collectors, enforcing, - 1793, - - -	140
What armaments, by one belligerent, fitted out within the United States, would violate, - - -	151, 154
Whether the merchant vessels of one belligerent can be navigated by neutrals, consistently with, - - -	646, 648
Armed, of the Northern Powers, its objects, principles, and acts, - 1797, - - -	560
Mr. Fauchet complains that it has not been sufficiently maintained, - 1795, June 8, - - -	617, 618
Whether the duties of an impartial, requires the prohibition of <i>every species</i> of service on board the vessels of a belligerent, or only <i>warlike</i> service, - - -	646, 648, 649
<i>Neutral</i> —Should give <i>no</i> service to <i>either</i> belligerent, - - -	155
The right of, to export arms to one of the belligerents, - - -	147
The right of, in time of peace, not to be effected by war, - 1795, - - -	643
The right of, to <i>sell</i> provisions and articles of contraband, considered by Mr. Pickering and Mr. Adet, - - -	1795, 645, 646, 647, 648
<i>Neutral Commerce</i> —Vexations to, - - -	88
<i>Neutral Trade</i> —Interdicted by Great Britain, - - -	70
<i>Neutral Vessels</i> —Captured by French cruisers, - - -	47
Search of, contrary to the law of nations, - - -	83
<i>New Orleans</i> —Excitement produced by the suspension of the right of deposit at, - - -	61
Right of deposit at, restored, - - -	61
Acquisition of, - - -	62
Defence of, approaches to recommended, - - -	68, 70, 72
Gunboats, assigned to, - - -	81
<i>Newspapers</i> —Their transmission should not be burthened, - - -	19
Tax on transportation proposed to be repealed, - - -	92
Postage on, proposed to be taken off, - - -	1801, 58
<i>New York</i> —Defence and fortification of, - - -	70, 72, 76, 77
Gunboats assigned to, - - -	71
<i>Niagara</i> —Unsuccessful attack on the British, near, - - -	80
Battle of, - - -	87
<i>Nichol, John, and Sir William Scott</i> —Instructions drawn up by them at the request of Mr. Jay, for the benefit of American appellants, in the British prize courts, - - -	1794, 494
<i>Non-importation act</i> —Threat by Great Britain to retaliate the effect of, by other measures, - - -	78
Expected cessation of, - - -	81
<i>Norfolk</i> —Threatened attack on, - - -	70
<i>North Carolina</i> —Accedes to the Union, - - -	11
<i>Northern Indians</i> —Cession of lands by, and treaty with, - - -	67

O.

<i>O'Brien, Richard</i> —A captive in Algiers, letters from, condition of American captives, policy and dispositions of the Algerines, - - -	117, 119, 129, 416, 417, 419
<i>Offences against the Constitution and the laws</i> —Definition and punishment of, - - -	19
Against the law of nations; recommended to Legislative consideration, - - -	22
<i>Officers</i> —Payment of debts due to foreign, - - -	19
Civil, inadequacy of their compensations, - - -	31
Roll of, laid before Congress, - - -	55
Unnecessary, dismissed, - - -	64
Military, imprisoned by Great Britain, and by the United States, in retaliation, - - -	86
<i>Offices</i> —Unnecessary, their abolition proposed, - - -	58
<i>Ohio</i> —Military force from, - - -	80
<i>Ohio, river</i> —Purchase of Indian lands on, - - -	67
Possession of both banks obtained, - - -	67
<i>Ontario, lake</i> —Naval ascendancy obtained by the United States, - - -	85, 87
<i>Opinion</i> —Difference in, does not necessarily imply difference in principle, - - -	56
Public, should be left free, to combat error, - - -	65
<i>Orders in council of Great Britain</i> —Violating neutral rights, - - -	1793, June 8, 240
Additional, against neutrals, - - -	1793, November 6, 430
Revoking the order of November 6, and substituting others, - 1794, January 8, - - -	431
Interdicting neutral trade to <i>all</i> ports not in amity with them, - - -	70, 71
Attempts to induce their revocation, - - -	71, 72, 73, 76
Correspondence and instructions relating to, - - -	72
Proposal to withdraw, - - -	74
Discontinuance of, - - -	74, 75
Declare a new system of blockade, - - -	76
Rigorous execution of, - - -	78
Repeal of, as to the United States, demanded, - - -	1812, 81
Remonstrance against, by American minister, - - -	242
Giving the right of appeal to American claimants, - - -	482
<i>Orleans territory</i> —Appointment of officers for, - - -	63
Inroads into, - - -	66
Calls on the Governor for cavalry, - - -	66
<i>Oswald, Richard</i> —Letter from, to Messrs. Adams, Franklin, and Jay, on the restoration of confiscated estates, - - -	1782, November 4, 219
<i>Otto, L. G., Chargé of France</i> —Letters from, on the right of France to an exemption from the acts of 1789, 1791, imposing a duty on foreign tonnage, - 1791, - - -	111, 112

P.

	Pages.
<i>Parties founded on geographical divisions and separate interests</i> —Warning against, - - -	36
<i>Peace</i> —To be preserved and cherished, - - -	14, 36, 74
<i>Peace</i> —With foreign nations; measures recommended to preserve, - - -	19
Conduct necessary to preserve, - - -	22
Its cultivation recommended, - - -	62
The natural state of all communities towards each other, which individuals have no right to violate, - - -	1803, -
Treaty of, envoys appointed to form, - - -	155
<i>Peacock, the British sloop of war</i> —Taken by the Hornet, - - -	83
<i>Penalties</i> —Involuntarily incurred, remission of recommended, - - -	83
<i>Pennsylvania</i> —Insurrection in, - - -	24, 28, 50
Self-created societies in, - - -	24
Military force sent from, - - -	80
Loan of one million of dollars offered by, - - -	84
<i>People</i> —American, Washington's farewell address to, - - -	34
To be free, must be enlightened, - - -	36
<i>Perdido, river</i> —Occupation of the country west of, - - -	77
<i>Periodicals, or prints</i> —Tax on their transportation proposed to be removed, - - -	22
<i>Perry, Captain</i> —Captures the entire British force on lake Erie, - - -	85
<i>Piankeshaw Indians</i> —Treaty with, - - -	64
<i>Pichon, Mr.</i> —Secretary of Legation, his trunk opened and papers examined, by Captain Home of the British frigate Africa, - - -	1796, -
Letter from, to Mr. Fauchet, narrating the circumstances of the forcible examination of his trunk, - - -	1795, -
<i>Pickering, Timothy, Secretary of State</i> —Letter from, to Mr. Adet, on the success of France in concluding treaties with Prussia, Spain, Tuscany, and Hesse Cassel, - - -	1796, -
To Mr. Pinckney, reviewing the complaints of France against the United States for alleged violations of their neutrality, as to her, and the abandonment of their neutral rights, as to Great Britain, - - -	1797, January 16, -
To Adet, that captures of French property on board American vessels were warranted by the <i>law of nations</i> ; France was restrained, <i>by treaty</i> , from imitating this example; the United States have maintained an impartial neutrality; reasons for not replying to a former letter; answers; Mr. Adet's complaint respecting impressments; desires to know the real intentions of France, - - -	1796, November 1, -
To Mr. Monroe, United States minister at Paris, explanatory of the stipulations in the British treaty of 1794, and of the policy and intentions of the American Government; on the subject of contraband, no <i>neutral right</i> was surrendered; consequences which would result from the United States engaging in the war, upon themselves; on France; motives of the treaty; its resulting benefits; objections answered, - - -	1795, September 12, -
To the District Attorney of New York, relative to the privateer La Vengeance, - - -	1795, October 1, -
To Mr. Adet, communicating the information received respecting the privateer La Vengeance, - - -	1795, October 18, -
To Mr. Adet, that the Cassius, once liberated, has been detained on other grounds; the case stated, - - -	626 to 629
In reply to his letters of the 10th, 22d, and 24th September, relative to the insult by Captain Home of the Africa; the detention of the privateer La Vengeance, and the arrest of the corvette Le Cassius; the facts and the law of the last unfolded, - - -	1795, August 25, -
Requesting any documentary evidence to sustain the ground that the Cassius had, in a foreign country, become the <i>bona fide</i> property of the French republic, - - -	1795, October 1, -
Asking to be informed <i>when</i> the Cassius became the property of the French republic, - - -	1796, April 15, -
Enclosing a letter from the United States' Attorney of Pennsylvania; the Cassius still in suspense, - - -	1796, April 25, -
That flour and horses may be exported from the United States, subject to the rights of the belligerent, by the law of nations, - - -	1796, June 3, -
Replying to Mr. Adet's memorial of 11th of March; he defends the right of the neutral to carry on an equal trade in articles of contraband with all the belligerents, - - -	1796, January 20, -
To Mr. Adet, in reply to his remonstrance against the passage of a bill to prohibit the <i>sale</i> of prizes brought into the United States by the belligerents, - - -	1796, May 25, -
Representing the depredations of a French privateer (Flying Fish) on American property, and requesting information of her character, authority, and intentions, - - -	1796, May 24, -
That the <i>owner</i> of the privateer reports that he received his <i>orders</i> to depredate on American vessels from Mr. Adet himself; he asks to be enabled to repel this assertion, - - -	1796, June 13, -
Propounding four interrogatories, by order of the President, respecting any new orders which may have been issued by the French republic, to seize or capture American vessels laden wholly or in part with provisions, - - -	1796, October 5, -
That the sale of French prizes was a <i>permission</i> , not a right; the authority of Mr. Jefferson; the exposition of the treaty by France herself, in her treaty with Great Britain; the law for carrying the treaty of 1794 with Great Britain into effect requires this <i>permission</i> to be withheld, - - -	1796, July 1, -
Recapitulates the facts concerning the French privateers Leo and Bellona; justifies the conduct of the collector of Charleston, and gives plain answers to his four interrogatories, - - -	1796, July 19, -
Explanatory of the reasons which influenced the Government of the United States in depositing the colors presented by the French republic among their national archives, - - -	649, 650
Disclaiming any authority to determine questions of rank among the "corps diplomatique," or to prescribe the manner in which the publishers of directories shall arrange the representatives of foreign Governments, - - -	1796, May 24, -
Measures have been taken to maintain the sovereignty and rights of the United States; Captain Home, of the Africa, has been required to remove from his station, - - -	1796, June 13, -
	1796, October 5, -
	1796, July 1, -
	1796, July 19, -
	1796, January 9, -
	1796, January 15, -
	1796, March 14, -
	1795, September 5, -

<i>Pickering, Timothy, Secretary of State</i> —To Mr. Monroe, minister plenipotentiary at Paris, communicating the particulars of the attempted seizure of Mr. Fauchet by Captain Home, of the Africa; and the measures taken by the American Government to resent the insult, and maintain their neutrality,	1795, September 14,	666
<i>Acting Secretary of State</i> —To James Monroe, acknowledges his despatches from 16 to 21; refers to his former letter of September 12, (page 596;) and states that the views of Mr. Monroe are at variance with those of his Government,	1796, November 23,	727
Acknowledges his several letters from November 5, 1795, to March 25, 1796; adverts to the complaints against Mr. Parish, and the case of the Cassius; reviews the letters of Mr. Monroe, showing his full knowledge of the sentiments of the French Government respecting the treaty; and communicates the pointed disapprobation of the President at his indifference or inaction, The paper dated 9th March, signed by M. de la Croix, was received; the President determines, after reviewing the whole correspondence, to supersede Mr. Monroe, by the appointment of Mr. Pinckney as his successor,	1796, June 13,	737
That General Pinckney, who bears the letter, will succeed him,	1796, August 22,	741
<i>Secretary of State</i> —His report on the spoliations and injuries committed by France on American commerce; the state of American commerce; the decrees of France; the measures and representations of the American Government,	1796, September 9,	742
Letter from, to a committee of Congress, on the expediency of further measures for the relief and protection of American seamen,	1798, February 28,	748
<i>Pike, Lieutenant</i> —Explores the Mississippi,	1797, February 17,	761
<i>Pinckney, Thomas</i> —To Mr. Jefferson, Secretary of State, transmitting the British order in council of 8th June, 1793,	1797, February 17,	69
To Mr. Jefferson, that his remonstrances against the British regulations have produced no effect,	1793, July 5,	241
To Mr. Jefferson, enclosing his remonstrance, and that the British policy remains unchanged,	1793, August 15,	241
To Lord Grenville, remonstrating against the order in council of 8th June, 1793,	1793, August 28,	241
To Lord Grenville, on the subject of the order of 8th June, 1793,	- - -	242
To Mr. Jefferson, that Great Britain still enforces her commercial restrictions,	- - -	449
To Mr. Jefferson, Secretary of State, that assurances have been given by the British minister that no unnecessary rigor shall be used in the enforcement of her commercial restrictions,	1793, September 25,	243
To Mr. Jefferson, that Tuscany has been compelled, and Genoa urged, to abandon their neutrality,	1793, Aug. [Sept.] 12,	315
To the Secretary of State, (Randolph) communicating the result of a verbal conference with Lord Grenville, on the detention of the posts, the Algerine truce, and the illegal interruptions of American commerce,	1793, November 11,	315
To Gouverneur Morris, transmitting the forms of passports granted to American vessels in British ports,	1793, November 25,	327
To Secretary of State, transmitting an additional instruction of the British Government, subjecting neutral vessels to capture,	1793, February 12,	355
Transmitting the instructions of 8th January, 1794, and the result of a conference with Lord Grenville,	1793, December 26,	430
Nominated envoy extraordinary and minister plenipotentiary to Spain,	1794, November 21,	430
Commission and full powers to, as minister to Spain,	1794,	469
To Secretary of State (Randolph,) from Madrid—	- - -	533
His arrival at Madrid; ceremonial and conferences; delay the object of Spain; the mode by which that was to be attained, by the conflicting representations of the Duke de la Alcudia in Madrid, and Mr. Jaudenes in Philadelphia; an alliance between Spain, France, and the United States, suggested; negotiations still pending between France and Spain; Mr. Monroe has, no doubt, stated the intentions of France; further instructions desired,	1795, July 21,	534
To Duke of Alcudia, transmitting a letter from Mr. Jaudenes; whether the five articles presented by Mr. Jaudenes are to be considered as propositions from the Spanish Government,	1795, July 10,	535
To the Secretary of State, that the proposed guarantee of Spanish American possessions was declined by him; treaty concluded between France and Spain; Spanish promises of speedy decision,	1795, July 10,	535
Communicates his progress in the negotiation, and refers to enclosed letters, embodying the results of conferences,	1795, October 1,	536
To the Duke of Alcudia, representing the injustice of requiring the vessels of the United States laden with the produce of Frenchmen to enter the ports of Spain before unloading at the places of destination,	1795, July 29,	536
Requesting the liberation of American vessels, laden with French and American products, detained in Spanish ports,	1795, August 6,	536
Transmitting a memoir on the right of the United States to the navigation of the Mississippi, and to their southern limit,	1795, August 10,	537
Proposes an alteration in his project of a treaty,	1795, August 29,	538
In favor of the captain of the ship Betsey, the decision of whose case was deferred,	1795, August,	539
In favor of the restoration of the American vessel the Three Friends,	1795, September 3,	539
To the Prince of Peace, in favor of two American vessels carried into the port of Cadiz by a Spanish frigate,	1795, September 13,	539
To the Prince of Peace, setting forth and enforcing the claims of the United States to indemnities for captures,	1795, September 20,	540
Notes of, on a project of a convention proposed by the Prince of Peace,	1795, September 25,	540
Enclosing the project of a separate convention, providing indemnities for captures,	1795, October 5,	542
Declines signing a project of a treaty, on the ground of its referring to a future day any provision securing to the United States the navigation of the Mississippi,	1795, October 9,	542
Proposes a separate article on the subject of a depot at New Orleans, the navigation of the Mississippi, and indemnities for captures,	1795, October 11,	543
Draws his attention to a verbal convention that American prizes should be indemnified on the principles of the treaty between France and Spain,	1795, October 16,	544
That no reason can exist, in justice or the nature of things, for the proposed distinction between different periods of the war and a different treatment of American vessels in each; submits two propositions,	1795, October 20,	544

<i>Pinckney, Thomas</i> —That the propositions he has submitted contain principles admitted by Spain and the United States in former treaties; corrects his mis-information as to American vessels captured; and admits that no treaty can be signed until they are agreed,	1795, October 23,	545
To the Prince of Peace, asks his passports,	1795, October 24,	545
Transmits a treaty; remarks upon the course of the negotiation; the difficulties encountered, and the terms of the treaty,	1795, October 28,	546
<i>Pinckney, Charles Cotesworth</i> —His arrival at Paris; the French Directory refuse to receive him until they obtain from the United States reparation of alleged grievances,	1796,	746
<i>Piracies</i> —Committed at sea and in harbors,	-	66
<i>Plattsburg</i> —Defeat of the British at,	-	87
<i>Policy</i> —Towards the Indians, enjoined by justice,	-	16, 30, 62, 65
A wise, on domestic concerns,	-	16, 74, 75
Of Washington towards European belligerents,	-	21
Of Washington to preserve peace,	-	22
Towards foreign nations declared,	-	26, 36, 37
Foreign, should be based on justice, impartiality, and good faith,	-	36, 37
Foreign and domestic, general rules for, proposed by Mr. Jefferson,	1802,	61
Of Mr. Jefferson towards European belligerents,	-	62, 63
Of Mr. Jefferson, for war and peace,	-	69
<i>Ports and harbors</i> —Attention will be shown to their fortification,	-	26, 41
American, recommendation that they shall be opened to the cruisers of friendly Powers,	-	86
Prohibition against foreign vessels trading with certain,	-	79
<i>Portugal</i> —A resident minister appointed to,	1791,	127
<i>Post Office and Post Roads</i> —Recommended,	-	12, 14, 17
Should be subservient to the circulation of political intelligence,	-	19
<i>Posts</i> —Western, the evacuation of, by Great Britain delayed,	-	225, 226
Mr. Morris confers with Mr. Pitt concerning their detention,	1790,	125
Western, evacuation of, by Great Britain,	-	30
<i>Posts and garrisons</i> —Reduction of, proposed,	-	58
<i>Presidents Washington, Adams, Jefferson, and Madison</i> —Recommendations and speeches of.—(See <i>Washington, Adams, Jefferson, and Madison</i> .)	-	-
<i>Press</i> —Its licentiousness diminishes its usefulness,	-	65
Its entire freedom a great moral and political experiment,	-	65
Its proper restraints,	-	65
Liberty of, never to be infringed,	-	74
<i>Prince of Peace</i> —Letter of, to Mr. Pinckney; informs him that the repairs requested on two American vessels detained have been ordered,	1795, September 15,	539
In reply to his reclamation, on the subject of indemnities, and enclosing a <i>projet</i> of a treaty,	1795, September 23,	540
States that the same objection exists to the making a <i>separate convention</i> , on the subject of indemnities, as existed to the insertion of an article in the treaty, viz: that on that subject they had not agreed,	1795, October 7,	542
Requests his signature to the treaty agreed on, if conformable to his instructions,	1795, October 7,	542
Accedes to so much of his proposition as relates to making New Orleans a place of deposit for American products,	1795, October 12,	543
Discriminates different epochs, within which different rules will be applied to American vessels captured, or brought in by Spanish ships of war and privateers,	1795, October 18,	544
That he cannot vary from the decision already expressed, in relation to the depot at New Orleans,	1795, October 20,	544
Assigns the reason for a different adjudication of American vessels, at different epochs of the war,	1795, October 22,	544
A treaty having been signed, measures have been taken, on the part of Spain, to remove animosities, and prevent hostilities in the bordering territory,	1795, October 28,	545
<i>Prisoners of war</i> —Improper treatment of,	-	85, 86
American, in Algiers, papers respecting their detention and liberation,	-	116, 416 to 423
Report of a committee of the Senate, concerning,	-	133, 172
<i>Privateering</i> —By American citizens, against either of the belligerents, will be suppressed,	1793,	147
<i>Privateers</i> —Fitted out in American ports,	-	41
Commanded by citizens of the United States,	-	41
French, captures by,	-	47
French, cessation of their aggressions,	-	51
Success of American,	-	83, 88
Ports for their use,	-	86
Their right to bring prizes into a neutral port inquired into; and authorities referred to,	-	465
<i>Prizes</i> —Made within the waters of the United States, by the belligerents, to be restored,	-	22
Courts doubt their jurisdiction over prizes, &c. of Powers at peace,	-	22
Condemned, illegally, in the United States, by French consuls, affords no ground for a demand of indemnification against the United States,	-	147
Made within the maritime jurisdiction of the United States, declared to be a violation of their neutrality,	-	148
Captured, by French cruisers, within the jurisdiction of the United States, will be restored or indemnified,	-	148, 167
Brought into American ports, by French privateers; the sale of, in those ports, was a matter of indulgence, not of right,	-	574
The provisions with respect to, by the treaty between Great Britain and France, and between Great Britain and the United States, of 1794, precisely alike,	1797,	574
Correspondence, between Mr. Randolph and Fauchet, on the subject of, Legitimate, are shielded by the treaty with France, but not <i>rapine</i> by every sea-rover, (Randolph)	1795,	600, 619
The construction with regard to, contended for by France,	1795,	610, 615
The right to sell, as well as bring them in, claimed and denied,	1796,	616
American, the sale of, in the ports of France, was prohibited by the treaty between France and Great Britain, antecedent to the treaty of 1794, between Great Britain and the United States,	1796,	650, 651

	Pages.
<i>Prizes</i> —Answers by Mr. Pickering to four questions put by Mr. Adet, respecting	
their sale, unloading, and repair, - - - - -	1796, 656
Foreign ports, for the use of, - - - - -	86
Success of American privateers, in capturing from Great Britain, - - - - -	88
<i>Proclamation</i> —Against combinations to resist the laws, - - - - -	19
Of neutrality, - - - - -	21, 140
Approved, - - - - -	23
On the insurrection in Pennsylvania, of 1794, - - - - -	24
Renewing commercial intercourse with Great Britain, - - - - -	74
Prohibiting commercial intercourse with Great Britain, - - - - -	75
On revocation of Berlin and Milan decrees, - - - - -	76
In relation to West Florida, - - - - -	1810, 77
Revoking the exequatur and powers of a vice consul of France, - - - - -	1793, 181
<i>Products</i> —American, ought not to depend, for their transportation, on foreign bottoms, - - - - -	14
<i>Property</i> —Destroyed in the service of the United States, should be indemnified, - - - - -	25
Captured and destroyed by British cruisers, - - - - -	30, 44, 45, 51
Destroyed, wantonly, by British troops, - - - - -	88
Destroyed by Spanish cruisers, - - - - -	45, 48, 56
Destroyed by Danish cruisers, - - - - -	77, 79
<i>Prosperity</i> —National, proofs of, - - - - -	73
<i>Provisional army</i> —Recommended, - - - - -	41
Discharged, - - - - -	53
<i>Provisions and Military Stores</i> —Proposal by France to receive the payment of her debt in, - - - - -	1793, 142
<i>Provisions</i> —Belonging to a neutral, not liable to seizure and condemnation, by a belligerent, when no well founded hope of reducing the other belligerent by famine, - - - - -	242, 645, 646
The right of a belligerent to seize, maintained by the minister of Great Britain, - - - - -	432
<i>Prussia</i> —Treaty with renewed, - - - - -	41
Treaty with formed, - - - - -	54
<i>Public credit</i> —Provisions for the support of, - - - - -	12, 25, 41, 84, 86
<i>Public creditors</i> —Provisions for, - - - - -	13
<i>Public opinion</i> —State of, - - - - -	65
<i>Public welfare</i> —The object of all, - - - - -	18

Q.

<i>Quarantine</i> —Domestic imposed in 1805, - - - - -	66
Inquiry into its efficacy, - - - - -	66

R.

<i>Randolph, Edmund, Secretary of State</i> —Letter from, to Mr. Hammond, requesting to be informed if he has received from his Government the expected instructions, which will enable him to renew the suspended negotiations, - - - - -	1793, November 25,	328
To G. Morris; his own appointment as Secretary of State, - - - - -	1794, January 10,	402
Report of, on depredations committed by Great Britain, France, and Spain, on American commerce, - - - - -	1794, March 2,	423, 424
Letter from, to Mr. Fauchet, on the subject of an advance to France, on account of the debt of the United States, - - - - -	1794, March 12,	427
To Mr. Fauchet, on the subject of his report on the vexations committed by France on the commerce of the United States, - - - - -	1794, April 3,	432
To Mr. Hammond, in vindication of the neutral rights of the United States, and on the subject of contraband by the law of nations, - - - - -	1794, May 1,	450
To Governor Shelby, in relation to his duties to suppress movements on the part of any citizens of Kentucky against the dominions of Spain; the constitutional and legal rights of the Government of the Union; and the measures taken to obtain from Spain the free navigation of the Mississippi, - - - - -	1794, March 29,	456
Transmits an abstract of the vexations and spoliations on American commerce, - - - - -	- - - - -	461
To Mr. Hammond, on the alleged excitement of the Indians to hostilities, by Lord Dorchester, - - - - -	1794, May 20,	461
To Mr. Hammond, relating to his complaints against alleged acts of violence by the citizens of Vermont, - - - - -	1794, April 20,	463
To Mr. Hammond, in reply to his letter of the 22d May; enforcing his previous views of Lord Dorchester's conduct; justifying the measures pursued by the United States to enforce their neutrality; and rebutting the accusation of partiality to France, - - - - -	1794, June 2,	465
To John Jay; caution necessary in his communications with the French minister; the probable dispositions and conduct of Mr. Hammond; recapitulation of his acts; Governor Simcoe's fort; Lord Dorchester's speech to the Indians; impartiality towards France, - - - - -	1794, May 27,	474
To Mr. Jay, respecting papers, - - - - -	1794, May 28,	475
To Mr. Jay; sends papers and documents, - - - - -	1794, May 29,	475
To Mr. Jay; Admiral Jervis; his system of plunder and cruelty against American commerce in the West Indies; the success of Mr. Jay necessary to preserve peace, - - - - -	1794, June 8,	475
To Mr. Jay; encloses the cases of the Sukey and Maria, - - - - -	1794, July 9,	475
To Mr. Jay, explanatory of the circumstance of the departure of a vessel for France during the embargo, - - - - -	1794, July 9,	478
Transmits a supplement to the cases of British spoliations; animadverts on Mr. Hammond's diplomatic proceedings; cautions him against crediting his representations, - - - - -	1794, July 10,	479
Encloses records, in the cases of capture of American vessels, - - - - -	1794, July 18,	480
Encloses copy of his last letter to Mr. Hammond; reports credited that the British abet the Indians, - - - - -	1794, July 30,	480
Transmits Mr. Hammond's letter of July 30, 1794; proofs of the strict neutrality of the United States; opposition to the <i>excise</i> in Pennsylvania; measures taken to suppress insurrection; and general feelings and state of the country, - - - - -	1794, August 11,	482
Recommending Mr. James King, the owner of the schooner Nancy, to his attention, - - - - -	1794, August 15,	483

<i>Randolph, Edmund, Secretary of State</i> —The disposition of the President contrasted with proofs of British hostility; Simcoe's invasion; British associated with hostile Indians; Mr. Hammond's disposition to complain; the only person who remains uninformed of Governor Simcoe's seizure of the Rapids of the Miami, - - - - -	1794, August 18,	483
The reprehensible conduct of Governor Simcoe; intentional indecorum of Mr. Hammond; probable issue of the insurrection, - - - - -	1794, August 30,	484
That the insurrection may be expected to terminate without bloodshed, - - - - -	1794, September 5,	484
Directs his attention to particular papers, explanatory of the movements of the insurrectionists, and reviews the reasons which render their prospects of success hopeless, - - - - -	1794, September 12,	485
Entertains little hope of his success, from the complexion of the British ministry, and the movements of Lord Dorchester and Governor Simcoe; the result of the Western insurrection, though not yet ascertained, will be favorable to the permanency of the General Government, - - - - -	1794, September 17,	496
To Mr. Jay; the principle and the extent of indemnification for captures; details respecting; the conduct and temper which the President thinks should be evinced by an American minister; the President approves of the temporary agreement; state of the insurrection, - - - - -	1794, September 20,	497
The different statute laws of Virginia, anterior and subsequent to the Revolution, respecting the recovery of debts; popular impatience in America; the insurrection nearly suppressed; that Mr. Jay has power to appoint an agent for the merchants; difficulty in procuring records of condemnations; yellow fever, - - - - -	1794, October 11,	499
Military opposition from insurgents not expected; reasons for not publishing Mr. Jay's No. 10, - - - - -	1794, October 20,	499
Mr. Bayard goes to England as agent concerning the appeals; no military opposition shown by the insurgents, - - - - -	1794, October 29,	499
Mr. Marshall, of Virginia, confirms his statement respecting the law relating to the recovery of debts, - - - - -	1794, November 3,	501
Congress form no quorum, - - - - -	1794, November 7,	501
Suggestions respecting indemnities for spoiliations, - - - - -	1794, November 8,	502
Animadversions on Lord Grenville's reasoning concerning the negroes; questions Mr. Jay's accuracy respecting the time of surrendering the posts; other points of the projected treaty criticised, - - - - -	1794, November 12,	501
Further remarks on privateer commissions; the negroes; and the posts, - - - - -	1794, December 3,	509
Examines more particularly the articles of the <i>projet</i> which he considers objectionable; reviews the provisions respecting the negroes, the posts, compensation for captures; West India trade; and boundary; and, excepting the last, expresses dissatisfaction with all, - - - - -	1794, December 15,	509
To D. Humphreys; peace with Algiers, - - - - -	1794, July 19,	528
To same; further instructions concerning the terms of the peace with Algiers, - - - - -	1794, August 25,	529
Same, - - - - -	1795, March 28,	529
Same, - - - - -	1795, April 4,	529
To Thomas Pinckney, envoy extraordinary to Spain; his nomination, appointment, and return to London, - - - - -	1794, Nov. 3, 8, 28,	534
To Mr. Fauchet; that the case of the prize to the <i>Sans Pareil</i> has been inquired into; assures that, in all cases, justice will be enforced by the American Government, - - - - -	1794, September 3,	588, 589
That the prize of the <i>Sans Pareil</i> has been restored, - - - - -	1794, September 27,	588
Desires to see the record of the court before interfering in the case of a prize restored, - - - - -	1794, October 28,	593
Declaration of, respecting a communication with Mr. Fauchet, - - - - -	1795, July 8,	593
To Mr. Adet, containing a defence of the treaty with Great Britain, of 1794, and a reply to the objections of the French minister, - - - - -	1795, July 6,	595
To Mr. Fauchet, on the alleged insult to the French privateer <i>Favorite</i> , - - - - -	1794, Sept. 25,	599
To the District Attorney of New York, on the subject of the alleged insult to the <i>Favorite</i> , - - - - -	- - - - -	599
To Mr. Fauchet, communicating instructions given by the Government, proceeding from an investigation of facts respecting the <i>Favorite</i> , - - - - -	1794, Nov. 17,	599
Encloses a copy of a letter from the Collector of New York, relating to the <i>Favorite</i> , - - - - -	1795, Feb. 7,	599
That the French privateer <i>Carmagnole</i> , illegally fitted out in the United States, must be dismantled, - - - - -	1794, Aug. 14,	600
Transmits a copy of the rules adopted by the Government of the United States, for the enforcement of their neutral rights, and the fulfilment of their neutral obligations; that the <i>Carmagnole</i> (or <i>Columbia</i>) still continues to disregard them, - - - - -	1794, Aug. 20,	600
To Mr. Fauchet, adverts to an exceptionable paragraph in his letter of Aug. 21; reminds him of the measures adopted by the American Government in relation to Genet; and enforces the construction already given to the treaty with France, - - - - -	1794, Sept. 7,	601
States the causes which have prevented the Government from repeating instructions which had been issued to Governor Lee, - - - - -	1794, Oct. 2,	603
To the Lieutenant Governor of Virginia, requests the enforcement of the treaty with France, prohibiting British vessels of war from bringing French prizes into the ports of the United States, - - - - -	1794, Oct. 3,	604
Encloses instructions to the Governors of the States, to respect and enforce the treaties with France, - - - - -	1794, Oct. 10,	604
Transmits a letter from the Lieutenant Governor of Virginia; states the measures taken in relation to the British frigate <i>Terpsichore</i> , - - - - -	1794, Oct. 10,	605
Communicates, as a reply, a copy of his letter to the Governor of Virginia; urges the most speedy and effectual measures to enforce the observance of the treaty with France, - - - - -	1794, Feb. 1,	605
Transmits letters received from the Governor of Virginia, showing the measures taken to prevent British ships of war from bringing prizes into the ports of the United States, - - - - -	1794, Feb. 11,	606
To Mr. Fauchet, that his letter of the 2d May had been submitted to the President, who has examined, himself, every ground of complaint; proceeds to comment on his several allegations, tending to charge the United States with a predilection for Great Britain; classifies the cases of restored prizes; justifies their restitution; places the measures of France and Great Britain in their just light; and vindicates the Government against the charge of injustice towards one, and weak submission towards the other, - - - - -	1795, May 29,	614

<i>Randolph, Edmund, Secretary of State</i> —To Mr. Fauchet, (but sent to Mr. Adet,) to his general denunciations, or insinuations, he opposes the examination of particular instances, or facts on which they ought to be founded; from this analysis, an argument is deduced in favor of the strict impartiality, justice, and wisdom of the American Government,	1795, June 12,	617
To the District Attorney of New York, respecting the French privateer <i>La Vengeance</i> ,	1795, July 30,	621
Enclosing to Mr. Adet papers respecting the privateer <i>La Vengeance</i> ,	1795, Aug. 11,	621
To Mr. Fauchet, accepts the tender of the friendly services of France to effect a settlement of differences with the Dey of Algiers,	1795, June 6,	639
To Mr. Adet, asks for the <i>decrees</i> upon which the proposed commercial arrangements are to be based; inquires whether he has power to <i>conclude</i> , as well as <i>negotiate</i> , a treaty; and declares his readiness to enter into the negotiation,	1795, July 1,	640
Reiterates the request contained in his note of July 1,	1795, July 12,	640
Proposes to enter on the negotiation for a commercial treaty, notwithstanding Mr. Adet's <i>limited</i> powers,	1795, July 13,	641
Suggests the expediency of conducting the negotiation chiefly in writing, and states the mode by which the negotiation may be carried on, and the objects to which their attention should be directed,	1795, July 16,	641
To Mr. Monroe, communicating <i>instructions</i> on his departure as minister to France; revolution; parties; recall of Mr. Genet; and Mr. Morris; in what way the neutrality of the United States benefits France; mission of Mr. Jay; he is forbidden to weaken existing engagements with France; policy of France, if the United States should be drawn into the war; the determination of the President to remain unconnected with either France or England; French exiles; Fauchet; information, statistical, moral, and political, required, as to the state of France; subjects which Mr. Monroe must refer to the American Government; subjects for his own action; indemnification for captures; succors to St. Domingo sufferers; drafts for supplies; consular appointments; friendship of France; navigation of the Mississippi, how it may be acquired,	1794, June 10,	668
That he obtain an allowance for supplies furnished the St. Domingo exiles; and the liberation of American prisoners; consular appointments; interposition of France to effect a peace with Algiers; indemnification to be obtained for French spoliations; to speak in a firm and decisive, but prudent and friendly tone,	1794, July 30,	669
Transmits the address of the Senate and House of Representatives of the United States to the French Convention,	1794, June 10,	674
Letter of, to Mr. Monroe; recapitulation of subjects to be brought forward; spoliations; violations of treaty; ship <i>Laurens</i> ; effects of Bourdeaux embargo; ship <i>Fame</i> ; other claims; condition of the United States; general spirit awakened by the insurrection in Pennsylvania; Mr. Jay restricted; little hope of an adjustment with Great Britain; mutual interests of France and the United States; conduct of Spain,	1794, Sept. 25,	678
The unfavorable impression produced by his <i>address</i> to the Convention, and the theatre and ceremonies of his reception; the neutral character of the United States apparently overlooked; remarks on his suggestion that he had not been <i>instructed</i> to obtain the repeal of the decree which violated the 23d and 24th articles of the treaty, or to insist on the execution of the treaty; urged to do so,	1794, Dec. 2,	689
His letters of 15th and 25th August are received; his declining to accept the House is approved; instructed to cultivate the friendship of France, without compromising the neutrality of the United States,	1794, Dec. 5,	690
Uncertainty as to the intentions of France; the friendship and impartiality of the United States not to be doubted; the terms of the treaty with Great Britain not a just cause of uneasiness or complaint,	1796, Feb. 15,	695
Consuls; passports; Mr. Jay's treaty has arrived; the rights of France are preserved; the adjustment of other questions, whether commercial or territorial, concerns the United States alone; the St. Domingo supplies; the proposed <i>concert</i> noticed,	1795, March 8,	699
Refers to his <i>private</i> letter of Dec. 18; the treaty with Great Britain neither offensive nor defensive; independence upon all foreign nations the policy of the President; necessity for an adherence to principle; anxiety to be informed fully on the subject of the proposed <i>concert</i> ,	1795, April 7,	701
General review of the policy and measures of the United States towards France; the state of France; neutrality of the United States; motives for maintaining; restrictions and spoliations of France upon American commerce; a commercial treaty <i>desired</i> by the United States; professed by France; instructions to Genet; propositions by Mr. Adet; a close <i>alliance</i> the object of France; Jay's treaty, within the scope of a friendly and neutral policy towards France; attempts to defeat the British treaty; the firm determination of the President,	1795, June 1,	712
To Mr. Monroe, transmits the treaty made by Mr. Jay, and correspondence with Mr. Adet; the treaty will not be ratified until its return from England, if then,	1795, July 14,	719
Public sentiment upon the treaty; its ratification doubtful; the provision orders of Great Britain increase the objections; conjectures respecting the determination of the President	1795, July 21,	719
<i>Reason</i> —Appeals to, preferred to force,		74
<i>Receipts and disbursements of the Treasury</i> —Laid before Congress,	32, 48, 51, 54, 58, 61, 62, 64, 67, 69, 71, 73, 75, 76, 78, 79, 81, 84, 86, 88	
<i>Red river</i> —Exploration of,		69
<i>Reformations in public offices</i> ,		58, 64
<i>Refugees from St. Domingo</i> —Relief extended to,	1794,	308
<i>Reindeer</i> —Capture of British sloop of war,		88
<i>Relations, foreign</i> —Liable to be affected by the cession of Louisiana to France,		60
<i>Religion</i> —Essential to political prosperity,		36
Freedom of opinion on matters of, observations on,		65, 74
<i>Report of a committee</i> —On the eastern boundary,		100
In favor of a naval force,	1791,	108

	Pages
<i>Report of a committee</i> —On preventing the impressment of American seamen, and obtaining their liberation, - - - - -	1796, February 25, 532
The conditions of a treaty with Algiers, and the expediency of ratifying, - - - - -	1796, February 29, 549
Measures for the relief and protection of American seamen, - - - - -	1797, February 28, 761
(See <i>Committees</i> .)	
<i>Reports, Executive:</i>	
<i>Of the Secretary of State</i> —On the privileges and restrictions of the commerce of the United States in foreign countries, - - - - -	300
On the decrees of France authorizing depredations on American commerce, - - - - -	1798, February 28, 748
On the spoliations and vexations on American commerce since the European war, - - - - -	423
Communicating the navigation act of France, - - - - -	1794, January 28, 416, 422
<i>Of the Secretary of the Treasury</i> —On the application of the fund destined to form a treaty with Algiers, - - - - -	1797, January 4, 555
(See <i>State</i> .— <i>Treasury</i> .)	
<i>Representatives, House of</i> —Address to the President, - - - - -	11, 13, 15, 18, 20, 23, 26, 29, 33, 43, 46, 49, 52, 55
Approve the measures of the President towards foreign Powers, - - - - -	43
<i>Retaliation</i> —Upon Great Britain, - - - - -	85, 86
<i>Revenue, public</i> —Adequate to its objects, - - - - -	17, 19, 54, 60, 62, 67
Its augmentation necessary, - - - - -	22
State of, submitted, - - - - -	28, 62, 63
Progressively improves, - - - - -	32, 54, 58, 62, 64, 73
Revision of the system recommended, - - - - -	48
From imposts, may dispense with internal taxes, - - - - -	58
From imposts more than sufficient to defray the expenses of Government, - - - - -	60, 65
Abuses in its collection, - - - - -	64
Objects to which a redundant may be applied, - - - - -	65, 69
Receipts in 1805, - - - - -	67
Adequate to its engagements without recurring to loans, - - - - -	67
Accumulation of surplus, commences, - - - - -	71, 73
Amount and disbursement of, in 1807, - - - - -	71
Receipts and disbursement of, 1808, - - - - -	73
Surplus of, over expenditure, how shall it be applied? - - - - -	69, 73
Diminution of, - - - - -	75, 76, 79
Receipts in 1810, - - - - -	76
Amount and application of, for 1811, - - - - -	79
An increase of, by taxes, recommended, - - - - -	79, 80
Receipts in 1812, assisted by unexpected importation, - - - - -	82
System of internal, - - - - -	84
<i>Rights, personal</i> —To be respected, - - - - -	74
<i>Rivers</i> —Free to all their inhabitants, - - - - -	439
Penetrating the territory of others; the right of the upper inhabitants to descend considered, - - - - -	1793, 439
Application of surplus revenue to their improvement, - - - - -	65, 69, 73
<i>Roads, canals, &c.</i> —Proper objects for the application of surplus revenue, - - - - -	65, 69, 73
<i>Robespierre</i> —Character of, - - - - -	681
<i>Rodgers, Capt.</i> —Naval operations of, - - - - -	78, 81
<i>Russia</i> —Relations with, - - - - -	79
Assurances of friendship from, - - - - -	81
The proffered mediation of, accepted by the United States, - - - - -	83
Mediation of, declined by Great Britain, - - - - -	85, 87
Measures to form a treaty of commerce with, - - - - -	83
S.	
<i>Sabine river</i> —Proposed as a temporary boundary between Spain and the United States, - - - - -	65
<i>Sackett's harbor</i> —British repulsed at, - - - - -	86
<i>Sac Indians</i> —Deliver up offenders for trial, - - - - -	72
<i>Salt</i> —Duties on, proposed to be suppressed, - - - - -	69
<i>St. Croix</i> —Measures to ascertain the true, - - - - -	30, 44, 48
<i>St. Domingo</i> —Intercourse with, renewed, - - - - -	51
Refugees, relief extended to, - - - - -	1794, 308
Vessels, of France, arriving from, in distress, relieved from tonnage duties, - - - - -	1794, 316
Refugees; the French minister applies for <i>advance</i> for their benefit, - - - - -	1794, 428
<i>Sandusky</i> —Repulse of the British on, - - - - -	86
<i>Science</i> —Promotion of, - - - - -	12
And arts, their encouragement recommended, - - - - -	31
And information, the alimient of true liberty, - - - - -	74
<i>Scott</i> —Brigadier General, aids in the achievement of brilliant victories, - - - - -	87
<i>Scott, Sir William, and Dr. Nicholl</i> —Paper drawn up by, containing the principles and practice recognized in the prize courts of England, - - - - -	1794, 494
<i>Seagrove, James, Indian agent</i> —Letter from, on the subject of the interference of Olivar, an agent of Spain, with the Creeks, - - - - -	1792, July 5, 286
<i>Seamen</i> —American, measures to protect, - - - - -	30
Measures to relieve, - - - - -	45
Defect of the law providing for their return suggested, - - - - -	60
Number for the navy limited, - - - - -	67
American, whether they might not be formed into a special militia, - - - - -	71
American, their discharge from British ships insisted on, - - - - -	1812, 81
American and British, their mutual exclusion proposed, - - - - -	1812, 81, 83
Stop to impressment, - - - - -	81
Plan of granting certificates of citizenship, proposed by Mr. Morris, - - - - -	1790, 124
Their impressment resisted, - - - - -	1790, 123, 124
American, impressed by Great Britain; expenses incurred in their behalf, - - - - -	1792, 131
Corps of, organized, - - - - -	81
Protection from impressment, - - - - -	81, 82, 83
American, report of a committee on the mode of obtaining their liberation when impressed, and securing them from impressment, - - - - -	1796, February 25, 532
American, report of committee on the measures necessary for their relief and protection, - - - - -	1797, February 28, 761

	Pages.
<i>Seamen</i> —Impressed, returns, showing, - - - - -	1796, 763
<i>Seaports</i> —Protection, fortification, and defence of, - - - - -	41, 54, 67, 68, 69, 70, 72, 75, 76, 77, 81
Repairs of fortifications at, - - - - -	68, 69
<i>Search of neutral vessels</i> —Whether authorized by the law of nations, - - - - -	83
<i>Seas</i> —Preservation of national sovereignty on, - - - - -	82
<i>Seat of Government</i> —(Permanent) Congress remove to, - - - - -	53
<i>Seminary of learning</i> —Aid to proposed, - - - - -	12, 30
The founding of one, in the city of Washington, recommended, - - - - -	77
<i>Senate</i> —Address of, to the President, - - - - -	1810, 10, 12, 14, 17, 20, 23, 26, 29, 32, 42, 45, 48, 51, 54
Their preliminary advice given to the President, - - - - -	1792, 136
Approve the measures of the President towards foreign nations, - - - - -	42
<i>Seventy-four</i> —Materials for building, provided, - - - - -	67
<i>Shelby, Isaac, (Governor of Kentucky)</i> —To the Secretary of State; citizens of Kentucky hold foreign commissions; two Frenchmen are planning hostile movements against the contiguous territory of Spain; desires instructions from the President to regulate his conduct; will discharge his public duty when clearly ascertained; but his private feelings are opposed to the conduct of Spain, - - - - -	1794, January 13, 456
<i>Short, William, American Chargé at Paris</i> —Letter from, concerning the commerce with France, - - - - -	121
Respecting American prisoners at Algiers, - - - - -	130
Nominated a commissioner plenipotentiary to Spain, - - - - -	1791, 131
Letters from, as joint commissioners—(See <i>Carmichael</i> .)	
To the Secretary of State, enclosing a Spanish ordinance, of June 9, 1793, regulating the trade with Louisiana and Florida, - - - - -	1793, July 1, 273
To same, enclosing a convention between Spain and England, - - - - -	1793, August 20, 277
To G. Morris, asking his advice and co-operation respecting the arrest of Lafayette by the Austrian Government, - - - - -	1792, September 7, 341
To Secretary of State; dispositions of Spain towards the United States, concerning Indians, convoy, and commerce to New Orleans, - - - - -	413
To Secretary of State; Spain bound to Great Britain; her internal condition; general review of European politics; views of France and Spain; whether France will pursue, like Rome, the career of foreign conquest; if the war continues, neutral rights will be disregarded, and measures will be taken to involve neutral Powers; connexion of Russia and England; the ports of Spanish Islands opened to American vessels; the Portuguese truce with Algiers, - - - - -	1794, January 9, 442
To Secretary of State; state of Spain; American trade; productions best suited to different markets; ships and vessels entering Cadiz with gold and silver; prices of wheat in different markets, - - - - -	1794, January 17, 444
To Secretary of State; that the King of Spain, having received the long expected advices from Louisiana and Florida, was satisfied that the Indians were the aggressors, and ought not to be protected, - - - - -	1794, January 21, 445
To Mr. Monroe, in France; Spain desirous of forming a separate treaty with France unknown to Great Britain; she wishes to avoid, if possible, a war with Great Britain; conversations with the Duke of Alcudia; desires Mr. Monroe to ascertain and communicate the views of the French Government; a favorable time for Mr. Pinckney's arrival and negotiation, - - - - -	1795, May 4, 716
<i>Sickness</i> —Contagious, in Philadelphia, - - - - -	44
Measures to prevent, recommended, - - - - -	47
<i>Simpson, James</i> —Letter from, communicating the recognition of the treaty with Morocco, - - - - -	1795, August 18, 526
<i>Sites</i> —For naval stations, their number proposed to be reduced, - - - - -	1801, 58
<i>Skipwith, Fulwar, Consul</i> —Two letters from, showing British depredations, - - - - -	1794, 428
His statement, to the American minister, of the embarrassments and difficulties of the American commerce in France; and of the spoiliations committed, - - - - -	1794, October —, 749
Statement of, of claims of American citizens, on France, for captures and detentions, - - - - -	1795, November 20, 753
His statement of American vessels detained by the embargo at Bordeaux, - - - - -	1795, November 20, 757
<i>Skjoldbrand, Pierre, Eric, and M.</i> —Letters from, relating to a treaty with Algiers, &c. - - - - -	1793, 414, 415
To Mr. Humphreys relating to the terms on which a treaty with Algiers may be effected; and the measures to be pursued, - - - - -	1795, Aug. and Sep. 529, 530
<i>Slave trade</i> —Early measures to suppress, recommended, - - - - -	69
The more effectual prohibition, recommended, - - - - -	1810, 77
<i>Slaves and other property</i> —Their deportation contrary to the treaty of 1783, the subject of negotiation, - - - - -	190
<i>Smuggling</i> —The prevention of, requires rigorous enactments, - - - - -	79
<i>Societies</i> —Self created in Pennsylvania, unite for the purpose of denouncing the laws, - - - - -	24
<i>Soldiers</i> —Families of, who have fallen in battle, provision for, proposed, - - - - -	18
<i>South America</i> —Attention to, recommended, - - - - -	79
<i>Spain</i> —Favorable state of negotiations with, - - - - -	28
Relations with, respecting boundary and indemnification, - - - - -	30
Defers the execution of her treaty, - - - - -	44
Property captured by subjects of, - - - - -	45, 48
Evacuation of posts by, - - - - -	47
Demarcation of boundary between the United States, - - - - -	48
Cedes Louisiana to France, - - - - -	60
Objects to the cession of Louisiana, by France, to the United States, - - - - -	63
Explanations given to, respecting the establishment of a port of entry on the waters of the Mobile, - - - - -	63
Suspends the execution of the treaty of 1802, - - - - -	63
Withdraws her objections to the transfer of Louisiana, - - - - -	66, 67, 68
Threatening state of our relations with, and aggressions by, - - - - -	66
Refuses compensation for spoiliations, - - - - -	68
A private enterprize, against the territory of, arrested, - - - - -	70
Decree of, against neutrals, communicated, - - - - -	70
Differences with, still unsettled, - - - - -	72
Negotiations with, suspended, - - - - -	72

	Pages.
<i>Spain</i> —Authority of, in West Florida, subverted, - - - - -	1810, - 77
Negotiation proposed by, for the free navigation of the Mississippi, - - - - -	1792, - 131
Message, transmitting a report of the Secretary of State concerning commercial arrangements, - - - - -	1792, - 133
Propositions by, for a commercial treaty, - - - - -	- 135
The ground of her interference between the United States and the Creek Indians, - - - - -	1792, - 138
Documents showing negotiations with, from 1786 to 1793, - - - - -	- 247
Negotiations with, on boundary; the Mississippi; Indians, - - - - -	1793, - 259, 304
Ordinance of, regulating the commerce of Louisiana and Florida, - - - - -	1793, June 9, 307
Claims the exclusive right to navigate the Mississippi, above the thirty-first degree of north latitude, - - - - -	- 308
Additional documents concerning, communicated, - - - - -	1794, February 24, 327
Concerning the convoy of American vessels by, and measures respecting American commerce to New Orleans, - - - - -	- 413
A summary of her aggressions upon American commerce, - - - - -	1792, March 2, 424
Her declaration of war, against France, communicated to the Government of the United States, - - - - -	1794, March 12, 425
Complains, by her commissioners, that an illegal expedition is on foot, within the United States, against her American possessions, - - - - -	1794, March 5, 426
The unjustifiable language and charges of her commissioners represented, - - - - -	1793, October 1, 433
The state of relations with, shown in communications from the President, - - - - -	1794, April 15, 435 to 444
Report of a committee on the occlusion of the Mississippi by, - - - - -	1794, May 15, 454
Movements and dispositions in Kentucky, on the subject of her denial of the right to navigate the Mississippi - - - - -	1794, May 20, 454
Prescribes the form of a certificate, for the admission of American produce into her ports, and the exclusion of French productions, - - - - -	1794, - 463
An envoy extraordinary to, nominated, - - - - -	1794, - 469
Treaty with, of October 27, 1795, and correspondence connected with, transmitted to the Senate, - - - - -	1796, February 26, 533
Overtures to, to France, for a separate peace, through Mr. Short, - - - - -	1795, May 4, 716
<i>Speech</i> —Of President Washington, - - - - -	9, 11, 13, 16, 18, 21, 24, 27, 30
President Adams, - - - - -	38, 40, 44, 47, 50, 53
President Jefferson, (see message) - - - - -	56, 64
President Madison, (see message) - - - - -	73, 82
<i>Specific appropriations</i> —Recommended, - - - - -	58
<i>Spirits</i> —Duties on domestic, distilled, - - - - -	16
Impediments to the collection of duties on, - - - - -	19, 24
<i>Spoliations</i> —On American commerce, by French cruisers, - - - - -	28, 31, 41
By American citizens, abroad, - - - - -	41
By Spain, - - - - -	45, 48
By Danish cruisers, - - - - -	77
Refusal by Spain to indemnify, - - - - -	77
Resumed by Great Britain, - - - - -	70
<i>State, report of the Secretary of</i> —On Algerine captives, - - - - -	1790, 100
The Mediterranean trade, - - - - -	1791, 104
The act imposing a discriminating tonnage duty between American and foreign vessels, - - - - -	- 109
Commercial propositions by Spain, - - - - -	- 133
Privileges and restrictions of the commerce of the United States, - - - - -	- 300
Difficulties occurring in the execution of the Algerine treaty, - - - - -	1797, - 553
On the spoliations and vexations on American commerce since the European war, - - - - -	- 423
On the French act of navigation, - - - - -	1794, January 28, 316, 320
Letters of, to American and foreign ministers, (see <i>Jefferson—Randolph—Pickering</i> .) - - - - -	- 22
<i>States, United</i> —Accounts between, and individual States, - - - - -	- 65
Reparation of surplus revenue among, suggested, - - - - -	- 63
<i>Stock, Louisiana</i> —Created, - - - - -	- 9, 21, 26
<i>Supreme Being</i> —Invocation of the, - - - - -	- 41, 184
<i>Sweden</i> —Treaty with, renewed, - - - - -	- 79, 81
The friendly relations with, remain uninterrupted by the war with Great Britain, - - - - -	-

T.

<i>Tariff of duties</i> —Spain proposes to form by treaty, - - - - -	134, 135
Commercial, for the protection of manufactures within the power and policy of the General Government, - - - - -	77
<i>Taxes</i> —Their imposition recommended, - - - - -	45
Assessment and collection of direct, - - - - -	48
Repeal of internal, - - - - -	58, 64
Collection of internal, completed, - - - - -	60
A system of internal, proposed, - - - - -	84
<i>Tax</i> —On the transportation of newspapers proposed to be repealed, - - - - -	22
<i>Temperance and moderation</i> —In the discussion of public measures, recommended, 1801, - - - - -	59
<i>Tennessee</i> —Militia called from, - - - - -	85
Indians defeated by the militia of, - - - - -	85, 87
<i>Thames</i> —Defeat of the British on the, - - - - -	85
<i>Timber</i> —Supply of, for the navy, - - - - -	48, 59, 79, 81
<i>Tonnage</i> —The act imposing discriminating duties between the tonnage of France and that of the United States complained of, - - - - -	- 109
Report of a committee on remitting to certain French vessels, - - - - -	1794, - 314
Duty, an exemption from, the condition of a commercial treaty proposed by France, - - - - -	1795, July 8, 641
<i>Towns of the United States</i> —The mode of warfare against, carried on by Great Britain, - - - - -	- 86
<i>Trade</i> —Mediterranean, requires protection, - - - - -	- 14
Injuries to, committed by French cruisers and agents, - - - - -	31, 41, 44
Depredations on, by American citizens abroad, - - - - -	41
Depressed by the prohibitory duties of foreign nations, - - - - -	60
Foreign restrictions proposed to be counteracted by countervailing measures, - - - - -	60

	Pages.
<i>Trade</i> —Restrictions imposed by France on, - - - - -	79
The use of foreign licences or false colors prohibited, - - - - -	79
In contraband articles, whether its permission is consistent with strict neutrality, - - - - -	647, 649
And commerce, whether it should be opened to individuals, or monopolized by Government, - - - - -	1794, October 18, 683
<i>Trade and intercourse</i> —With the Indian tribes, - - - - -	19, 20, 22, 25, 28, 29, 30, 62, 64, 73
<i>Treason</i> —More effectual guards required against, - - - - -	71
<i>Treasury</i> —Operations of, in 1807, - - - - -	71
Operations of, in 1808, - - - - -	75
State of, in 1809, - - - - -	76
State of, in 1810, - - - - -	78
Receipts and expenditures of 1813, - - - - -	84
Receipts and disbursements of 1814, - - - - -	88
Loan to supply, effected at an interest of not less than 7½ per cent. - - - - -	1813, 84
Means suggested to improve, - - - - -	84
Additional supplies for, recommended, - - - - -	88
<i>Treasury, Report of the Secretary of</i> —On different projects for anticipating the regular payment of the debt due to France, - - - - -	1793, 156
On the expediency of accepting further drafts by citizen Genet, - - - - -	1793, November 23, 185
<i>Treasury notes</i> —Moneys received on, - - - - -	84
<i>Treaties</i> —With Indian tribes, viz: On the frontiers, (provisional,) - - - - -	16
With the Cherokees, - - - - -	17, 67
With the Creeks, - - - - -	30, 60, 67
With the Choctaws, and Chickasaws, and Spain, - - - - -	278, 280
With the Chickasaws, - - - - -	67
With the Delawares, - - - - -	64
With the Kaskaskias, - - - - -	62
With the Piankeshaws, - - - - -	64, 67
With the Six nations, - - - - -	17
<i>Treaties with European Powers</i> —With Great Britain, of 1794, - - - - -	520
Communicated to the Senate, - - - - -	470
Its ratification notified to the House of Representatives, - - - - -	28
Instructions and correspondence requested by the House of Representatives, and declined to be given by the President, - - - - -	1796, 550
Printed, - - - - -	470 to 525
Explanatory article thereto, relating to the third article, and the trade on the Canada line, negotiated in 1796, - - - - -	552
Objections to, by France, on the ground of its being incompatible with the previous stipulations of the United States with her; reply to, by Mr. Pickering, - - - - -	1797, 561
Correspondence between Mr. Fauchet and Mr. Randolph, growing out of, - - - - -	1795, 609, 620
Remarks upon, by Mr. Randolph, - - - - -	1795, 614, 710
Its communication to France, previous to ratification, was required by no duty, A suspension of the definitive action upon, is requested by Mr. Fauchet, until the arrival of his successor, - - - - -	1795, 614, 711
<i>Treaties, European and Continental</i> —With Great Britain, on the Northeastern boundary, - - - - -	1795, 617
Provisional and abortive, - - - - -	62
With France—Functions of consuls, - - - - -	1807, 70
With Spain—Amity, limits, and navigation, negotiated by Mr. Pinckney, - - - - -	89, 90
With Morocco, - - - - -	1795, Oct. 27, 545 to 549
With Algiers, - - - - -	28, 530
Report on its stipulations, - - - - -	549
With Tripoli, - - - - -	31, 67
With Tunis, - - - - -	31
<i>Treaty of peace, of 1783, with Great Britain</i> , conferences by Mr. Morris, concerning violations of, - - - - -	1790, 124
<i>Treaty, execution of the article of treaty of 1794</i> —Respecting western posts, - - - - -	30
Commissioners appointed under, to ascertain the true St. Croix, - - - - -	30
Proceedings of the Commissioners, - - - - -	44, 48
Commissioners under seventh article of British treaty of 1794, and their proceedings, - - - - -	30, 44, 48, 51
Commissioners under sixth article of same treaty, and their proceedings, - - - - -	44, 51
Negotiations depending under, - - - - -	54
Of amity, with France, is contravened by her decree, - - - - -	41
With Spain, execution of 25th article, - - - - -	48
The inexecution of the 7th article, complained of, by the American Secretary of State, - - - - -	1791, 188
The alleged violation of the 4th, 5th, and 6th articles, by the United States, brought forward by Mr. Hammond, - - - - -	1791, Nov. 30, 189
Violations of, by Great Britain, - - - - -	190, 225
Violations by the United States, according to the statement of the British minister, - - - - -	192, 193, 200
The mutual allegations of violated engagements reviewed by the American Secretary of State: with numerous documents on the subject of confiscated estates; British debts; acts of States in contravention of treaty; and the detention of western posts, - - - - -	1792, 201, 237
Instructions for a liberal commercial, given to the French minister, and communicated to the American Government, - - - - -	1795, 640
Exemption from tonnage duty, one of the conditions, - - - - -	1795, 641
Instructions relating to, which were given to Mr. Genet, extend to a union, or close alliance, - - - - -	1795, 708
Of peace with Great Britain, authorized, - - - - -	83
Of commerce with Russia, authorized, - - - - -	83
<i>Tripoli</i> —Treaties with, - - - - -	31, 67
Declares war against the United States, - - - - -	58
One of the cruisers of, captured, - - - - -	58
Progress of the war with, - - - - -	60, 63
War with, terminated, - - - - -	67
Prisoners taken by, ransomed, - - - - -	67
<i>Troops</i> —Required in Pennsylvania, - - - - -	24, 50
Ordered, to repel Spanish aggressions, - - - - -	66

Pages.

<i>Tunis</i> —Treaty with, - - - - -	-	-	-	-	-	-	-	-	31
Unjust demands by, - - - - -	-	-	-	-	-	-	-	-	63
Affairs with, - - - - -	-	-	-	-	-	-	-	-	67, 68, 77
<i>Tuscany</i> —Compelled to abandon her neutrality, - - - - -	-	-	-	-	-	-	1793,	-	315
U.									
<i>Union</i> —Prosperous state of, - - - - -	-	-	-	-	-	-	-	-	16, 40, 50, 54
Federal, the only rock of safety, - - - - -	-	-	-	-	-	-	-	-	61
Its advantages portrayed, - - - - -	-	-	-	-	-	-	-	-	35
Motives to, - - - - -	-	-	-	-	-	-	-	-	35
Causes which may disturb, - - - - -	-	-	-	-	-	-	-	-	35
To preserve, a government for the whole is indispensable, - - - - -	-	-	-	-	-	-	-	-	35
Measures against, by dividing the People from their government, - - - - -	-	-	-	-	-	-	-	-	41
Insurrection against the laws of, suppressed, - - - - -	-	-	-	-	-	-	-	-	25, 50
How to be preserved against foreign aggression, - - - - -	-	-	-	-	-	-	-	-	51
State of, in 1802, - - - - -	-	-	-	-	-	-	-	-	60
State of, and of the world, adverted to by Mr. Madison, - - - - -	-	-	-	-	-	-	-	-	73
Of the States, the basis of their peace and happiness, - - - - -	-	-	-	-	-	-	-	-	74
State of, in 1809, - - - - -	-	-	-	-	-	-	-	-	76
State of, in 1812, - - - - -	-	-	-	-	-	-	-	-	80, 82
General state of, in 1813, - - - - -	-	-	-	-	-	-	-	-	84
State of, in 1814, requires patriotic exertion, - - - - -	-	-	-	-	-	-	-	-	88
<i>United States</i> —Duties of, to themselves, - - - - -	-	-	-	-	-	-	-	-	22
Contrasted with the nations of Europe, - - - - -	-	-	-	-	-	-	-	-	28
Their policy and their conduct towards foreign nations, - - - - -	-	-	-	-	-	-	-	-	73
Their prosperous career arrested by foreign injustice, - - - - -	-	-	-	-	-	-	-	-	73
That foreign aggressions require of them to assume the armor and attitude demanded by the crisis, - - - - -	-	-	-	-	-	-	-	-	79
Propositions of, to Great Britain upon declaring war, - - - - -	-	-	-	-	-	-	1812,	-	81
Their neutral rights not sufficiently maintained in the opinion of the minister of France, - - - - -	-	-	-	-	-	-	1793,	-	164, 643
The extent and nature of their obligations to France examined, - - - - -	-	-	-	-	-	-	1797,	-	569 to 572
Their independence not derived as <i>concessions</i> from Great Britain, - - - - -	-	-	-	-	-	-	1797,	-	573
The neutral rights of, what is the rule, or the measure, of their invasion by France, inquired, - - - - -	-	-	-	-	-	-	1797,	-	573
The neutral obligations of, - - - - -	-	-	-	-	-	-	-	-	574
Prizes captured by the privateers of, not allowed to be sold in France, - - - - -	-	-	-	-	-	-	1797,	-	574
The proper and only judges of what is required by their honor or welfare, - - - - -	-	-	-	-	-	-	1795,	-	620
Not required by any public duty to communicate an unratified treaty to a foreign government, - - - - -	-	-	-	-	-	-	1795,	-	614
<i>University</i> —National, recommended, - - - - -	-	-	-	-	-	-	-	-	12, 30, 69
The advantages of, urged by Mr. Madison, - - - - -	-	-	-	-	-	-	-	-	77
V.									
<i>Van Rensselaer, General</i> —Defeat of, near Niagara, - - - - -	-	-	-	-	-	-	-	-	80
<i>Vattel</i> —Quoted, on the duties imposed by a strict neutrality, - - - - -	-	-	-	-	-	-	-	-	154, 155
<i>Vessels</i> —Of powers at peace, extent of jurisdiction over, doubted, - - - - -	-	-	-	-	-	-	-	-	22
Captures and condemnations of, by Great Britain, - - - - -	-	-	-	-	-	-	-	-	30, 44, 48, 70
Captures of, by Spain, - - - - -	-	-	-	-	-	-	-	-	30, 45, 48
Merchant, permission to arm, - - - - -	-	-	-	-	-	-	-	-	41
Expenditure in support, claims for, - - - - -	-	-	-	-	-	-	-	-	45
Foreign, assume the flag and papers of the United States, - - - - -	-	-	-	-	-	-	-	-	45
Neutral, captured and condemned, - - - - -	-	-	-	-	-	-	-	-	47
Of the United States' Navy, sale of, - - - - -	-	-	-	-	-	-	-	-	59
Captured by a Tripolitan cruiser, - - - - -	-	-	-	-	-	-	-	-	60
Of France, employed in the trade to St. Domingo, report on remitting the foreign tonnage duty on, - - - - -	-	-	-	-	-	-	1794,	-	314
American, detained by the Embargo at Bordeaux, - - - - -	-	-	-	-	-	-	1795, November 26,	-	757
<i>Viar and Jaudenes</i> —Spanish commissioners, communicate the declaration of war by Spain against France, - - - - -	-	-	-	-	-	-	1794, March 12,	-	425
(See <i>Jaudenes</i> .)	-	-	-	-	-	-	-	-	
<i>Virginia</i> —Military force from, - - - - -	-	-	-	-	-	-	-	-	80
<i>Volunteers</i> —Employed in Pennsylvania, - - - - -	-	-	-	-	-	-	-	-	50
Calls of, from Mississippi and Orleans territory, - - - - -	-	-	-	-	-	-	-	-	68
Dependence on, - - - - -	-	-	-	-	-	-	-	-	69
Services of, accepted, - - - - -	-	-	-	-	-	-	-	-	71, 79
Special detachments of, - - - - -	-	-	-	-	-	-	-	-	72, 79
Provisions for, insufficient, - - - - -	-	-	-	-	-	-	-	-	81
W.									
<i>War, Secretary of</i> —Informs the Governor of Kentucky, that any movements by foreigners or citizens to compromise the neutrality of the United States, or invade the possessions of a friendly Power, must be suppressed by military authority, if the civil should be found inadequate, - - - - -	-	-	-	-	-	-	1793, November 9,	-	458
<i>War</i> —With the Indians, - - - - -	-	-	-	-	-	-	14, 16, 18, 19, 22, 25,	-	27, 85, 86
In Europe, measures to guard against its effects, - - - - -	-	-	-	-	-	-	-	-	21, 41
Preparation for, the best preservative of peace, - - - - -	-	-	-	-	-	-	-	-	22, 51, 53
European, still continues, - - - - -	-	-	-	-	-	-	-	-	40, 44
European, consequences of, - - - - -	-	-	-	-	-	-	-	-	41
Preparations for, rendered necessary by the acts of France, - - - - -	-	-	-	-	-	-	-	-	47, 48
Termination of European, - - - - -	-	-	-	-	-	-	-	-	57
Renewed in Europe, - - - - -	-	-	-	-	-	-	-	-	62
Declared by Tripoli against the United States, - - - - -	-	-	-	-	-	-	-	-	58, 60, 63
European, wisdom enjoins to avoid its ravages, - - - - -	-	-	-	-	-	-	-	-	62, 63
Its cost and losses should be a matter of calculation for those who make, as well as of those who suffer, unjust demands, - - - - -	-	-	-	-	-	-	-	-	63
Appearances indicate the necessity of preparations for, - - - - -	-	-	-	-	-	-	-	-	67
A state of, forced upon the United States, - - - - -	-	-	-	-	-	-	-	-	80

	Pages.
<i>War</i> —Disastrous commencement by land, - - - - -	80
How waged by Great Britain, - - - - -	80, 85, 88
Progress and advantages of, - - - - -	81 86
Considerations which justify its declaration and urge to its vigorous prosecution, - - - - -	1812, 82, 83, 84, 88
Citizens of the United States retained as prisoners against the usages of, - - - - -	82
The events of the last campaign furnish matter of congratulation, - - - - -	1813, 84
Events of, in 1813, - - - - -	85, 86
Not to be considered the greatest of evils, - - - - -	86
Rendered more critical by the pacification in Europe, - - - - -	1814, 87
Great Britain refuses to consider emigrants prisoners of, - - - - -	85
Imprisonment of British prisoners of, - - - - -	85, 86
Violation of usages of, - - - - -	85, 86, 88
Advantages resulting from, - - - - -	86
The incidents of the campaign of 1814 enumerated, - - - - -	87
<i>Warrington</i> —Captain, captures the British sloop of war <i>Epervier</i> , - - - - -	88
<i>Washington, George</i> —Accepts the appointment of President, - - - - -	9
Commences the action of the General Government by an invocation of the Supreme Being, - - - - -	9
Proposes to lay the foundations of national policy, in the purest principles of morality, - - - - -	10
Recommends the objects specified in the constitution, - - - - -	9, 10
Declines pecuniary emolument, - - - - -	10
Replies to the addresses of the Senate, - - - - -	10, 12, 15, 18, 20, 23, 26, 29, 33
Replies to the addresses of the House, - - - - -	11, 13, 15, 18, 24, 27, 30, 34
Recommends immediate provision for the common defence, - - - - -	11
Recommends the encouragement of agriculture, commerce, and manufactures, - - - - -	11, 12, 30
Suggests measures to protect the frontiers from Indian aggression, - - - - -	11
Recommends a provision to carry on intercourse with foreign nations, - - - - -	12
Recommends a rule for the naturalization of foreigners, - - - - -	12
Recommends the encouragement of science and literature, and proper rewards for useful inventions, - - - - -	12
Approves the determination of Congress to maintain public credit, - - - - -	12
Recommends uniformity in currency, weights and measures, - - - - -	12
Recommends post roads and a post office, to promote internal intercourse, - - - - -	12
Recommends measures to support an army and discipline the militia, - - - - -	11
Addresses Congress in a speech, - - - - -	1790, 13, 16
Recommends the encouragement of American navigation, - - - - -	14
Recommends a uniform process of execution in the federal judiciary, - - - - -	14
Recommends the jurisdiction and functions of consuls to legislative attention, - - - - -	14
Recommends the gradual discharge of the public debt, - - - - -	14, 19, 22, 25
Recommends measures to secure peace with the Indians, - - - - -	16, 19
Recommends moderation, as well as firmness, in the measures of Government, - - - - -	16
Proposes the establishment of magazines and arsenals, - - - - -	17
Recommends a provision for the families of American soldiers who have fallen in battle, - - - - -	18
Proposes the civilization of the Indians, - - - - -	19
His second inaugural address, - - - - -	21
Commences his second term, by again imploring the Divine blessing, - - - - -	21
Communicates his proclamation of neutrality, - - - - -	21, 140
Proposes a repeal of the tax on the transportation of public prints, - - - - -	22
Asks the advice of the Senate, in certain contingencies, - - - - -	1793, 136
Terminates the functions of a vice consul of France, who had disregarded the laws of the Union, - - - - -	1793, 181
Enforces the observance of the laws, - - - - -	24
Recommends adequate protection to the Indians, - - - - -	28
Announces his policy towards the Indians, - - - - -	16, 30
Announces his policy towards foreign nations, - - - - -	21, 22, 25
Recommends the creation of a navy, - - - - -	30
Recommends the establishment and encouragement of manufactures, - - - - -	12, 13, 30
Replies to the address of Mr. Adet, on the presentation of the national colors of France, - - - - -	1796, 528
Recommends the endowment of a National University, - - - - -	12, 30
Closes his successful administration by a last address to Congress, - - - - -	32
Address of, to the People of the United States, - - - - -	34
<i>Washington, President</i> —Letters from, to G. Morris; the national Government organized; tendency of the Revolutionary movements in France; necessity of moderation, - - - - -	1789, October 12, 381
Foreign policy of the United States; to keep aloof from entangling connexions; state of the country; beneficial operation of the General Government on the Southern States; public credit restored; the late census affords a criterion of the growing importance of the United States, - - - - -	1791, July 28, 387
Affairs of France; of the United States; Indians; Union, - - - - -	1792, October 20, 398
Wisdom enjoins to avoid European connexions; the United States not envious of the prosperity of other nations, - - - - -	1793, March 25, 396
On the subject of Mr. Morris's recall; his confidence, regard, and friendship in Mr. Morris are undiminished, - - - - -	1794, June 19, 409
Circumstances connected with Mr. Morris's return to the United States, - - - - -	1794, June 25, 410
<i>Washington</i> —City of, plan of, adopted, - - - - -	16
In readiness for Congress, - - - - -	51
Becomes the seat of Government, - - - - -	53
The enemy retreats from, precipitately, after its capture, - - - - -	87, 88
<i>Waters of the United States</i> —Piracies committed within, - - - - -	66
Public armed vessels hover in, - - - - -	66
Foreign armed vessels excluded from, - - - - -	70
<i>Wayne, A.</i> —Major General, to Governor Shelby, requiring his interposition and co-operation, to suppress illegal combinations, - - - - -	1794, January 6, 458
Operation of the army, under, - - - - -	25
<i>Weights and measures</i> —Uniformity in, recommended, - - - - -	12, 14, 17
<i>Western lands</i> —Appropriations of, - - - - -	14, 17

REIGN OF
HENRY THE FIRST
BY
JOHN GILBERT FROTHINGHAM

LONDON:
PUBLISHED BY
JOHN GILBERT FROTHINGHAM



